

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3678

STATE OF NEW JERSEY
221st LEGISLATURE

ADOPTED DECEMBER 16, 2024

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

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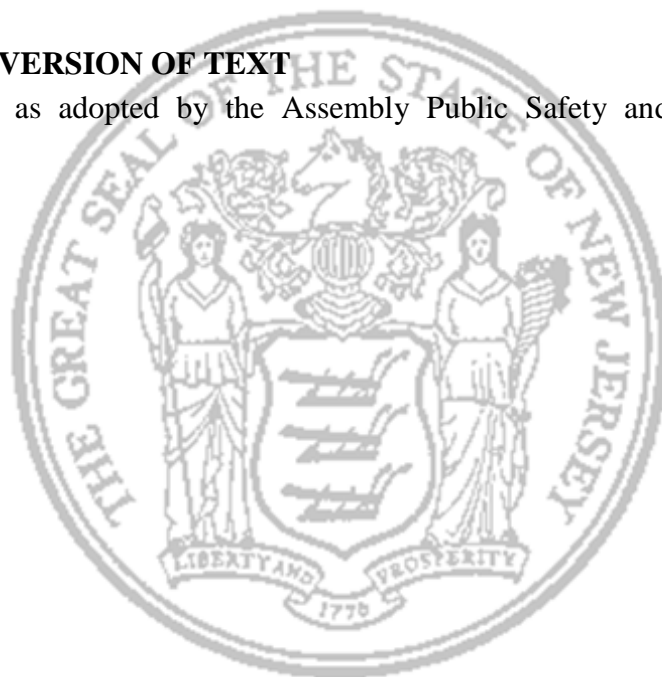
**Assemblywomen McCoy, Murphy, Tucker, Assemblyman Karabinchak,
Assemblywomen Donlon, Peterpaul and Assemblyman Freiman**

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Public Safety and Preparedness
Committee.



(Sponsorship Updated As Of: 1/30/2025)

1 AN ACT renaming the Juvenile Justice Commission and amending
2 the various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1982, c.77 (C.2A:4A-20) is amended to
8 read as follows:

9 1. This act shall be known and may be cited as the "New Jersey
10 Code of **【Juvenile】** Youth Justice."

11 (cf: P.L.1982, c.77, s.1)

12

13 2. Section 3 of P.L.1982, c.77 (C.2A:4A-22) is amended to
14 read as follows:

15 3. General definitions. As used in this act:

16 a. "Juvenile" means an individual who is under the age of 18
17 years.

18 b. "Adult" means an individual 18 years of age or older.

19 c. "Detention" means the temporary care of juveniles in
20 physically restricting facilities pending court disposition.

21 d. "Shelter care" means the temporary care of juveniles in
22 facilities without physical restriction pending court disposition.

23 e. "Commit" means to transfer legal custody to an institution.

24 f. "Guardian" means a person, other than a parent, to whom
25 legal custody of the child has been given by court order or who is
26 acting in the place of the parent or is responsible for the care and
27 welfare of the juvenile.

28 g. "Juvenile-family crisis" means behavior, conduct or a
29 condition of a juvenile, parent or guardian or other family member
30 which presents or results in (1) a serious threat to the well-being
31 and physical safety of a juvenile, or (2) a serious conflict between a
32 parent or guardian and a juvenile regarding rules of conduct which
33 has been manifested by repeated disregard for lawful parental
34 authority by a juvenile or misuse of lawful parental authority by a
35 parent or guardian, or (3) unauthorized absence by a juvenile for
36 more than 24 hours from his home, or (4) a pattern of repeated
37 unauthorized absences from school by a juvenile subject to the
38 compulsory education provision of Title 18A of the New Jersey
39 Statutes, or (5) an act which if committed by an adult would
40 constitute prostitution in violation of N.J.S.2C:34-1 or any offense
41 which the juvenile alleges is related to the juvenile being a victim
42 of human trafficking.

43 h. "Repetitive disorderly persons offense" means the second or
44 more disorderly persons offense committed by a juvenile on at least
45 two separate occasions and at different times.

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.

1 i. "Court" means the Superior Court, Chancery Division,
2 Family Part unless a different meaning is plainly required.

3 j. "Commission" means the **【Juvenile】 Youth** Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170).

