

[First Reprint]

**ASSEMBLY, No. 4663**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED SEPTEMBER 17, 2020

**Sponsored by:**

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**District 15 (Hunterdon and Mercer)**

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**Assemblywomen Vainieri Huttie, Chaparro, Assemblyman Spearman, Assemblywomen Jasey, Carter, Assemblyman Wimberly, Assemblywomen Tucker, Dunn, Assemblymen Stanley, Zwicker, Assemblywoman Timberlake, Assemblyman Johnson, Assemblywomen Murphy and McKnight**

**SYNOPSIS**

Creates two-year “Restorative and Transformative Justice for Youths and Communities Pilot Program” in Juvenile Justice Commission; appropriates \$4.2 million in FY 2022 and FY 2023.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Law and Public Safety Committee on May 5, 2021, with amendments.

(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT creating a two-year restorative and transformative justice  
 2 pilot program focused on reducing initial and repeat youth  
 3 involvement with the youth justice system, and making an  
 4 appropriation.

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

8  
 9 1. The Legislature finds and declares that:

10 a. Currently, New Jersey's youth justice system has staggering  
 11 racial justice disparities, high recidivism rates, and grossly  
 12 underfunded community-based services;

13 b. New Jersey has the highest Black to white youth incarceration  
 14 racial disparity rate in the country with a Black youth twenty-one  
 15 times more likely to be detained or committed than a white youth,  
 16 even though research shows that Black and white youth commit most  
 17 offenses at similar rates;

18 c. New Jersey also has the fourth highest Latina-Latino to white  
 19 youth incarceration disparity rate in the country;

20 d. The recidivism rates in New Jersey are devastating as well. Of  
 21 the <sup>1</sup>~~377~~ 336<sup>1</sup> youth released from State juvenile facilities in  
 22 <sup>1</sup>~~2014~~, 76.9 had a subsequent arrest or court filing, 58.9 percent had a  
 23 subsequent adjudication or conviction, and almost one-fourth, 23.9  
 24 2015, over one quarter (28<sup>1</sup> percent<sup>1</sup>)<sup>1</sup>, were recommitted to a facility  
 25 within three years of release;

26 e. Yet, despite these failures, New Jersey continues to finance its  
 27 youth incarceration system at exorbitant cost. In <sup>1</sup>~~calendar~~ fiscal<sup>1</sup>  
 28 year <sup>1</sup>~~2020~~ 2021<sup>1</sup>, New Jersey <sup>1</sup>~~plans to~~ will<sup>1</sup> spend <sup>1</sup>~~\$300,000~~  
 29 \$445,504<sup>1</sup> to incarcerate each youth in a State secure juvenile facility  
 30 managed and operated by the Juvenile Justice Commission <sup>1</sup>~~,~~  
 31 and projects the same expenditure in calendar year 2021<sup>1</sup>;

32 f. While the State currently spends approximately <sup>1</sup>~~\$56~~ \$53<sup>1</sup>  
 33 million a year to operate its three secure juvenile facilities, it only  
 34 allocates around \$16 million to provide counties with funding for  
 35 community-based youth programs;

36 g. The current public health crisis resulting from the Coronavirus  
 37 disease 2019 pandemic, also referred to as the COVID-19 pandemic,  
 38 has further illustrated the failures of our youth justice system by  
 39 detrimentally harming our impacted youth. As of <sup>1</sup>~~August 20~~ March  
 40 18<sup>1</sup>, <sup>1</sup>~~2020~~ 2021<sup>1</sup>, according to the Juvenile Justice Commission,  
 41 <sup>1</sup>~~29~~ 92<sup>1</sup> youth and <sup>1</sup>~~56~~ 221<sup>1</sup> staff in juvenile facilities have tested  
 42 positive for the virus SARS-CoV-2 which causes COVID-19; <sup>1</sup>~~21~~  
 43 54<sup>1</sup> of the <sup>1</sup>~~29~~ 92<sup>1</sup> youth cases occurred at the New Jersey Training  
 44 School, also known as Jamesburg, the State's largest secure facility  
 45 for youthful males;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALP committee amendments adopted May 5, 2021.

