

ASSEMBLY, No. 5507

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblyman Verrelli

SYNOPSIS

Eliminates certain juvenile justice fines, fees, costs, and other monetary penalties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

A5507 MUKHERJI, TALIAFERRO

2

1 AN ACT concerning certain juvenile justice costs, fees, and
2 monetary penalties, amending various parts of the statutory law,
3 and supplementing chapter 17B of Title 52 of the Revised
4 Statutes.

5

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

8

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

11 24. Disposition of delinquency cases.

12 a. In determining the appropriate disposition for a juvenile
13 adjudicated delinquent the court shall weigh the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

34 (6) Place the juvenile under the care and custody of the
35 Commissioner of Children and Families for the purpose of
36 receiving the services of the Division of Children's System of Care
37 of that department, provided that the juvenile has been determined
38 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
39 25.4);

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

1 (8) (Deleted by amendment, P.L.2019, c.363)

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

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

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

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

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

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

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

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

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

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

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

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

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

35 c. (1) If the county in which the juvenile has been adjudicated
36 delinquent has a juvenile detention facility meeting the physical and
37 program standards established pursuant to this subsection by the
38 Juvenile Justice Commission, the court may, in addition to any of
39 the dispositions not involving placement out of the home
40 enumerated in this section, incarcerate the juvenile in the youth
41 detention facility in that county for a term not to exceed 60
42 consecutive days. The decision by the court to incarcerate a
43 juvenile shall be made in accordance with subsection i. of section 2
44 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
45 their own juvenile detention facilities may contract for the use of
46 approved commitment programs with counties with which they
47 have established agreements for the use of pre-disposition juvenile
48 detention facilities. The Juvenile Justice Commission shall

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

5 (2) A juvenile shall not be incarcerated in any county detention
6 facility unless the county has entered into an agreement with the
7 Juvenile Justice Commission concerning the use of the facility for
8 sentenced juveniles. Upon agreement with the county, the Juvenile
9 Justice Commission shall certify detention facilities which may
10 receive juveniles sentenced pursuant to this subsection and shall
11 specify the capacity of the facility that may be made available to
12 receive such juveniles; provided, however, that in no event shall the
13 number of juveniles incarcerated pursuant to this subsection exceed
14 50% of the maximum capacity of the facility.

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

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

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

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

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

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

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

46 (1) An order to perform community service pursuant to
47 paragraph (10) of subsection b. of this section for a period of at
48 least 60 days, if the juvenile has been adjudicated delinquent for an

1 act which, if committed by an adult, would constitute the crime of
2 theft of a motor vehicle, or the crime of unlawful taking of a motor
3 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
4 degree crime of eluding in violation of subsection b. of
5 N.J.S.2C:29-2; and

6 (2) (Deleted by amendment, P.L.2019, c.363)

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

13 (4) (Deleted by amendment, P.L.2019, c.363)

14 f. (1) (Deleted by amendment, P.L.2019, c.363)

15 (2) (Deleted by amendment, P.L.2019, c.363)

16 (3) Deleted by amendment, P.L.2019, c.363)

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

27 (cf: P.L.2019, c.363, s.2)

28

29 2. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
30 read as follows:

31 8. a. In addition to any other disposition made pursuant to law,
32 a court shall order a juvenile charged with delinquency or
33 adjudicated delinquent for an act which, if committed by an adult
34 would constitute a crime, a disorderly persons offense or a petty
35 disorderly persons offense, to submit to an approved serological test
36 for acquired immune deficiency syndrome (AIDS) or infection with
37 the human immunodeficiency virus (HIV) or any other related virus
38 identified as a probable causative agent of AIDS if:

39 (1) in the course of the commission of the act, including the
40 immediate flight thereafter or during any investigation or arrest
41 related to that act, a law enforcement officer, the victim or other
42 person suffered a prick from a hypodermic needle, provided there is
43 probable cause to believe that the juvenile is an intravenous user of
44 controlled dangerous substances; or

45 (2) in the course of the commission of the act, including the
46 immediate flight thereafter or during any investigation or arrest
47 related to that act, a law enforcement officer, the victim or other

1 person had contact with the juvenile which involved or was likely to
2 involve the transmission of bodily fluids.