6 (cf: P.L.2011, c.195, s.2)

7

8 3. Section 1 of P.L.2015, c.89 (C.2A:4A-26.1) is amended to read
9 as follows:

10 1. a. A prosecutor seeking waiver of jurisdiction of a juvenile
11 delinquency case by the Superior Court, Chancery Division, Family
12 Part to an appropriate court and prosecuting authority without the
13 consent of the juvenile shall file a motion within 60 days after the
14 receipt of the complaint, which time may be extended for good cause
15 shown. The motion shall be accompanied by a written statement of
16 reasons clearly setting forth the facts used in assessing all factors
17 contained in paragraph (3) of subsection c. of this section, together
18 with an explanation as to how evaluation of those facts support waiver
19 for each particular juvenile.

20 b. At a hearing, the court shall receive the evidence offered by the
21 State and by the juvenile. The State shall provide proof to satisfy the
22 requirements set forth in paragraphs (1) and (2) of subsection c. of this
23 section. The court also shall review whether the State considered the
24 factors set forth in paragraph (3) of subsection c. of this section.

25 c. Except as provided in paragraph (3) of this subsection, the
26 court shall waive jurisdiction of a juvenile delinquency case without
27 the juvenile's consent and shall refer the case to the appropriate court
28 and prosecuting authority having jurisdiction if:

29 (1) The juvenile was 15 years of age or older at the time of the
30 alleged delinquent act; and

31 (2) There is probable cause to believe that the juvenile committed
32 a delinquent act which if committed by an adult would constitute:

33 (a) criminal homicide, other than death by auto;

34 (b) strict liability for drug-induced deaths;

35 (c) first degree robbery;

36 (d) carjacking;

37 (e) aggravated sexual assault;

38 (f) sexual assault;

39 (g) second degree aggravated assault;

40 (h) kidnapping;

41 (i) aggravated arson;

42 (j) possession of a firearm with a purpose to use it unlawfully
43 against the person of another under subsection a. of N.J.S.2C:39-4, or
44 possession of a firearm while committing or attempting to commit,
45 including the immediate flight therefrom, aggravated assault,
46 aggravated criminal sexual contact, burglary, or escape;

47 (k) a violation of N.J.S.2C:35-3 (Leader of a Narcotics Trafficking
48 Network);

- 1 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
2 CDS Production Facility);
- 3 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
4 (Weapons Possession while Committing certain CDS Offenses);
- 5 (n) an attempt or conspiracy to commit any of the crimes
6 enumerated in subparagraphs (a) through (m) of this paragraph; or
- 7 (o) a crime committed at a time when the juvenile previously had
8 been sentenced and confined in an adult correctional facility.
- 9 (3) The court may deny a motion by the prosecutor to waive
10 jurisdiction of a juvenile delinquency case if it is clearly convinced
11 that the prosecutor abused his discretion in considering the following
12 factors in deciding whether to seek a waiver:
- 13 (a) The nature and circumstances of the offense charged;
- 14 (b) Whether the offense was against a person or property,
15 allocating more weight for crimes against the person;
- 16 (c) Degree of the juvenile's culpability;
- 17 (d) Age and maturity of the juvenile;
- 18 (e) Any classification that the juvenile is eligible for special
19 education to the extent this information is provided to the prosecution
20 by the juvenile or by the court;
- 21 (f) Degree of criminal sophistication exhibited by the juvenile;
- 22 (g) Nature and extent of any prior history of delinquency of the
23 juvenile and dispositions imposed for those adjudications;
- 24 (h) If the juvenile previously served a custodial disposition in a
25 State juvenile facility operated by the **[Juvenile] Youth** Justice
26 Commission, and the response of the juvenile to the programs
27 provided at the facility to the extent this information is provided to the
28 prosecution by the **[Juvenile] Youth** Justice Commission;
- 29 (i) Current or prior involvement of the juvenile with child welfare
30 agencies;
- 31 (j) Evidence of mental health concerns, substance use disorder, or
32 emotional instability of the juvenile to the extent this information is
33 provided to the prosecution by the juvenile or by the court; and
- 34 (k) If there is an identifiable victim, the input of the victim or
35 victim's family.
- 36 The Attorney General may develop for dissemination to the county
37 prosecutors those guidelines or directives deemed necessary or
38 appropriate to ensure the uniform application of this section
39 throughout the State.
- 40 d. An order waiving jurisdiction over a case and referring the case
41 to the appropriate court and prosecuting authority shall specify the
42 alleged act upon which the referral is based and all other delinquent
43 acts charged against the juvenile arising out of or related to the same
44 transaction.
- 45 e. Testimony of a juvenile at a hearing to determine referral under
46 this section shall not be admissible for any purpose in any subsequent
47 hearing to determine delinquency or guilt of any offense.

