

P.L. 2021, CHAPTER 342, *approved January 10, 2022*
Senate, No. 3319 (*Second Reprint*)

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. a. In determining the
12 appropriate disposition for a juvenile adjudicated delinquent the
13 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

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:

¹Senate SLP committee amendments adopted March 11, 2021.

²Senate SBA committee amendments adopted June 21, 2021.

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

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

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

19 (2) Release the juvenile to the supervision of the juvenile's
20 parent or guardian;

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

26 (4) Transfer custody of the juvenile to any relative or other
27 person determined by the court to be qualified to care for the
28 juvenile;

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

42 (6) Place the juvenile under the care and custody of the
43 Commissioner of Children and Families for the purpose of
44 receiving the services of the Division of Children's System of Care
45 of that department, provided that the juvenile has been determined
46 to be eligible for those services under P.L.1965, c.59, s.16 (C.30:4-
47 25.4);

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

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

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

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

28 (11) Order that the juvenile participate in work programs which
29 are designed to provide job skills and specific employment training
30 to enhance the employability of job participants. Such programs
31 may be without compensation, provided that any money earned by
32 the juvenile from participation in a work program may be applied
33 towards any payment of restitution or fine which the court has
34 ordered the juvenile to pay;

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

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

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

47 (15) Order the parent or guardian of the juvenile to participate in
48 appropriate programs or services when the court has found either

1 that such person's omission or conduct was a significant
2 contributing factor towards the commission of the delinquent act,
3 or, under its authority to enforce litigant's rights, that such person's
4 omission or conduct has been a significant contributing factor
5 towards the ineffective implementation of a court order previously
6 entered in relation to the juvenile;

7 (16) (a) Place the juvenile in a nonresidential program operated
8 by a public or private agency, providing intensive services to
9 juveniles for specified hours, which may include education,
10 counseling to the juvenile and the juvenile's family if appropriate,
11 vocational training, employment counseling, work, or other
12 services;

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

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

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

32 (19) Order a parent or guardian who has failed or neglected to
33 exercise reasonable supervision or control of a juvenile who has
34 been adjudicated delinquent to make restitution to any person or
35 entity who has suffered a loss as a result of that offense. The court
36 may determine the reasonable amount, terms, and conditions of
37 restitution; or

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

41 c. (1) If the county in which the juvenile has been adjudicated
42 delinquent has a juvenile detention facility meeting the physical and
43 program standards established pursuant to this subsection by the
44 Juvenile Justice Commission, the court may, in addition to any of
45 the dispositions not involving placement out of the home
46 enumerated in this section, incarcerate the juvenile in the youth
47 detention facility in that county for a term not to exceed 60
48 consecutive days. The decision by the court to incarcerate a

1 juvenile shall be made in accordance with subsection i. of section 2
2 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
3 their own juvenile detention facilities may contract for the use of
4 approved commitment programs with counties with which they
5 have established agreements for the use of pre-disposition juvenile
6 detention facilities. The Juvenile Justice Commission shall
7 promulgate such rules and regulations from time to time as deemed
8 necessary to establish minimum physical facility and program
9 standards for the use of juvenile detention facilities pursuant to this
10 subsection.

11 (2) A juvenile shall not be incarcerated in any county detention
12 facility unless the county has entered into an agreement with the
13 Juvenile Justice Commission concerning the use of the facility for
14 sentenced juveniles. Upon agreement with the county, the Juvenile
15 Justice Commission shall certify detention facilities which may
16 receive juveniles sentenced pursuant to this subsection and shall
17 specify the capacity of the facility that may be made available to
18 receive such juveniles; provided, however, that in no event shall the
19 number of juveniles incarcerated pursuant to this subsection exceed
20 50% of the maximum capacity of the facility.

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

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

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

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

34 (4) If as a result of incarceration of adjudicated juveniles
35 pursuant to this subsection, a county is required to transport a
36 predisposition juvenile to a juvenile detention facility in another
37 county, the costs of such transportation shall be borne by the
38 Juvenile Justice Commission.