1 h. The Juvenile Justice Commission has taken several measures to  
2 mitigate the spread of the virus, including releasing approximately  
3 <sup>1</sup>~~38~~ 90<sup>1</sup> incarcerated youth from its facilities <sup>1</sup>as of November 4,  
4 2020<sup>1</sup> . <sup>1</sup>~~Should Senate Bill No. 2519, passed by the Senate on~~  
5 ~~August 27, 2020, or its counterpart bill, Assembly Bill No. 4235,~~  
6 ~~become law~~ <sup>1</sup>Since the enactment of P.L.2020, c.111<sup>1</sup> , more  
7 incarcerated youths <sup>1</sup>~~would~~ will<sup>1</sup> be released in an expedited fashion  
8 because their terms of incarceration <sup>1</sup>~~would~~ will<sup>1</sup> be reduced based  
9 on awards of credits during the current declared public health  
10 emergency concerning the COVID-19 pandemic;

11 i. As young people are released from facilities in response to the  
12 current pandemic, it is clear that the State must actively engage  
13 communities and properly fund services to reintegrate these youth  
14 back into their communities successfully;

15 j. The Juvenile Justice Commission and community stakeholders  
16 should also work together to create community-based public safety  
17 systems that <sup>1</sup>support all young people as they return home from  
18 juvenile facilities and<sup>1</sup> divert young people away from the youth  
19 justice system in the first place;

20 k. Thus, the confluence of the COVID-19 pandemic with the on-  
21 going, fervent call for racial equality demands a fresh and immediate  
22 need to transform New Jersey's youth justice system. As an alternative  
23 to an overreliance on punishment, New Jersey needs a community-  
24 based system that embraces restorative and transformative justice  
25 practices and emphasizes physical, psychological and emotional safety  
26 and healing for youth, their families and communities;

27 l. Nationally, restorative justice and transformative justice  
28 programs and practices have been recognized as best practices in  
29 keeping young people out of the youth justice system and successfully  
30 reintegrating them into their home communities after being released  
31 from out-of-home placements;

32 m. Restorative justice is a system that brings victims, community  
33 members, and youth who have committed harm together to discuss the  
34 harm that was done and explore solutions to address the root cause of  
35 that harm. This system presents an alternate avenue for addressing  
36 harm and encourages active participation in the restorative process to  
37 facilitate stronger community relationships and community-driven  
38 public safety;

39 n. Transformative justice addresses conflicts and harms at the  
40 individual level, community level, and within broader social  
41 structures. Transformative justice works to build alternatives to our  
42 current systems and transform the conditions which help create acts of  
43 violence or make them possible;

44 o. Restorative justice and transformative justice offer two  
45 different perspectives of justice aimed at interpersonal and consensual  
46 resolutions, with transformative justice also incorporating systems-  
47 level change;

1 p. To sufficiently support young people being released from  
2 juvenile facilities in response to the current public health crisis, and to  
3 provide adequate resources <sup>1</sup>for all youth released from incarceration  
4 and<sup>1</sup> to prevent young people in New Jersey from entering the youth  
5 justice system in the first instance, New Jersey should explore, through  
6 a pilot program, the development of a comprehensive youth continuum  
7 of care based on restorative and transformative justice practices.

8  
9 <sup>1</sup>2. As used in this act:

10 “Community conferencing” is a practice which addresses  
11 conflicts through a collective group session, consensual resolution,  
12 and decision-making processes to heal and repair harms.  
13 Community conferencing works for multiple types of conflicts  
14 involving the community, station house adjustments, juvenile court  
15 diversion, and reentry from youth incarceration.

16 “Peace circles” refer to a technique used to facilitate restorative  
17 conversations, conflict resolution strategies, and healing practices  
18 between youth, families, and community stakeholders.

19 “Restorative justice hubs” are physical spaces within the  
20 community where youth and families can heal, reconnect, and build  
21 healthy relationships in the community. The purpose of restorative  
22 justice hubs is to resolve local conflicts through dialogue instead of  
23 punitive measures. Restorative justice hubs shall provide services  
24 that: include peace circles and community conferencing; connect  
25 youth and families to the services and programs provided for in  
26 paragraphs (1) through (9) of subsection b. of section 3 of P.L. \_\_\_\_\_,  
27 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill); and  
28 coordinate service delivery across the community, and by doing so,  
29 create and maintain equitable relationships and collaborations  
30 between the Juvenile Justice Commission, county youth services  
31 commissions, courts, public defenders, prosecutors, law  
32 enforcement, and any other appropriate entities or persons.<sup>1</sup>

33  
34  
35 <sup>1</sup>**[2.] 3.**<sup>1</sup> There is established in the Juvenile Justice  
36 Commission, created by section 2 of P.L.1995, c.284 (C.52:17B-170),  
37 a two-year pilot program, titled the “Restorative and Transformative  
38 Justice for Youths and Communities Pilot Program.” The purpose of  
39 the pilot program is to develop innovative restorative and  
40 transformative justice continuums of care in four target cities that  
41 include two components: <sup>1</sup>restorative justice hubs and<sup>1</sup> community-  
42 based enhanced reentry wraparound services <sup>1</sup>**[and restorative justice**  
43 **hubs]**<sup>1</sup>. The pilot program shall be established in the municipalities of  
44 Camden, Newark, Paterson, and Trenton.