- 1 f. Upon waiver of jurisdiction and referral to the appropriate
2 court and prosecuting authority having jurisdiction:
- 3 (1) The case shall proceed as if it originated in that court and shall
4 be subject to the sentencing provisions available to that court;
5 provided, however, upon conviction for any offense which is subject to
6 waiver pursuant to paragraph (2) of subsection c. of this section, there
7 shall be a presumption that the juvenile shall serve any custodial
8 sentence imposed in a State juvenile facility operated by the
9 **【Juvenile】 Youth** Justice Commission until the juvenile reaches the
10 age of 21, except that:
- 11 (a) a juvenile who has not reached the age of 21 may, in the
12 discretion of the **【Juvenile】 Youth** Justice Commission, be transferred
13 to the Department of Corrections in accordance with the plan
14 established pursuant to subsection e. of section 7 of P.L.1995, c.284
15 (C.52:17B-175) and regulations adopted pursuant to that section; and
- 16 (b) a juvenile who has reached or exceeds the age of 21 may
17 continue to serve a sentence in a State juvenile facility operated by the
18 **【Juvenile】 Youth** Justice Commission in the discretion of the
19 **【Juvenile】 Youth** Justice Commission and if the juvenile so consents;
20 otherwise the juvenile shall serve the remainder of the custodial
21 sentence in a State correctional facility;
- 22 (2) If a juvenile is not convicted of an offense set forth in
23 paragraph (2) of subsection c. of this section, a conviction for any
24 other offense shall be deemed a juvenile adjudication and be remanded
25 to the Superior Court, Chancery Division, Family Part for disposition,
26 in accordance with the dispositional options available to that court and
27 all records related to the act of delinquency shall be subject to the
28 provisions of section 1 of P.L.1982, c.79 (C.2A:4A-60);
- 29 (3) With the consent of the defense and the prosecutor, at any point
30 in the proceedings subsequent to the decision ordering waiver the court
31 may remand to the Superior Court, Chancery Division, Family Part if
32 it appears that:
- 33 (a) the interests of the public and the best interests of the juvenile
34 require access to programs or procedures uniquely available to that
35 court; and
- 36 (b) the interests of the public are no longer served by waiver.
- 37 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
38 with the Attorney General, shall establish a program to collect, record,
39 and analyze data regarding waiver of jurisdiction of a juvenile
40 delinquency case by the Superior Court, Chancery Division, Family
41 Part to an appropriate court and prosecuting authority. In furtherance
42 of this program, the **【Juvenile】 Youth** Justice Commission shall, in
43 cooperation with the Administrative Office of the Courts, Attorney
44 General, and county prosecutors, collect data related to the decision to
45 seek waiver of jurisdiction of a juvenile delinquency case, which shall
46 include but not be limited to data concerning:
- 47 (a) youth demographics, including age, gender, race, and ethnicity;

1 (b) case characteristics, including the degree of the offense waived,
2 the degree of the offense convicted, and the final court resolution;

3 (c) case processing times; and

4 (d) waiver rates by race and ethnicity.

5 (2) The commission shall prepare and publish on its Internet
6 website biennial reports summarizing the data collected, recorded, and
7 analyzed pursuant to paragraph (1) of this subsection.

8 (3) The commission shall, pursuant to section 2 of P.L. 1991,
9 c.164 (C.52:14-19.1), biennially prepare and transmit to the Governor
10 and the Legislature the reports required in paragraph (2) of this
11 subsection, along with any recommendations the commission may
12 have for legislation concerning waiver of jurisdiction of juvenile
13 delinquency cases.

14 (cf: P.L.2023, c.177, s.1)

15

16 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
17 read as follows:

18 18. Place of detention or shelter. a. The **【Juvenile】 Youth**
19 Justice Commission established pursuant to section 2 of P.L.1995,
20 c.284 (C.52:17B-170) shall specify the place where a juvenile may
21 be detained; and the Department of Children and Families shall
22 specify where a juvenile may be placed in shelter.

