

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2511

STATE OF NEW JERSEY

DATED: JUNE 24, 2020

The Senate Commerce Committee reports favorably Senate Bill No. 2511.

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

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

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

The sponsor further notes that in some instances juveniles currently subject to mandatory post-incarceration supervision because of the extended effective date of P.L.2019, c.363 are being returned to custody for technical violations. These juveniles are being put in unnecessary danger of contracting COVID-19 for minor infractions. Therefore, the provisions of P.L.2019, c.363 replacing the current mandatory term of post-incarceration with

discretionary post-incarceration supervision imposed only under strictly limited conditions should immediately be implemented to protect the health and safety of both the juveniles and the community during the COVID-19 pandemic.