45 a. The first <sup>1</sup>component of the pilot program shall include  
46 restorative justice hubs. Each of the four pilot program  
47 municipalities shall have one restorative justice hub.

1        b. The second<sup>1</sup> component of the pilot program shall include  
2 community-based enhanced reentry wraparound services <sup>1</sup>to be  
3 provided within each restorative justice hub<sup>1</sup> . These services shall be  
4 designed as an emergency response for those young people being  
5 released from juvenile facilities due to the COVID-19 pandemic, and  
6 may also serve as a long-term program for all young people released  
7 from a facility. Community-based enhanced reentry wraparound  
8 services shall include, but not be limited to, the following services and  
9 supports:

- 10        (1) Mental health services;
- 11        (2) Substance use disorders treatment and recovery;
- 12        (3) Education support;
- 13        (4) Employment services;
- 14        (5) Housing support;
- 15        (6) Financial literacy and debt support services;
- 16        (7) Life skills support services; <sup>1</sup>**and**<sup>1</sup>
- 17        (8) Social support services <sup>1</sup>; and
- 18        (9) Preventative mentoring services<sup>1</sup> .

19        <sup>1</sup>**[b.** The second component of the pilot program shall include  
20 restorative justice hubs, which are physical spaces within the  
21 community where youth and families can heal, reconnect and build  
22 healthy relationships in the community. The purpose of restorative  
23 justice hubs is to resolve local conflicts through dialogue instead of  
24 punitive measures, connect youth and families to a variety of services  
25 and programs, and coordinate service delivery across the community,  
26 and by doing so create and maintain equitable relationships between  
27 the Juvenile Justice Commission, county youth services commissions,  
28 courts, State and municipal public defenders, prosecutors and law  
29 enforcement, and additionally, collaboration on public safety  
30 initiatives.]<sup>1</sup>

31        c. The goals of the pilot program shall be:

32        (1) To increase participation in education, vocational  
33 programming, and employment. Youth participants in the pilot  
34 program shall receive academic support, depending on personal  
35 development goals, and shall be connected to secondary schools,  
36 alternative schools, vocational schools, apprenticeship programs and  
37 colleges and universities. The program shall collaborate with local  
38 community college's admissions and academic support programs, and  
39 offer workshops that include financial aid planning. Participants  
40 seeking employment shall be linked to vocational or job readiness  
41 training. The selected partner-providers participating in the pilot  
42 program shall be trained in and utilize evidence-based and evidence-  
43 informed practices with respect to the provision of their respective  
44 services;

45        (2) To increase participation in mental health and well-being  
46 programming. The program shall employ trauma-informed practices  
47 and connect youth to licensed outpatient mental health care facilities

1 and professionals. The program shall create safe, caring environments  
2 to address physical health, mental health and substance use disorder  
3 conditions and facilitate healing for youth, families, and communities.

4 (3) To decrease incidents of harmful and unlawful behavior. The  
5 program shall work with youth to comply with their probation or  
6 parole plan, as applicable. Moreover, the program shall employ  
7 trauma-informed practices, violence reduction, and peacemaking  
8 supports and tools to address harmful and unlawful behavior;

9 (4) 1To have restorative justice hubs establish working  
10 relationships with local law enforcement agencies, courts, prosecutors,  
11 and defense attorneys to support the diversion of youth away from  
12 arrests and prosecution and towards participation in restorative justice  
13 services provided in the hubs;

14 (5)<sup>1</sup> To improve the socioemotional and behavioral responses of  
15 youth within communities through the use of more appropriate, and  
16 less punitive, interventions, thereby establishing more restorative  
17 interventions; and

18 ~~1[(5)]~~ (6)<sup>1</sup> To increase program participation rates in other  
19 restorative and transformative justice programs in the municipalities in  
20 which the pilot program is established.

21 ~~1[3.]~~ 4.<sup>1</sup> a. (1) The county youth services commissions for the  
22 counties in which the municipalities participating in the pilot program  
23 are located shall implement their existing request for proposal process  
24 in order to select service providers to develop and implement the  
25 program.