3 The court may order a juvenile to submit to an approved
4 serological test for AIDS or infection with the HIV or any other
5 related virus identified as a probable causative agent of AIDS if in
6 the course of the performance of any other law enforcement duties,
7 a law enforcement officer suffers a prick from a hypodermic needle,
8 provided that there is probable cause to believe that the defendant is
9 an intravenous user of controlled dangerous substances, or had
10 contact with the defendant which involved or was likely to involve
11 the transmission of bodily fluids. The court shall issue such an
12 order only upon the request of the law enforcement officer, victim
13 of the offense or other affected person made at the time of
14 indictment, charge or conviction. If a county prosecutor declines to
15 make such an application within 72 hours of being requested to do
16 so by the law enforcement officer, the law enforcement officer may
17 appeal to the Division of Criminal Justice in the Department of Law
18 and Public Safety for that officer to bring the application. The
19 juvenile shall be ordered by the court to submit to such repeat or
20 confirmatory tests as may be medically necessary.

21 b. A court order issued pursuant to subsection a. of this section
22 shall require testing to be performed as soon as practicable by the
23 Executive Director of the Juvenile Justice Commission pursuant to
24 authority granted to the executive director by sections 6 and 10 of
25 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) or by a provider of health
26 care or at a health care facility licensed pursuant to section 12 of
27 P.L.1971, c.136 (C.26:2H-12). The order shall also require that the
28 results of the test be reported to the offender, the appropriate Office
29 of Victim-Witness Advocacy if a victim of an offense is tested , and
30 the affected law enforcement officer. Upon receipt of the result of a
31 test ordered pursuant to subsection a. of this section, the Office of
32 Victim-Witness Advocacy shall provide the victim with appropriate
33 counseling, referral for counseling and if appropriate, referral for
34 health care. The office shall notify the victim or make appropriate
35 arrangements for the victim to be notified of the test result.

36 c. **[In addition to any other disposition authorized, a court may**
37 **order a juvenile at the time of sentencing to reimburse the State for**
38 **the costs of the tests ordered by subsection a. of this section.]**
39 (Deleted by amendment, P.L. , c.)

40 d. The result of a test ordered pursuant to subsection a. of this
41 section shall be confidential and health care providers and
42 employees of the Juvenile Justice Commission, the Office of
43 Victim-Witness Advocacy, a health care facility or counseling
44 service shall not disclose the result of a test performed pursuant to
45 this section except as authorized herein or as otherwise authorized
46 by law or court order. The provisions of this section shall not be
47 deemed to prohibit disclosure of a test result to the person tested.

1 e. Persons who perform tests ordered pursuant to subsection a.
2 of this section in accordance with accepted medical standards for
3 the performance of such tests shall be immune from civil and
4 criminal liability arising from their conduct.

5 f. This section shall not be construed to preclude or limit any
6 other testing for AIDS or infection with the HIV or any other
7 related virus identified as a probable causative agent of AIDS which
8 is otherwise permitted by statute, court rule or common law.

9 (cf: P.L.1996, c.115, s.8)

10
11 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to
12 read as follows:

13 2. a. Where a complaint against a juvenile pursuant to section
14 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has
15 committed an eligible offense as defined in subsection c. of this
16 section and the court has approved diversion of the complaint
17 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution
18 of the complaint shall include the juvenile's participation in a
19 remedial education or counseling program. The [parents or
20 guardian of the juvenile shall bear the cost of participation in the
21 program, except that the] court shall take into consideration the
22 [ability of the juvenile's parents or guardian to pay and the]
23 availability of such a program in the area in which the juvenile
24 resides and, where appropriate, may permit the juvenile to
25 participate in a self-guided awareness program in lieu of a remedial
26 education or counseling program provided that it satisfies the
27 requirements of subsection b. of this section.

28 b. A remedial education or counseling program satisfies the
29 requirements of [this act] P.L.2011, c.128 if the program is
30 designed to increase the juvenile's awareness of:

31 (1) the legal consequences and penalties for sharing sexually
32 suggestive or explicit materials, including applicable federal and
33 State statutes;

34 (2) the non-legal consequences of sharing sexually suggestive or
35 explicit materials including, but not limited to, the effect on
36 relationships, loss of educational and employment opportunities,
37 and being barred or removed from school programs and
38 extracurricular activities;

39 (3) the potential, based upon the unique characteristics of
40 cyberspace and the Internet, of long-term and unforeseen
41 consequences for sharing sexually suggestive or explicit materials;
42 and

43 (4) the possible connection between bullying and cyber-bullying
44 and juveniles sharing sexually suggestive or explicit materials.