23 b. No juvenile shall be placed in detention or shelter care in
24 any place other than that specified by the **【Juvenile】 Youth** Justice
25 Commission or Department of Children and Families as provided
26 in subsection a.

27 c. A juvenile being held for a charge under this act or for a
28 violation of or contempt in connection with a violation of Title 39
29 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
30 or N.J.S.2C:33-13, including a juvenile who has reached the age of
31 18 years after being charged, shall not be placed in any prison, jail
32 or lockup nor detained in any police station, except that if no other
33 facility is reasonably available a juvenile may be held in a police
34 station in a place other than one designed for the detention of
35 prisoners and apart from any adult charged with or convicted of a
36 crime for a brief period if such holding is necessary to allow release
37 to his parent, guardian, other suitable person, or approved facility.
38 No juvenile shall be placed in a detention facility which has reached
39 its maximum population capacity, as designated by the **【Juvenile】**
40 **Youth** Justice Commission.

41 d. No juvenile charged with delinquency shall be transferred to
42 an adult county jail solely by reason of having reached age 18. The
43 following standards shall apply to any juvenile who has been placed
44 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
45 and who violates the conditions of that probation after reaching the
46 age of 18; who has been placed on parole pursuant to the provisions
47 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)

1 and who violates the conditions of that parole after reaching the age
2 of 18; or who is arrested after reaching the age of 18 on a warrant
3 emanating from the commission of an act of juvenile delinquency:

4 (1) In the case of a person 18 years of age but less than 20 years
5 of age, the court, upon application by any interested party, shall
6 determine the place of detention, taking into consideration the age
7 and maturity of the person, whether the placement of the person in a
8 juvenile detention facility would present a risk to the safety of
9 juveniles residing at the facility, the likelihood that the person
10 would influence in a negative manner juveniles incarcerated at the
11 facility, whether the facility has sufficient space available for
12 juveniles and any other factor the court deems appropriate. Upon
13 application at any time by the juvenile detention facility
14 administrator or any other interested party, the court may order that
15 the person be relocated to the county jail. The denial of an
16 application shall not preclude subsequent applications based on a
17 change in circumstances or information that was not previously
18 made available to the court. The determination of the place of
19 detention shall be made in a summary manner;

20 (2) In the case of a person 20 years of age or older, the person
21 shall be incarcerated in the county jail unless good cause is shown.

22 e. (1) The **【Juvenile】** Youth Justice Commission and the
23 Department of Children and Families shall promulgate such rules
24 and regulations from time to time as deemed necessary to establish
25 minimum physical facility and program standards for juvenile
26 detention facilities or shelters under their respective supervision.

27 (2) The **【Juvenile】** Youth Justice Commission and the
28 Department of Children and Families, in consultation with the
29 appropriate county administrator of the county facility or shelter,
30 shall assign a maximum population capacity for each juvenile
31 detention facility or shelter based on minimum standards for these
32 facilities.

33 f. (1) Where either the **【Juvenile】** Youth Justice Commission or
34 the Department of Children and Families determines that a juvenile
35 detention facility or shelter under its control or authority is
36 regularly over the maximum population capacity or is in willful and
37 continuous disregard of the minimum standards for these facilities
38 or shelters, the commission or department may restrict new
39 admissions to the facility or shelter.

40 (2) Upon making such determination, the commission or
41 department shall notify the governing body of the appropriate
42 county of its decision to impose such a restriction, which
43 notification shall include a written statement specifying the reasons
44 therefor and corrections to be made. If the commission or
45 department shall determine that no appropriate action has been
46 initiated by the administrator of the facility or shelter within 60
47 days following such notification to correct the violations specified

1 in the notification, it shall order that such juvenile detention facility
2 or shelter shall immediately cease to admit juveniles. The county
3 shall be entitled to a hearing where such a restriction is imposed by
4 the commission or department.

5 (3) Any juvenile detention facility or shelter so restricted shall
6 continue under such order until such time as the commission or
7 department determines that the violation specified in the notice has
8 been corrected or that the facility or shelter has initiated actions
9 which will ensure the correction of said violations.

10 (4) Upon the issuance of an order to cease admissions to a
11 juvenile detention facility or shelter, the commission or department
12 shall determine whether other juvenile detention facilities or
13 shelters have adequate room for admitting juveniles and shall assign
14 the juveniles to the facilities or shelters on the basis of available
15 space; provided that the department shall not assign the juvenile to
16 a facility or shelter where such facility or shelter is at the maximum
17 population. A juvenile detention facility or shelter ordered to
18 accept a juvenile shall do so within five days following the receipt
19 of an order to accept admission of such juvenile.