26 (2) ~~1[Persons and organizations]~~ A restorative justice hub may  
27 have a single service provider or multiple service providers within one  
28 lead service provider.

29 (3) An individual organization<sup>1</sup> interested in ~~1[developing and~~  
30 ~~implementing aspects of the program in a participating municipality]~~  
31 becoming a service provider at a restorative justice hub<sup>1</sup> shall submit a  
32 proposal using the existing request for proposal process to the  
33 appropriate youth services commission.

34 <sup>1</sup>(4) A lead organization partnering with other organizations  
35 which are interested in becoming service providers at a restorative  
36 justice hub shall submit a joint proposal using the existing request  
37 for proposal process to the appropriate youth services commission.  
38 If selected, they shall jointly provide services at the restorative  
39 justice hub.<sup>1</sup>

40 b. All proposals shall include concrete measurements for success  
41 to assess the impact of the program and include outcomes related to  
42 positive youth development, reduction in harmful behavior, and  
43 community engagement.

44 c. In addition to the pilot program requirements set forth in  
45 subsections a. and b. of section ~~1[2 of this act]~~ 3 of P.L. \_\_\_\_\_, c.  
46 (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>1</sup>, concerning

1 mandatory components of restorative justice hubs<sup>1</sup> enhanced reentry  
2 wraparound services <sup>1</sup>~~and restorative justice hubs~~<sup>1</sup>, a proposal may  
3 also include, and a youth services commission may consider and  
4 accept for the program, additional services and training that support  
5 the development and implementation of restorative justice and  
6 transformative justice practices in the participating municipalities.

7 d. Persons and organizations selected as service providers shall  
8 collaborate with the service providers of any education pilot programs  
9 operating in the participating municipalities during the time the pilot  
10 program established by this act is operating, in order to incorporate  
11 restorative justice and transformative justice practices within that  
12 education pilot program.

13 e. Person and organizations selected as service providers may  
14 seek additional monies from any public or private source to further  
15 advance the goals of the pilot program.

16 f. Each service provider participating in the pilot program  
17 shall be required to undergo intensive training in restorative and  
18 transformative justice practices. A service provider may be exempt  
19 from this training requirement upon a satisfactory showing of proof  
20 of prior training in these practices which may include certificates of  
21 completion of training courses provided by trainers in restorative  
22 and transformative justice practices approved by the Juvenile  
23 Justice Commission. Service providers may use the monies  
24 awarded from the pilot program to finance this training.<sup>1</sup>  
25

26 <sup>1</sup>~~4.~~ <sup>1</sup>5. There is established within the General Fund a separate,  
27 temporary dedicated fund to be known as the “Restorative and  
28 Transformative Justice for Youths and Communities Pilot Program  
29 Fund,” to be held separate and apart from all other funds of the State.  
30 This fund shall be administered and the monies in the fund distributed  
31 by the Juvenile Justice Commission. From the monies appropriated  
32 under the category of juvenile <sup>1</sup>~~services~~ grants-in-aid<sup>1</sup> for the  
33 Department of Law and Public Safety in State fiscal year <sup>1</sup>~~2021~~  
34 2022<sup>1</sup> and State fiscal year <sup>1</sup>~~2022~~ 2023<sup>1</sup> , <sup>1</sup>~~8,400,000~~  
35 4,200,000<sup>1</sup> in each fiscal year shall be credited to this fund <sup>1</sup>~~for a~~  
36 total of 8,400,000<sup>1</sup> , and these monies, and any interest or other  
37 income earned thereon, shall only be used for purposes associated with  
38 the pilot program established by this act.

39 a. (1) Notwithstanding the provisions of the “Administrative  
40 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary,  
41 the Juvenile Justice Commission, <sup>1</sup>~~shall,~~ immediately upon filing  
42 with the Office of Administrative Law and<sup>1</sup> within <sup>1</sup>~~30~~ 120<sup>1</sup> days  
43 of the effective date of this act, <sup>1</sup>~~file proper notice with the Office of~~  
44 Administrative Law, and thereafter immediately shall<sup>1</sup> adopt <sup>1</sup>~~such~~  
45 rules and regulations <sup>1</sup>~~prepared by~~ as<sup>1</sup> the commission <sup>1</sup>~~deems~~  
46 necessary or proper to implement the provisions of this act including,