45 c. As used in [this act] P.L.2011, c.128, "eligible offense"
46 means an offense in which:

1 (1) the facts of the case involve the creation, exhibition, or
2 distribution of a photograph depicting nudity or portraying a child
3 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
4 through the use of an electronic communication device, an
5 interactive wireless communications device, or a computer; and

6 (2) the creator and subject of the photograph are juveniles or
7 were juveniles at the time of its making.

8 (cf: P.L.2017, c.141, s.2)

9

10 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to
11 read as follows:

12 3. a. Any person who violates the provisions of N.J.S.2C:33-3
13 shall be liable for a civil penalty of not less than \$2,000 or actual
14 costs incurred by or resulting from the law enforcement and
15 emergency services response to the false alarm, whichever is
16 higher.

17 b. Any monies collected pursuant to this section shall be made
18 payable to the municipality or other entity providing the law
19 enforcement or emergency services response to the false alarm.

20 c. For the purposes of this section:

21 "Emergency services" includes, but is not limited to, paid or
22 volunteer fire fighters, paramedics, members of an ambulance team,
23 rescue squad or mobile intensive care unit.

24 "Person" excludes a juvenile as defined in section 3 of P.L.1982,
25 c.77 (C.2A:4A-22).

26 (cf: P.L.2002, c.26, s.17)

27

28 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to
29 read as follows:

30 2C:35-20. Forensic Laboratory Fees. a. In addition to any
31 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any
32 person convicted of an offense under this chapter shall be assessed
33 a criminal laboratory analysis fee of ~~【\$50.00】~~ \$50 for each offense
34 for which ~~【he】~~ the person was convicted. Any person who is
35 placed in supervisory treatment pursuant to N.J.S.2C:36A-1 or
36 N.J.S.2 C:43-12 shall be assessed a criminal laboratory analysis fee
37 of ~~【\$50.00】~~ \$50 for each ~~【such】~~ offense for which ~~【he】~~ the person
38 was charged.

39 b. ~~【In addition to any other disposition made pursuant to the~~
40 ~~provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any~~
41 ~~other statute indicating the dispositions that can be ordered for~~
42 ~~adjudications of delinquency, any juvenile adjudicated delinquent~~
43 ~~for a violation of this chapter shall be assessed a laboratory analysis~~
44 ~~fee of \$25.00 for each adjudication.】~~ (Deleted by amendment,
45 P.L. , c.)

1 c. All criminal laboratory analysis fees provided for in this
2 section shall be collected as provided for the collection of fines and
3 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall
4 be forwarded to the appropriate forensic laboratory fund as
5 provided in subsection d. of this section.

6 d. Forensic laboratory funds shall be established as follows:

7 (1) Any county or municipality which maintains a publicly
8 funded forensic laboratory that regularly employs at least one
9 forensic chemist or scientist engaged in the analysis of controlled
10 dangerous substances may establish a forensic laboratory fund
11 within the office of the county or municipal treasurer.

12 (2) Any other county or municipality which has agreed by
13 contract to pay or reimburse the entire salary of at least one forensic
14 chemist or scientist employed by a laboratory designated as a State
15 Forensic Laboratory pursuant to N.J.S.2C:35-19, may establish a
16 forensic laboratory fund within the office of the county or
17 municipal treasurer.

18 (3) A separate account shall be established in the State Treasury
19 and shall be designated the "State Forensic Laboratory Fund."

20 e. The analysis fee provided for in subsections a. and b. of this
21 section shall be forwarded to the office of the treasurer of the
22 county or municipality that performed the laboratory analysis if that
23 county or municipality has established a forensic laboratory fund or,
24 to the State forensic laboratory fund if the analysis was performed
25 by a laboratory operated by the State. If the county or municipality
26 has not established a forensic laboratory fund, then the analysis fee
27 shall be forwarded to the State forensic laboratory fund within the
28 State Treasury. If the analysis was performed by a forensic chemist
29 or scientist whose salary was paid or reimbursed by a county or
30 municipality pursuant to a contract, the analysis fee shall be
31 forwarded to the appropriate forensic laboratory fund established
32 pursuant to paragraph (2) of subsection d. of this section unless the
33 contract provides for a different means of allocating and
34 distributing forensic laboratory fees, in which event the terms of the
35 contract may determine the amounts to be forwarded to each
36 forensic laboratory fund. The county or municipal treasurer and
37 State Treasurer may retain an amount of the total of all collected
38 analysis fees equal to the administrative costs incurred pursuant to
39 carrying out their respective responsibilities under this section.

