

[First Reprint]

ASSEMBLY, No. 5507

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

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District 33 (Hudson)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblywoman VERLINA REYNOLDS-JACKSON

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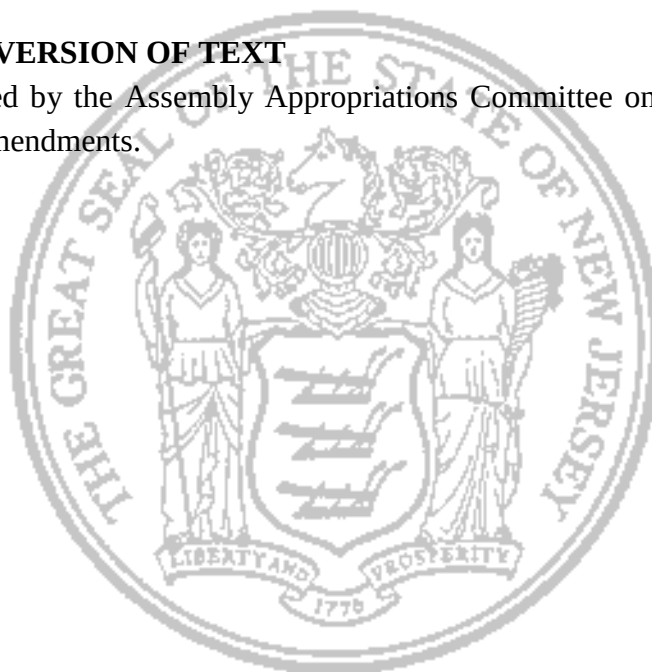
Assemblyman Verrelli and Assemblywoman Vainieri Huttie

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 13, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 13, 2021.

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;

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

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

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

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

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

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

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

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

47 (16) (a) Place the juvenile in a nonresidential program operated
48 by a public or private agency, providing intensive services to

1 juveniles for specified hours, which may include education,
2 counseling to the juvenile and the juvenile's family if appropriate,
3 vocational training, employment counseling, work, or other
4 services;

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

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

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

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

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

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

1 standards for the use of juvenile detention facilities pursuant to this
2 subsection.

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

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

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

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

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

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

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

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

44 (1) An order to perform community service pursuant to
45 paragraph (10) of subsection b. of this section for a period of at
46 least 60 days, if the juvenile has been adjudicated delinquent for an
47 act which, if committed by an adult, would constitute the crime of
48 theft of a motor vehicle, or the crime of unlawful taking of a motor

1 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
2 degree crime of eluding in violation of subsection b. of
3 N.J.S.2C:29-2; and

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

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

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

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

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

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

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

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

26
27 2. Section 8 of P.L.1996, c.115 (C.2A:4A-43.4) is amended to
28 read as follows:

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

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

43 (2) in the course of the commission of the act, including the
44 immediate flight thereafter or during any investigation or arrest
45 related to that act, a law enforcement officer, the victim or other
46 person had contact with the juvenile which involved or was likely to
47 involve the transmission of bodily fluids.

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

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

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

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

46 e. Persons who perform tests ordered pursuant to subsection a.
47 of this section in accordance with accepted medical standards for

1 the performance of such tests shall be immune from civil and
2 criminal liability arising from their conduct.

3 f. This section shall not be construed to preclude or limit any
4 other testing for AIDS or infection with the HIV or any other
5 related virus identified as a probable causative agent of AIDS which
6 is otherwise permitted by statute, court rule or common law.
7 (cf: P.L.1996, c.115, s.8)

8
9 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to
10 read as follows:

11 2. a. Where a complaint against a juvenile pursuant to section
12 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has
13 committed an eligible offense as defined in subsection c. of this
14 section and the court has approved diversion of the complaint
15 pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution
16 of the complaint shall include the juvenile's participation in a
17 remedial education or counseling program. The [parents or
18 guardian of the juvenile shall bear the cost of participation in the
19 program, except that the] court shall take into consideration the
20 [ability of the juvenile's parents or guardian to pay and the]
21 availability of such a program in the area in which the juvenile
22 resides and, where appropriate, may permit the juvenile to
23 participate in a self-guided awareness program in lieu of a remedial
24 education or counseling program provided that it satisfies the
25 requirements of subsection b. of this section.