20 (5) A juvenile detention facility or shelter restricted by an order
21 to cease admissions shall assume responsibility for the
22 transportation of a juvenile sent to another juvenile detention
23 facility or shelter so long as the order shall remain in effect.

24 (6) A facility or shelter receiving juveniles pursuant to
25 paragraph (4) of this subsection shall receive from the sending
26 county a reasonable and appropriate per diem allowance for each
27 juvenile sent to the facility, such allowance to be used for the
28 custody, care, maintenance, and any other services normally
29 provided by the county to juveniles in the facility or shelter and
30 which reflects all county expenditures in maintaining such juvenile,
31 including a proportionate share of all buildings and grounds costs,
32 personnel costs, including fringe benefits, administrative costs and
33 all other direct and indirect costs.

34 (7) The governing body of a county whose juvenile detention
35 facility or shelter has been prohibited from accepting new
36 admissions, and whose juveniles have been assigned to other
37 juvenile detention facilities or shelters, shall appropriate an amount
38 to pay the county receiving such juveniles for all expenses incurred
39 pursuant to paragraph (6) of this subsection.

40 (cf: P.L.2006, c.47, s.16)

41

42 5. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
43 read as follows:

44 23. Predispositional evaluation. a. Before making a disposition,
45 the court may refer the juvenile to an appropriate individual, agency
46 or institution for examination and evaluation.

47 b. In arriving at a disposition, the court may also consult with
48 such individuals and agencies as may be appropriate to the

1 juvenile's situation, including the county probation division, the
 2 Department of Children and Families, the **【Juvenile】 Youth** Justice
 3 Commission established pursuant to section 2 of P.L.1995, c.284
 4 (C.52:17B-170), the county youth services commission, school
 5 personnel, clergy, law enforcement authorities, family members and
 6 other interested and knowledgeable parties. In so doing, the court
 7 may convene a predispositional conference to discuss and
 8 recommend disposition.

9 c. (1) The predisposition report ordered pursuant to the Rules of
 10 Court may include a statement by the victim of the offense for
 11 which the juvenile has been adjudicated delinquent or by the nearest
 12 relative of a homicide victim. The statement may include the nature
 13 and extent of any physical harm or psychological or emotional harm
 14 or trauma suffered by the victim, the extent of any loss to include
 15 loss of earnings or ability to work suffered by the victim and the
 16 effect of the crime upon the victim's family. The probation division
 17 shall notify the victim or nearest relative of a homicide victim of his
 18 right to make a statement for inclusion in the predisposition report
 19 if the victim or relative so desires. Any statement shall be made
 20 within 20 days of notification by the probation division. The report
 21 shall further include information on the financial resources of the
 22 juvenile. This information shall be made available on request to the
 23 Victims of Crime Compensation **【Board】 Office** established
 24 pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3) or to any
 25 officer authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to
 26 collect payment of an assessment, restitution or fine.

27 (2) Any predisposition report prepared pursuant to this section
 28 shall include:

- 29 (a) an analysis of the circumstances attending the commission of
 30 the act;
- 31 (b) the impact of the offense on the community;
- 32 (c) the offender's history of delinquency or criminality;
- 33 (d) the offender's family situation;
- 34 (e) the offender's financial resources;
- 35 (f) the financial resources of the juvenile's parent or guardian;
- 36 (g) the information concerning the parent or guardian's exercise
 37 of supervision and control relevant to commission of the act; and
- 38 (h) in any case where the juvenile is charged with an act which
 39 if committed by an adult would constitute prostitution in violation
 40 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
 41 to the juvenile being a victim of human trafficking, the
 42 predisposition report may include any information relevant to the
 43 commission of the act.

44 Information concerning financial resources included in the report
 45 shall be made available to any officer authorized to collect payment
 46 on any assessment, restitution or fine.

