

[Second Reprint]

**SENATE, No. 3319**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 7, 2021

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

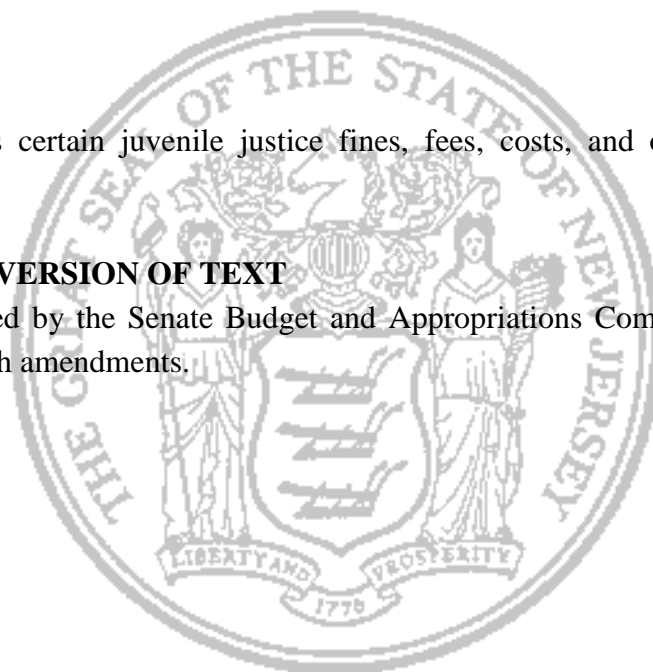
**Senators Turner, Ruiz, Assemblyman Verrelli and Assemblywoman Vainieri Huttle**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 21, 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. 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

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:

<sup>1</sup>Senate SLP committee amendments adopted March 11, 2021.

<sup>2</sup>Senate SBA committee amendments adopted June 21, 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 read  
26 as follows:

27 2C:35-20. Forensic Laboratory Fees. a. In addition to any  
28 disposition made pursuant to the provisions of N.J.S. 2C:43-2, any  
29 person convicted of an offense under this chapter shall be assessed  
30 a 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 juvenile  
11 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 <sup>1</sup>**[7.** Section 7 of P.L.2013, c.214 (C.30:4-123.97) is amended to  
15 read as follows:

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

21 b. All penalties provided for in this section, collected as  
22 provided for the collection of fines and restitutions in section 3 of  
23 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department  
24 of the Treasury to be deposited in the "Sex Offender Supervision  
25 Fund" established pursuant to section 8 of P.L.2013, c.214 (C.30:4-  
26 123.98).

27 A person shall not be assessed the penalty established in  
28 subsection a. of this section if the person's income does not exceed  
29 149 percent of the federal poverty level.

30 c. For the purposes of this section, "person" excludes a juvenile  
31 as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

32 (cf: P.L.2013, c.214, s.7)<sup>1</sup>

33  
34 <sup>1</sup>**[8]** 7<sup>1</sup>. (New section) On <sup>1</sup>or after<sup>1</sup> the effective date of  
35 P.L. c. (pending before the Legislature as this bill):

36 a. any unpaid outstanding balance of any statutory or court-  
37 ordered fines, fees, costs, or other monetary penalties previously  
38 assessed or imposed upon a juvenile or the juvenile's parent or  
39 guardian in relation to a juvenile delinquency complaint shall be  
40 unenforceable and uncollectable and the portion of any judgment that  
41 imposed those fines, fees, costs, or monetary penalties shall be  
42 vacated;

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

1 c. all warrants issued solely based on the alleged failure of a  
2 juvenile or a juvenile's parent or guardian to pay or to appear on a  
3 court date set for the sole purpose of payment of statutory or court-  
4 ordered fines, fees, costs, or other monetary penalties previously  
5 assessed or imposed in relation to a juvenile delinquency complaint  
6 shall be <sup>2</sup>~~deemed null and void~~ reviewed and vacated consistent  
7 with the provisions of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill)<sup>2</sup>.

9 <sup>1</sup>The provisions of this section shall apply to any fines, fees, costs,  
10 or other monetary penalties which were imposed prior to, and which  
11 are imposed subsequent to, the effective date of this act.<sup>1</sup>

12  
13 <sup>2</sup>8. N.J.S.2C:46-2 is amended to read as follows:

14 2C:46-2. a. When a defendant sentenced to pay an assessment  
15 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
16 penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-  
17 3.6), a penalty imposed pursuant to section 1 of P.L.2005, c.73  
18 (C.2C:14-10), monthly probation fee, fine, a penalty imposed pursuant  
19 to section 1 of P.L.1999, c.295 (C.2C:43-3.5), other court-imposed  
20 financial obligations or to make restitution or pay child support or  
21 other support or maintenance ordered by a court defaults in the  
22 payment thereof or of any installment, upon the motion of the person  
23 authorized by law to collect the payment, the motion of the prosecutor,  
24 the motion of the victim entitled to payment of restitution, the motion  
25 of the Victims of Crime Compensation Office, the motion of the State  
26 or county Office of Victim and Witness Advocacy or upon its own  
27 motion, the court shall recall the defendant, or issue a summons or a  
28 warrant of arrest for the defendant's appearance. A warrant shall not  
29 be issued for a juvenile defendant or the parent or guardian of a  
30 juvenile defendant. The court shall afford the person notice and an  
31 opportunity to be heard on the issue of default. Failure to make any  
32 payment when due shall be considered a default. The standard of  
33 proof shall be by a preponderance of the evidence, and the burden of  
34 establishing good cause for a default shall be on the person who has  
35 defaulted.

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

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

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

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

44 The court shall notify the Chief Administrator of the New Jersey  
45 Motor Vehicle Commission of the action taken pursuant to this  
46 paragraph.

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

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

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

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

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

33 (4) When failure to pay an assessment imposed pursuant to section  
34 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee, restitution,  
35 a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-  
36 3.5), a penalty imposed pursuant to section 11 of P.L.2001, c.81  
37 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.2005,  
38 c.73 (C.2C:14-10), or other financial penalties or to perform enforced  
39 community service or to participate in a labor assistance program is  
40 determined to be willful, the failure to do so shall be considered to be  
41 contumacious.

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

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

11       c. Upon any default in the payment of restitution or any  
12 installment thereof, the victim entitled to the payment may institute  
13 summary collection proceedings authorized by subsection b. of this  
14 section.

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

20       e. When a defendant sentenced to make restitution to a public  
21 entity other than the Victims of Crime Compensation Office, defaults  
22 in the payment thereof or any installment, the court may, in lieu of  
23 other modification of the sentence, order the defendant to perform  
24 work in a labor assistance program or enforced community service  
25 program.

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

31       g. If a defendant ordered to participate in a labor assistance  
32 program or an enforced community service program pays all  
33 outstanding assessments, the comprehensive enforcement hearing  
34 officer may review the work order, and modify the same to reflect the  
35 objective of the sentence.

36       h. As used in this section:

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

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

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

47       (4) "Court-imposed financial obligation" means any fine,  
48 statutorily-mandated assessment, surcharge, or other financial penalty



1 imposed by a court, but does not include restitution or child support or  
2 other support or maintenance ordered by a court.<sup>2</sup>

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

4

5 <sup>1</sup>~~[9]~~ <sup>2</sup>~~[8.1]~~ 9.2 This act shall take effect immediately<sup>1</sup>; except  
6 that section 7 shall take effect on the first day of the 10th month next  
7 following enactment and the Administrative Director of the Courts  
8 may take any anticipatory administrative action in advance as shall be  
9 necessary for the implementation of this act<sup>1</sup>.