1 but not limited to,<sup>1</sup> setting the terms and conditions of applying for  
2 grants paid for by monies in the fund, the distribution of those monies,  
3 and for publishing these terms and conditions on its official website.  
4 <sup>1</sup>**Following the adoption of the rules and regulations, the commission**  
5 **shall also schedule at least one public meeting in the north, central, and**  
6 **southern regions of the State】** The rules and regulations shall be  
7 effective during any interim period and may thereafter be amended,  
8 adopted, or readopted by the commission in accordance with the  
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).  
10 The Juvenile Justice Commission also shall require: the Passaic  
11 County Youth Services Commission to schedule one public meeting in  
12 Paterson; the Essex County Youth Services Commission to schedule  
13 one public meeting in Newark; the Mercer County Youth Services  
14 Commission to schedule one public meeting in Trenton; and the  
15 Camden County Youth Services Commission to schedule one public  
16 meeting in Camden. These public meetings shall be held<sup>1</sup> to announce  
17 the pilot program, and inform the public of the adopted rules and  
18 regulations for grant applications and distributions.

19 (2) The initial rules and regulations adopted pursuant to paragraph  
20 (1) of this subsection shall be in effect for the duration of the two-year  
21 pilot program, unless the commission determines it is necessary to  
22 amend or repeal any initial rule or regulation, which it may do on an  
23 expedited basis immediately upon filing proper notice with the Office  
24 of Administrative Law, notwithstanding the provisions of the  
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.),  
26 to the contrary.

27 b. The fund shall be used to provide grants to participating service  
28 providers selected by the county youth services commissions <sup>1</sup>through  
29 a competitive process<sup>1</sup> pursuant to section <sup>1</sup>**3 of this act】** 4 of  
30 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup> to  
31 develop and implement the pilot program established by this act.  
32 Priority in distributing monies in the fund shall be given to service  
33 providers located in <sup>1</sup>**Or intending to work with youth from those**  
34 **municipalities participating in the pilot program with a higher rate of**  
35 **youth committed to a secure juvenile facility】** the four pilot  
36 municipalities and to service providers whose employees are  
37 representative of the communities to be served by the pilot program.  
38 Monies in the fund used to provide grants to develop and implement  
39 the pilot program shall be allocated equally among the four county  
40 youth services commissions and distributed in accordance with rules  
41 and regulations adopted by the Juvenile Justice Commission<sup>1</sup> .

42 c. No more than <sup>1</sup>**10】** eight<sup>1</sup> percent of the monies in the fund  
43 shall be used <sup>1</sup>by the Juvenile Justice Commission<sup>1</sup> for administrative  
44 purposes <sup>1</sup>and no more than 15 percent of the monies in the fund shall  
45 be used by the county youth services commissions for administrative  
46 purposes<sup>1</sup> .



1 d. Monies in the fund administered and distributed by the  
2 Juvenile Justice Commission shall not replace any other funds  
3 administered and distributed by the commission, including those  
4 administered and distributed through the State/Community Partnership  
5 Grant Program established pursuant to P.L.1995, c.283 (C.52:17B-179  
6 et al.).

7 e. <sup>1</sup>The pilot program shall operate for a period of two years,  
8 exclusive of the time required to implement the grant application and  
9 award process, and to initiate the pilot program. To the extent  
10 necessary, funding distributed to the pilot program shall be carried  
11 forward and used for its purposes regardless of whether the funds are  
12 expended in the same fiscal year in which the funds were initially  
13 distributed.<sup>1</sup> At the conclusion of the two-year pilot program, any  
14 monies remaining in the fund shall be transferred to the Juvenile  
15 Justice Commission for use in administering the State/Community  
16 Partnership Grant Program established pursuant to P.L.1995, c.283  
17 (C.52:17B-179 et al.), and funding grants distributed through that  
18 program.

19  
20 <sup>1</sup>**[5.] 6.**<sup>1</sup> The Juvenile Justice Commission shall submit a report  
21 to the Governor and, pursuant to section 2 of P.L.1991, c.164  
22 (C.52:14-19.1), to the Legislature at the conclusion of the two-year  
23 pilot program, containing information on the development and  
24 implementation of the pilot program and the feasibility of  
25 expanding the program to other municipalities in the State. The  
26 report shall also include copies of any reports by service providers  
27 selected to develop and implement the pilot program by the county  
28 youth services commissions for the counties in which the  
29 municipalities participating in the pilot program are located  
30 pursuant to section 3 of this act.

31  
32 **[6.] 7.**<sup>1</sup> This act shall take effect immediately, and shall  
33 expire 30 days following the Juvenile Justice Commission's  
34 submission of the report to the Governor and Legislature as  
35 required by section 5 of this act.