47 (cf: P.L.2011, c.195, s.3)

1 6. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
2 read as follows:

3 24. Disposition of delinquency cases. a. In determining the
4 appropriate disposition for a juvenile adjudicated delinquent the
5 court shall weigh the following factors:

6 (1) The nature and circumstances of the offense;

7 (2) The degree of injury to persons or damage to property
8 caused by the juvenile's offense;

9 (3) The juvenile's age, previous record, prior social service
10 received, and out-of-home placement history;

11 (4) Whether the disposition supports family strength,
12 responsibility, and unity and the well-being and physical safety of
13 the juvenile;

14 (5) Whether the disposition provides for reasonable
15 participation by the child's parent, guardian, or custodian, provided,
16 however, that the failure of a parent or parents to cooperate in the
17 disposition shall not be weighed against the juvenile in arriving at
18 an appropriate disposition;

19 (6) Whether the disposition recognizes and treats the unique
20 physical, psychological, and social characteristics and needs of the
21 child;

22 (7) Whether the disposition contributes to the developmental
23 needs of the child, including the academic and social needs of the
24 child where the child has intellectual disabilities or learning
25 disabilities;

26 (8) Any other circumstances related to the offense and the
27 juvenile's social history as deemed appropriate by the court;

28 (9) The impact of the offense on the victim or victims;

29 (10) The impact of the offense on the community; and

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

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

38 (1) Adjourn formal entry of disposition of the case for a period
39 not to exceed 12 months for the purpose of determining whether the
40 juvenile makes a satisfactory adjustment, and if during the period of
41 continuance the juvenile makes such an adjustment, dismiss the
42 complaint;

43 (2) Release the juvenile to the supervision of the juvenile's
44 parent or guardian;

45 (3) Place the juvenile on probation to the chief probation officer
46 of the county or to any other suitable person who agrees to accept
47 the duty of probation supervision for a period not to exceed three

1 years upon such written conditions as the court deems will aid
2 rehabilitation of the juvenile;

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

6 (5) Place the juvenile under the care and responsibility of the
7 Department of Children and Families so that the commissioner may
8 designate a division or organizational unit in the department
9 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
10 providing services in or out of the home. Within 14 days, unless for
11 good cause shown, but not later than 30 days, the Department of
12 Children and Families shall submit to the court a service plan,
13 which shall be presumed valid, detailing the specifics of any
14 disposition order. The plan shall be developed within the limits of
15 fiscal and other resources available to the department. If the court
16 determines that the service plan is inappropriate, given existing
17 resources, the department may request a hearing on that
18 determination;

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

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

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

33 (9) Order the juvenile to make restitution to a person or entity
34 who has suffered loss resulting from personal injuries or damage to
35 property as a result of the offense for which the juvenile has been
36 adjudicated delinquent. The court may determine the reasonable
37 amount, terms, and conditions of restitution. If the juvenile
38 participated in the offense with other persons, the participants shall
39 be jointly and severally responsible for the payment of restitution.
40 The court shall not require a juvenile to make full or partial
41 restitution if the juvenile reasonably satisfies the court that the
42 juvenile does not have the means to make restitution and could not
43 reasonably acquire the means to pay restitution;

44 (10) Order that the juvenile perform community services under
45 the supervision of a probation division or other agency or individual
46 deemed appropriate by the court. Such services shall be
47 compulsory and reasonable in terms of nature and duration. Such
48 services may be performed without compensation, provided that any

1 money earned by the juvenile from the performance of community
2 services may be applied towards any payment of restitution or fine
3 which the court has ordered the juvenile to pay;

4 (11) Order that the juvenile participate in work programs which
5 are designed to provide job skills and specific employment training
6 to enhance the employability of job participants. Such programs
7 may be without compensation, provided that any money earned by
8 the juvenile from participation in a work program may be applied
9 towards any payment of restitution or fine which the court has
10 ordered the juvenile to pay;

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

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

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

23 (15) Order the parent or guardian of the juvenile to participate in
24 appropriate programs or services when the court has found either
25 that such person's omission or conduct was a significant
26 contributing factor towards the commission of the delinquent act,
27 or, under its authority to enforce litigant's rights, that such person's
28 omission or conduct has been a significant contributing factor
29 towards the ineffective implementation of a court order previously
30 entered in relation to the juvenile;

31 (16) (a) Place the juvenile in a nonresidential program operated
32 by a public or private agency, providing intensive services to
33 juveniles for specified hours, which may include education,
34 counseling to the juvenile and the juvenile's family if appropriate,
35 vocational training, employment counseling, work, or other
36 services;

