

P.L. 2020, CHAPTER 50, *approved July 1, 2020*
Senate, No. 2511

1 **AN ACT** accelerating implementation of certain juvenile justice
2 initiatives due to the COVID-19 pandemic.
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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
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7 1. The following fines and assessments shall not be imposed on
8 a juvenile adjudicated delinquent:
9 (1) fines pursuant to paragraph (8) of subsection b. of section 24
10 of P.L.1982, c.77 (C.2A:4A-43);
11 (2) assessments pursuant to paragraph (2) of subsection a. of
12 N.J.S.2C:35-15; and
13 (3) assessments pursuant to subparagraph (b) of paragraph (2) of
14 subsection a. of section 2 of P.L.1979, c.396 (C:2C:43-3.1).
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16 2. A term of post-incarceration supervision shall be imposed
17 pursuant to paragraph (5) of subsection d. of section 25 of
18 P.L.1982, c.77 (C.2A:4A-44) following a juvenile’s release from
19 custody only if it is deemed necessary to effectuate the juvenile’s
20 rehabilitation and reintegration into society. Post-incarceration
21 supervision shall not exceed six months, except the term may be
22 extended for an additional six months if continuation of the post-
23 incarceration supervision is deemed necessary to effectuate the
24 juvenile's rehabilitation and reintegration into society. Post-
25 incarceration supervision shall not exceed one year. Post-
26 incarceration supervision shall not be imposed on any juvenile who
27 has completed a period of parole supervision of six months or more.
28 The term of post-incarceration supervision shall commence on the
29 date of the expiration of the juvenile's maximum sentence. During
30 the term of post-incarceration supervision the juvenile shall remain
31 in the community and in the legal custody of the Juvenile Justice
32 Commission. The juvenile shall not be required to enter or
33 complete a residential community release program, residential
34 treatment program, or other out-of-home placement as a condition
35 of post-incarceration supervision. A term of post-incarceration
36 supervision may be terminated if the juvenile has made a

1 satisfactory adjustment in the community while under supervision
2 and if continued supervision is not required.

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4 3. This act shall take effect immediately and shall expire on
5 October 31, 2020.

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8 STATEMENT

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10 This bill accelerates the implementation of certain provisions of
11 P.L.2019, c.363, which made various changes to sentencing,
12 incarceration, and parole of juveniles adjudicated delinquent. This
13 law was enacted on January 20, 2020, but its provisions are not
14 effective until November 1, 2020. The bill makes several
15 provisions of this law effective immediately due to adverse effects
16 on these juveniles attributable to the COVID-19 pandemic.

17 Several provisions of current law authorize or require the
18 imposition of fines on juveniles adjudicated delinquent. P.L.2019,
19 c.363 specifically eliminates the following fines: (1) those that can
20 be imposed at the discretion of the court as a disposition for a
21 juvenile adjudicated delinquent; (2) mandatory assessments
22 imposed for certain controlled dangerous substance violations
23 which are allocated to the Drug Enforcement and Demand
24 Reduction (“DEDR”) Fund; and (3) mandatory assessments for
25 convictions of violent crimes that are dedicated to purposes
26 benefiting victims of crime.

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

36 The sponsor further notes that in some instances juveniles
37 currently subject to mandatory post-incarceration supervision
38 because of the extended effective date of P.L.2019, c.363 are being
39 returned to custody for technical violations. These juveniles are
40 being put in unnecessary danger of contracting COVID-19 for
41 minor infractions. Therefore, the provisions of P.L.2019, c.363
42 replacing the current mandatory term of post-incarceration with
43 discretionary post-incarceration supervision imposed only under
44 strictly limited conditions should immediately be implemented to
45 protect the health and safety of both the juveniles and the
46 community during the COVID-19 pandemic.

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3 Accelerates rescinding of certain juvenile delinquency fines and
4 making discretionary post-incarceration supervision due to COVID-
5 19 pandemic.