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

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

5 (1) An order to perform community service pursuant to
6 paragraph (10) of subsection b. of this section for a period of at
7 least 60 days, if the juvenile has been adjudicated delinquent for an
8 act which, if committed by an adult, would constitute the crime of
9 theft of a motor vehicle, or the crime of unlawful taking of a motor
10 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
11 degree crime of eluding in violation of subsection b. of
12 N.J.S.2C:29-2; and

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

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

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

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

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

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

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

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

35

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

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

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

1 person suffered a prick from a hypodermic needle, provided there is
2 probable cause to believe that the juvenile is an intravenous user of
3 controlled dangerous substances; or

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

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

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

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

46 d. The result of a test ordered pursuant to subsection a. of this
47 section shall be confidential and health care providers and
48 employees of the Juvenile Justice Commission, the Office of

1 Victim-Witness Advocacy, a health care facility or counseling
2 service shall not disclose the result of a test performed pursuant to
3 this section except as authorized herein or as otherwise authorized
4 by law or court order. The provisions of this section shall not be
5 deemed to prohibit disclosure of a test result to the person tested.

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

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

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

15

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

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

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

36 (1) the legal consequences and penalties for sharing sexually
37 suggestive or explicit materials, including applicable federal and
38 State statutes;

39 (2) the non-legal consequences of sharing sexually suggestive or
40 explicit materials including, but not limited to, the effect on
41 relationships, loss of educational and employment opportunities,
42 and being barred or removed from school programs and
43 extracurricular activities;

44 (3) the potential, based upon the unique characteristics of
45 cyberspace and the Internet, of long-term and unforeseen
46 consequences for sharing sexually suggestive or explicit materials;
47 and

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

3 c. As used in **【this act】** P.L.2011, c.128, "eligible offense"
4 means an offense in which:

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

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

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

13
14 4. Section 3 of P.L.1999, c.195 (C.2C:33-3.2) is amended to
15 read as follows:

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

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

24 c. For the purposes of this section:

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

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

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

31
32 5. Section 1 of P.L.1987, c.106 (C.2C:35-20) is amended to read
33 as follows:

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

43 b. **【In addition to any other disposition made pursuant to the**
44 **provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any**
45 **other statute indicating the dispositions that can be ordered for**
46 **adjudications of delinquency, any juvenile adjudicated delinquent**
47 **for a violation of this chapter shall be assessed a laboratory analysis**

1 fee of \$25.00 for each adjudication.】 (Deleted by amendment,
2 P.L. , c.)

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

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

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

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

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

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

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

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

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

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

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

17 h. For the purposes of this section, "person" excludes a
18 juvenile as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).
19 (cf: P.L.1988, c.44, s.10)
20

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

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

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

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

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

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

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

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

21
22 ¹**7.** Section 7 of P.L.2013, c.214 (C.30:4-123.97) is amended to
23 read as follows:

24 7. a. In addition to any fine, fee, assessment, or penalty
25 authorized under the provisions of Title 2C of the New Jersey
26 Statutes, a person convicted of **or adjudicated delinquent for** a
27 sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2),
28 shall be assessed a penalty of \$30 per month.

29 b. All penalties provided for in this section, collected as
30 provided for the collection of fines and restitutions in section 3 of
31 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department
32 of the Treasury to be deposited in the "Sex Offender Supervision
33 Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-
34 123.98).

35 A person shall not be assessed the penalty established in
36 subsection a. of this section if the person's income does not exceed
37 149 percent of the federal poverty level.

38 c. For the purposes of this section, "person" excludes a juvenile
39 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).
40 (cf: P.L.2013, c.214, s.7)¹

41
42 ¹**8** 7¹. (New section) On ¹or after¹ the effective date of
43 P.L. c. (pending before the Legislature as this bill):

44 a. any unpaid outstanding balance of any statutory or court-
45 ordered fines, fees, costs, or other monetary penalties previously
46 assessed or imposed upon a juvenile or the juvenile's parent or
47 guardian in relation to a juvenile delinquency complaint shall be
48 unenforceable and uncollectable and the portion of any judgment that

1 imposed those fines, fees, costs, or monetary penalties shall be
2 vacated;

3 b. all unsatisfied civil judgments based on statutory or court–
4 ordered fines, fees, costs, or other monetary penalties previously
5 assessed or imposed upon a juvenile or the juvenile’s parent or
6 guardian in relation to a juvenile delinquency complaint are deemed to
7 be null and void and, for all legal purposes, shall be vacated and
8 discharged; and

9 c. all warrants issued solely based on the alleged failure of a
10 juvenile or a juvenile’s parent or guardian to pay or to appear on a
11 court date set for the sole purpose of payment of statutory or court–
12 ordered fines, fees, costs, or other monetary penalties previously
13 assessed or imposed in relation to a juvenile delinquency complaint
14 shall be ²~~deemed null and void~~ reviewed and vacated consistent
15 with the provisions of P.L. , c. (C.) (pending before the
16 Legislature as this bill)².