37 (b) Place the juvenile under the custody of the **【Juvenile】 Youth**
38 Justice Commission established pursuant to section 2 of P.L.1995,
39 c.284 (C.52:17B-170) for placement with any private group home
40 or private residential facility with which the commission has
41 entered into a purchase of service contract;

42 (17) Instead of or in addition to any disposition made according
43 to this section, the court may postpone, suspend, or revoke for a
44 period not to exceed two years the driver's license, registration
45 certificate, or both of any juvenile who used a motor vehicle in the
46 course of committing an act for which the juvenile was adjudicated
47 delinquent. In imposing this disposition and in deciding the duration
48 of the postponement, suspension, or revocation, the court shall

1 consider the circumstances of the act for which the juvenile was
 2 adjudicated delinquent and the potential effect of the loss of driving
 3 privileges on the juvenile's ability to be rehabilitated. Any
 4 postponement, suspension, or revocation shall be imposed
 5 consecutively with any custodial commitment;

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

8 (19) Order a parent or guardian who has failed or neglected to
 9 exercise reasonable supervision or control of a juvenile who has
 10 been adjudicated delinquent to make restitution to any person or
 11 entity who has suffered a loss as a result of that offense. The court
 12 may determine the reasonable amount, terms, and conditions of
 13 restitution; or

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

17 c. (1) If the county in which the juvenile has been adjudicated
 18 delinquent has a juvenile detention facility meeting the physical and
 19 program standards established pursuant to this subsection by the
 20 **【Juvenile】 Youth** Justice Commission, the court may, in addition to
 21 any of the dispositions not involving placement out of the home
 22 enumerated in this section, incarcerate the juvenile in the youth
 23 detention facility in that county for a term not to exceed 60
 24 consecutive days. The decision by the court to incarcerate a
 25 juvenile shall be made in accordance with subsection i. of section 2
 26 of P.L.1982, c.77 (C.2A:4A-21). Counties which do not operate
 27 their own juvenile detention facilities may contract for the use of
 28 approved commitment programs with counties with which they
 29 have established agreements for the use of pre-disposition juvenile
 30 detention facilities. The **【Juvenile】 Youth** Justice Commission
 31 shall promulgate such rules and regulations from time to time as
 32 deemed necessary to establish minimum physical facility and
 33 program standards for the use of juvenile detention facilities
 34 pursuant to this subsection.

35 (2) A juvenile shall not be incarcerated in any county detention
 36 facility unless the county has entered into an agreement with the
 37 **【Juvenile】 Youth** Justice Commission concerning the use of the
 38 facility for sentenced juveniles. Upon agreement with the county,
 39 the **【Juvenile】 Youth** Justice Commission shall certify detention
 40 facilities which may receive juveniles sentenced pursuant to this
 41 subsection and shall specify the capacity of the facility that may be
 42 made available to receive such juveniles; provided, however, that in
 43 no event shall the number of juveniles incarcerated pursuant to this
 44 subsection exceed **【50%】 50 percent** of the maximum capacity of
 45 the facility.

- 1 (3) The court may fix a term of incarceration under this
2 subsection that is in accordance with subsection i. of section 2 of
3 P.L.1982, c.77 (C.2A:4A-21) and:
- 4 (a) The act for which the juvenile was adjudicated delinquent, if
5 committed by an adult, would have constituted a crime or repetitive
6 disorderly persons offense;
- 7 (b) Incarceration of the juvenile is consistent with the goals of
8 public safety, accountability, and rehabilitation and the court is
9 clearly convinced that the aggravating factors substantially
10 outweigh the mitigating factors as set forth in section 25 of
11 P.L.1982, c.77 (C.2A:4A-44); and
- 12 (c) The detention facility has been certified for admission of
13 adjudicated juveniles pursuant to paragraph (2).
- 14 (4) If as a result of incarceration of adjudicated juveniles
15 pursuant to this subsection, a county is required to transport a
16 predisposition juvenile to a juvenile detention facility in another
17 county, the costs of such transportation shall be borne by the
18 **[Juvenile] Youth Justice Commission.**
- 19 d. Whenever the court imposes a disposition upon an
20 adjudicated delinquent which requires the juvenile to perform a
21 community service, restitution, or to participate in any other
22 program provided for in this section other than subsection c., the
23 duration of the juvenile's mandatory participation in such
24 alternative programs shall extend for a period consistent with the
25 program goal for the juvenile and shall in no event exceed one year
26 beyond the maximum duration permissible for the delinquent if the
27 juvenile had been committed to a term of incarceration.
- 28 e. In addition to any disposition the court may impose pursuant
29 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
30 following orders shall be included in dispositions of the
31 adjudications set forth below:
- 32 (1) An order to perform community service pursuant to
33 paragraph (10) of subsection b. of this section for a period of at
34 least 60 days, if the juvenile has been adjudicated delinquent for an
35 act which, if committed by an adult, would constitute the crime of
36 theft of a motor vehicle, or the crime of unlawful taking of a motor
37 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
38 degree crime of eluding in violation of subsection b. of
39 N.J.S.2C:29-2; and
- 40 (2) (Deleted by amendment, P.L.2019, c.363)
- 41 (3) An order to perform community service pursuant to
42 paragraph (10) of subsection b. of this section for a period of at
43 least 30 days, if the juvenile has been adjudicated delinquent for an
44 act which, if committed by an adult, would constitute the fourth
45 degree crime of unlawful taking of a motor vehicle in violation of
46 subsection b. of N.J.S.2C:20-10.
- 47 (4) (Deleted by amendment, P.L.2019, c.363)
- 48 f. (1) (Deleted by amendment, P.L.2019, c.363)