40 f. Moneys deposited in the county or municipal forensic
41 laboratory fund created pursuant to paragraph (1) of subsection d.
42 of this section shall be in addition to any allocations pursuant to
43 existing law and shall be designated for the exclusive use of the
44 county or municipal forensic laboratory. These uses may include,
45 but are not limited to, the following:

46 (1) costs incurred in providing analyses for controlled
47 substances in connection with criminal investigations conducted
48 within this State;

1 (2) purchase and maintenance of equipment for use in
2 performing analyses; and

3 (3) continuing education, training, and scientific development of
4 forensic scientists regularly employed by these laboratories.

5 g. Moneys deposited in the State forensic laboratory fund
6 created pursuant to paragraph (3) of subsection d. of this section
7 shall be used by State forensic laboratories that the Attorney
8 General designates pursuant to N. J.S. 2C:35-19, and the Division
9 of State Police in the Department of Law and Public Safety. These
10 moneys shall be in addition to any allocations pursuant to existing
11 law and shall be designated for the exclusive use of State forensic
12 facilities. These uses may include those enumerated in subsection f.
13 of this section.

14 h. For the purposes of this section, "person" excludes a
15 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).
16 (cf: P.L.1988, c.44, s.10)

17

18 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to
19 read as follows:

20 9. a. In addition to any disposition made pursuant to the
21 provisions of Title 2C of the New Jersey Statutes, any person
22 convicted of a crime shall be assessed a penalty of \$30.

23 b. **【**In addition to any other disposition made pursuant to the
24 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any
25 other statute indicating the dispositions that may be ordered for
26 adjudications of delinquency, a juvenile adjudicated delinquent for
27 an offense which if committed by an adult would be a crime shall
28 be assessed a penalty of \$15.**】** Deleted by amendment,
29 P.L. c. (C.) (pending before the Legislature as this bill)

30 c. The penalties assessed under subsections a. and b. of this
31 section shall be collected as provided for the collection of fines and
32 restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and
33 forwarded to the State Treasury for deposit in a separate account to
34 be known as the "Law Enforcement Officers Training and
35 Equipment Fund." The penalty assessed in this section shall be
36 collected only after a penalty assessed in section 2 of P.L.1979,
37 c.396 (C.2C:43-3.1) and any restitution ordered is collected.

38 The fund shall be used to support the development and provision
39 of basic and in-service training courses for law enforcement officers
40 by police training schools approved pursuant to P.L.1961, c.56
41 (C.52:17B-66 et seq.). In addition, the fund shall also be used to
42 enable police training schools to purchase equipment needed for the
43 training of law enforcement officers. Distributions from the fund
44 shall only be made directly to such approved schools.

45 d. The Police Training Commission in the Department of Law
46 and Public Safety shall be responsible for the administration and
47 distribution of the fund pursuant to its authority under section 6 of
48 P.L.1961, c.56 (C.52:17B-71).

1 e. An adult prisoner of a State correctional institution who does
2 not pay the penalty imposed pursuant to this section shall have the
3 penalty deducted from any income the inmate receives as a result of
4 labor performed at the institution or any type of work release
5 program. If any person, including an inmate, fails to pay the
6 penalty imposed pursuant to this section, the court may order the
7 suspension of the person's driver's license or nonresident reciprocity
8 privilege, or prohibit the person from receiving or obtaining a
9 license until the assessment is paid. The court shall notify the
10 Director of the Division of Motor Vehicles of such an action. Prior
11 to any action being taken pursuant to this subsection, the person
12 shall be given notice and a hearing before the court to contest the
13 charge of the failure to pay the assessment.