17 ¹The provisions of this section shall apply to any fines, fees, costs,
18 or other monetary penalties which were imposed prior to, and which
19 are imposed subsequent to, the effective date of this act.¹
20

21 ²8. N.J.S.2C:46-2 is amended to read as follows:

22 2C:46-2. a. When a defendant sentenced to pay an assessment
23 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
24 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-
25 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73
26 (C.2C:14-10), monthly probation fee, fine, a penalty imposed pursuant
27 to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-imposed
28 financial obligations or to make restitution or pay child support or
29 other support or maintenance ordered by a court defaults in the
30 payment thereof or of any installment, upon the motion of the person
31 authorized by law to collect the payment, the motion of the prosecutor,
32 the motion of the victim entitled to payment of restitution, the motion
33 of the Victims of Crime Compensation Office, the motion of the State
34 or county Office of Victim and Witness Advocacy or upon its own
35 motion, the court shall recall the defendant, or issue a summons or a
36 warrant of arrest for the defendant's appearance. A warrant shall not
37 be issued for a juvenile defendant or the parent or guardian of a
38 juvenile defendant. The court shall afford the person notice and an
39 opportunity to be heard on the issue of default. Failure to make any
40 payment when due shall be considered a default. The standard of
41 proof shall be by a preponderance of the evidence, and the burden of
42 establishing good cause for a default shall be on the person who has
43 defaulted.

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

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

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

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

5 The court shall notify the Chief Administrator of the New Jersey
6 Motor Vehicle Commission of the action taken pursuant to this
7 paragraph.

8 (2) If the court finds that the person defaulted on payment of a
9 court-imposed financial obligation, restitution, or child support or
10 other support or maintenance ordered by a court without good cause
11 and finds that the default was willful, the court may, in addition to the
12 action authorized by paragraph (1) of subsection a. of this section,
13 impose a term of imprisonment or participation in a labor assistance
14 program or enforced community service to achieve the objective of the
15 court-imposed financial obligation, restitution, or child support or
16 other support or maintenance ordered by a court. These options shall
17 not reduce the amount owed by the person in default. The term of
18 imprisonment or enforced community service or participation in a
19 labor assistance program shall be specified in the order of
20 commitment. It need not be equated with any particular dollar amount
21 but, in the case of a fine it shall not exceed one day for each \$50 of the
22 fine nor shall it exceed a period of 90 consecutive days. In no case
23 shall the total period of imprisonment in the case of a disorderly
24 persons offense for both the sentence of imprisonment and for failure
25 to pay a fine exceed six months.

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

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

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

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

40 (4) When failure to pay an assessment imposed pursuant to section
41 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, restitution,
42 a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-
43 3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81
44 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005,
45 c.73 (C.2C:14-10), or other financial penalties or to perform enforced
46 community service or to participate in a labor assistance program is
47 determined to be willful, the failure to do so shall be considered to be
48 contumacious.

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

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

17 c. Upon any default in the payment of restitution or any
18 installment thereof, the victim entitled to the payment may institute
19 summary collection proceedings authorized by subsection b. of this
20 section.

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

26 e. When a defendant sentenced to make restitution to a public
27 entity other than the Victims of Crime Compensation Office, defaults
28 in the payment thereof or any installment, the court may, in lieu of
29 other modification of the sentence, order the defendant to perform
30 work in a labor assistance program or enforced community service
31 program.

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

37 g. If a defendant ordered to participate in a labor assistance
38 program or an enforced community service program pays all
39 outstanding assessments, the comprehensive enforcement hearing
40 officer may review the work order, and modify the same to reflect the
41 objective of the sentence.

42 h. As used in this section:

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

46 (2) The terms "labor assistance program" and "enforced
47 community service" have the same meaning as those terms are defined

1 in section 5 of the "Comprehensive Enforcement Program Fund Act,"
2 P.L.1995, c.9 (C.2B:19-5).

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

6 (4) "Court-imposed financial obligation" means any fine,
7 statutorily-mandated assessment, surcharge, or other financial penalty
8 imposed by a court, but does not include restitution or child support or
9 other support or maintenance ordered by a court.²

10 (cf: P.L.2019, c.276, s.7)

11

12 ¹[9] ²[8.1] 9.² This act shall take effect immediately¹; except
13 that section 7 shall take effect on the first day of the 10th month next
14 following enactment and the Administrative Director of the Courts
15 may take any anticipatory administrative action in advance as shall be
16 necessary for the implementation of this act¹.

17

18

19

20

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