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

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

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

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

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

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

45 (1) the facts of the case involve the creation, exhibition, or
46 distribution of a photograph depicting nudity or portraying a child
47 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,

1 through the use of an electronic communication device, an
2 interactive wireless communications device, or a computer; and

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

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

6
7 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to
8 read as follows:

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

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

17 c. For the purposes of this section:

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

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

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

24
25 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to
26 read as follows:

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

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

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

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

2 (1) Any county or municipality which maintains a publicly
3 funded forensic laboratory that regularly employs at least one
4 forensic chemist or scientist engaged in the analysis of controlled
5 dangerous substances may establish a forensic laboratory fund
6 within the office of the county or municipal treasurer.

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

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

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

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

41 (1) costs incurred in providing analyses for controlled
42 substances in connection with criminal investigations conducted
43 within this State;

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

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

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

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

13
14 6. Section 9 of P.L.1996, c.115 (C.2C:43-3.3) is amended to
15 read as follows:

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

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

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

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

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

45 e. An adult prisoner of a State correctional institution who does
46 not pay the penalty imposed pursuant to this section shall have the
47 penalty deducted from any income the inmate receives as a result of
48 labor performed at the institution or any type of work release

1 program. If any person, including an inmate, fails to pay the
2 penalty imposed pursuant to this section, the court may order the
3 suspension of the person's driver's license or nonresident reciprocity
4 privilege, or prohibit the person from receiving or obtaining a
5 license until the assessment is paid. The court shall notify the
6 Director of the Division of Motor Vehicles of such an action. Prior
7 to any action being taken pursuant to this subsection, the person
8 shall be given notice and a hearing before the court to contest the
9 charge of the failure to pay the assessment.

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

13
14 7. (New section) On or after the effective date of P.L. c.
15 (pending before the Legislature as this bill):

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

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

29 c. all warrants issued solely based on the alleged failure of a
30 juvenile or a juvenile's parent or guardian to pay or to appear on a
31 court date set for the sole purpose of payment of statutory or court–
32 ordered fines, fees, costs, or other monetary penalties previously
33 assessed or imposed in relation to a juvenile delinquency complaint
34 shall be ¹**【deemed null and void】** reviewed and vacated consistent
35 with the provisions of P.L. , c. (C.) (pending before the
36 Legislature as this bill)¹.

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

40
41 ¹8. N.J.S.2C:46-2 is amended to read as follows:

42 2C:46-2. a. When a defendant sentenced to pay an assessment
43 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
44 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-
45 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73
46 (C.2C:14-10), monthly probation fee, fine, a penalty imposed
47 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-
48 imposed financial obligations or to make restitution or pay child

1 support or other support or maintenance ordered by a court defaults
2 in the payment thereof or of any installment, upon the motion of the
3 person authorized by law to collect the payment, the motion of the
4 prosecutor, the motion of the victim entitled to payment of
5 restitution, the motion of the Victims of Crime Compensation
6 Office, the motion of the State or county Office of Victim and
7 Witness Advocacy or upon its own motion, the court shall recall the
8 defendant, or issue a summons or a warrant of arrest for the
9 defendant's appearance. A warrant shall not be issued for a juvenile
10 defendant or the parent or guardian of a juvenile defendant. The
11 court shall afford the person notice and an opportunity to be heard
12 on the issue of default. Failure to make any payment when due
13 shall be considered a default. The standard of proof shall be by a
14 preponderance of the evidence, and the burden of establishing good
15 cause for a default shall be on the person who has defaulted.

16 (1) If the court finds that the person has defaulted without good
17 cause, the court may:

18 (a) order the suspension of the driver's license or the
19 nonresident reciprocity driving privilege of the person; or

20 (b) prohibit the person from obtaining a driver's license or
21 exercising reciprocity driving privileges until the person has made
22 all past due payments; or

23 (c) take any other actions authorized by law.

24 The court shall notify the Chief Administrator of the New Jersey
25 Motor Vehicle Commission of the action taken pursuant to this
26 paragraph.

27 (2) If the court finds that the person defaulted on payment of a
28 court-imposed financial obligation, restitution, or child support or
29 other support or maintenance ordered by a court without good cause
30 and finds that the default was willful, the court may, in addition to
31 the action authorized by paragraph (1) of subsection a. of this
32 section, impose a term of imprisonment or participation in a labor
33 assistance program or enforced community service to achieve the
34 objective of the court-imposed financial obligation, restitution, or
35 child support or other support or maintenance ordered by a court.
36 These options shall not reduce the amount owed by the person in
37 default. The term of imprisonment or enforced community service
38 or participation in a labor assistance program shall be specified in
39 the order of commitment. It need not be equated with any particular
40 dollar amount but, in the case of a fine it shall not exceed one day
41 for each \$50 of the fine nor shall it exceed a period of 90
42 consecutive days. In no case shall the total period of imprisonment
43 in the case of a disorderly persons offense for both the sentence of
44 imprisonment and for failure to pay a fine exceed six months.