14 f. For the purposes of this section, "person" excludes a
15 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).
16 (cf: P. L.1996, c.115, s.9)

17

18 7. (New section) On or after the effective date of
19 P.L. c. (pending before the Legislature as this bill):

20 a. any unpaid outstanding balance of any statutory or court-
21 ordered fines, fees, costs, or other monetary penalties previously
22 assessed or imposed upon a juvenile or the juvenile's parent or
23 guardian in relation to a juvenile delinquency complaint shall be
24 unenforceable and uncollectable and the portion of any judgment that
25 imposed those fines, fees, costs, or monetary penalties shall be
26 vacated;

27 b. all unsatisfied civil judgments based on statutory or court-
28 ordered fines, fees, costs, or other monetary penalties previously
29 assessed or imposed upon a juvenile or the juvenile's parent or
30 guardian in relation to a juvenile delinquency complaint are deemed to
31 be null and void and, for all legal purposes, shall be vacated and
32 discharged; and

33 c. all warrants issued solely based on the alleged failure of a
34 juvenile or a juvenile's parent or guardian to pay or to appear on a
35 court date set for the sole purpose of payment of statutory or court-
36 ordered fines, fees, costs, or other monetary penalties previously
37 assessed or imposed in relation to a juvenile delinquency complaint
38 shall be deemed null and void.

39 The provisions of this section shall apply to any fines, fees, costs,
40 or other monetary penalties which were imposed prior to, and which
41 are imposed subsequent to, the effective date of this act.

42

43 8. This act shall take effect immediately; except that section 7
44 shall take effect on the first day of the 10th month next following
45 enactment and the Administrative Director of the Courts may take any
46 anticipatory administrative action in advance as shall be necessary for
47 the implementation of this act.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

This bill eliminates certain statutory costs, fees, and penalties imposed on juveniles involved in the juvenile justice system.

The bill specifically eliminates the following fees, fines, costs, and other monetary penalties:

(1) The Drug Enforcement and Demand Reduction (DEDR) penalty required pursuant to N.J.S.2C:35-15 when the court dismisses a complaint against a juvenile who has made a satisfactory adjustment during a period of continuance of up to 12 months.

(2) The costs of the juvenile’s serological test for acquired immune deficiency syndrome (AIDS), infection with the human immunodeficiency virus (HIV), or other related virus identified as a probable causative agent of AIDS when a law enforcement officer, victim, or other person suffered a prick from a hypodermic needle or had contact with the juvenile which involved or was likely to involve the transmission of bodily fluids.

(3) The costs of an approved remedial education or counseling program to which a juvenile is diverted by the court.

(4) The civil penalty of at least \$2,000 or actual costs, whichever is higher, incurred by law enforcement and emergency services in responding to a false public alarm.

(5) The \$25 forensic laboratory fee imposed on juveniles adjudicated delinquent.

(6) The \$15 Law Enforcement Officers Training and Equipment Fund fee imposed on juveniles adjudicated delinquent.

On and after the effective date of the bill, any unpaid outstanding balances of statutory or court–ordered fines, fees, costs, or other monetary penalties previously assessed or imposed upon a juvenile or the juvenile’s parent or guardian are vacated, as are any unsatisfied civil judgments based on these monetary penalties. Further, all warrants based on the alleged failure of the juvenile or parent or guardian to pay or to appear in court to pay these monetary penalties are deemed to be null and void. This provision is both retroactive and prospective. The bill makes this provision effective in nine months to give the Administrative Director of the Courts the necessary time to complete the manual process of identifying, vacating, and discharging the fines, fees, costs, and other monetary penalties.

Numerous costs and fees in the form of criminal penalties or administrative fees are imposed on juveniles involved in the juvenile justice system. These costs and fees can be significant. Juveniles often are unable to earn enough money to pay these costs and fines, particularly if they are too young to be employed. The juveniles’ families also often lack the means to pay these costs and fines, sometimes forcing them to choose between paying for necessities, such as food, housing, and utilities and paying off this

1 debt. In addition to the emotional toll on these families, minority
2 and low income families are disproportionately affected. While the
3 revenue collected is minimal, the burden on families can be
4 substantial. This State has responded to this issue by eliminating
5 some of these costs and fees in prior legislative enactments.
6 Further, the New Jersey Supreme Court recently issued an order to
7 dismiss hundreds of juvenile warrants for unpaid discretionary and
8 non-mandatory assessments. This bill would eliminate additional
9 statutorily mandated assessments that are not within the discretion
10 of the court to dismiss.