45 (3) Except where incarceration is ordered pursuant to paragraph
46 (2) of subsection a. of this section, if the court finds that the person
47 has defaulted the court may take one or more of the following
48 actions:

1 (a) the court shall take appropriate action to modify or establish
2 a reasonable schedule for payment;

3 (b) in the case of a fine, if the court finds that the circumstances
4 that warranted the fine have changed or that it would be unjust to
5 require payment, the court may revoke or suspend the fine or the
6 unpaid portion of the fine; or

7 (c) if the defendant has served jail time for default on a court-
8 imposed financial obligation, the court may order that credit for
9 each day of confinement be given against the amount owed. The
10 amount of the credit shall be determined at the discretion of the
11 court but shall be not less than \$50 for each day of confinement
12 served.

13 (4) When failure to pay an assessment imposed pursuant to
14 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
15 restitution, a penalty imposed pursuant to section 1 of P.L.1999,
16 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of
17 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section
18 1 of P.L.2005, c.73 (C.2C:14-10), or other financial penalties or to
19 perform enforced community service or to participate in a labor
20 assistance program is determined to be willful, the failure to do so
21 shall be considered to be contumacious.

22 (5) When a fine, assessment imposed pursuant to section 2 of
23 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
24 is imposed on a corporation, it is the duty of the person or persons
25 authorized to make disbursements from the assets of the corporation
26 or association to pay it from such assets and their failure so to do
27 may be held to be contumacious.

28 b. Upon any default in the payment of a fine, assessment
29 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
30 monthly probation fee, a penalty imposed pursuant to section 1 of
31 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
32 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
33 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), other
34 financial penalties, restitution, or any installment thereof, execution
35 may be levied and such other measures may be taken for collection
36 of it or the unpaid balance thereof as are authorized for the
37 collection of an unpaid civil judgment entered against the defendant
38 in an action on a debt.

39 c. Upon any default in the payment of restitution or any
40 installment thereof, the victim entitled to the payment may institute
41 summary collection proceedings authorized by subsection b. of this
42 section.

43 d. Upon any default in the payment of an assessment imposed
44 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
45 installment thereof, the Victims of Crime Compensation Office or
46 the party responsible for collection may institute summary
47 collection proceedings authorized by subsection b. of this section.

1 e. When a defendant sentenced to make restitution to a public
2 entity other than the Victims of Crime Compensation Office,
3 defaults in the payment thereof or any installment, the court may, in
4 lieu of other modification of the sentence, order the defendant to
5 perform work in a labor assistance program or enforced community
6 service program.

7 f. If a defendant ordered to participate in a labor assistance
8 program or enforced community service program fails to report for
9 work or to perform the assigned work, the comprehensive
10 enforcement hearing officer may revoke the work order and impose
11 any sentence permitted as a consequence of the original conviction.

12 g. If a defendant ordered to participate in a labor assistance
13 program or an enforced community service program pays all
14 outstanding assessments, the comprehensive enforcement hearing
15 officer may review the work order, and modify the same to reflect
16 the objective of the sentence.

17 h. As used in this section:

18 (1) "Comprehensive enforcement program" means the program
19 established pursuant to the "Comprehensive Enforcement Program
20 Fund Act," sections 1 through 9 of P.L.1995, c.9 (C.2B:19-1 et
21 seq.).

22 (2) The terms "labor assistance program" and "enforced
23 community service" have the same meaning as those terms are
24 defined in section 5 of the "Comprehensive Enforcement Program
25 Fund Act," P.L.1995, c.9 (C.2B:19-5).

26 (3) "Public entity" means the State, any county, municipality,
27 district, public authority, public agency and any other political
28 subdivision or public body in the State.

29 (4) "Court-imposed financial obligation" means any fine,
30 statutorily-mandated assessment, surcharge, or other financial
31 penalty imposed by a court, but does not include restitution or child
32 support or other support or maintenance ordered by a court.¹
33 (cf: P.L.2019, c.276, s.7)

34
35 **¹[8.] 9.**¹ This act shall take effect immediately; except that
36 section 7 shall take effect on the first day of the 10th month next
37 following enactment and the Administrative Director of the Courts
38 may take any anticipatory administrative action in advance as shall be
39 necessary for the implementation of this act.