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

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

3 g. Whenever the court imposes a disposition upon an
4 adjudicated delinquent which requires the juvenile to perform a
5 community service, restitution, or to participate in any other
6 program provided for in this section, the order shall include
7 provisions which provide balanced attention to the protection of the
8 community, accountability for offenses committed, fostering
9 interaction and dialogue between the offender, victim, and
10 community and the development of competencies to enable the
11 child to become a responsible and productive member of the
12 community.

13 (cf: P.L.2021, c.342, s.1)

14

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

17 8. a. In addition to any other disposition made pursuant to law,
18 a court shall order a juvenile charged with delinquency or
19 adjudicated delinquent for an act which, if committed by an adult
20 would constitute a crime, a disorderly persons offense or a petty
21 disorderly persons offense, to submit to an approved serological test
22 for acquired immune deficiency syndrome (AIDS) or infection with
23 the human immunodeficiency virus (HIV) or any other related virus
24 identified as a probable causative agent of AIDS if:

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

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

36 The court may order a juvenile to submit to an approved
37 serological test for AIDS or infection with the HIV or any other
38 related virus identified as a probable causative agent of AIDS if in
39 the course of the performance of any other law enforcement duties,
40 a law enforcement officer suffers a prick from a hypodermic needle,
41 provided that there is probable cause to believe that the defendant is
42 an intravenous user of controlled dangerous substances, or had
43 contact with the defendant which involved or was likely to involve
44 the transmission of bodily fluids. The court shall issue such an
45 order only upon the request of the law enforcement officer, victim
46 of the offense or other affected person made at the time of
47 indictment, charge or conviction. If a county prosecutor declines to
48 make such an application within 72 hours of being requested to do

1 so by the law enforcement officer, the law enforcement officer may
2 appeal to the Division of Criminal Justice in the Department of Law
3 and Public Safety for that officer to bring the application. The
4 juvenile shall be ordered by the court to submit to such repeat or
5 confirmatory tests as may be medically necessary.

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

22 c. (Deleted by amendment, P.L.2021, c.342)

23 d. The result of a test ordered pursuant to subsection a. of this
24 section shall be confidential and health care providers and
25 employees of the **【Juvenile】 Youth** Justice Commission, the Office
26 of Victim-Witness Advocacy, a health care facility or counseling
27 service shall not disclose the result of a test performed pursuant to
28 this section except as authorized herein or as otherwise authorized
29 by law or court order. The provisions of this section shall not be
30 deemed to prohibit disclosure of a test result to the person tested.

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

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

39 (cf: P.L.2021, c.342, s.2)

40
41 8. Section 25 of P.L.1982, c.77 (C.2A:4A-44) is amended to read
42 as follows:

43 25. Incarceration--Aggravating and mitigating factors

44 a. (1) In determining whether incarceration is an appropriate
45 disposition and in addition to the considerations set forth in subsection
46 i. of section 2 of P.L.1982, c.77 (C.2A:4A-21), the court shall consider
47 the following aggravating circumstances:

- 1 (a) The fact that the nature and circumstances of the act, and the
2 role of the juvenile therein, was committed in an especially heinous,
3 cruel, or depraved manner;
 - 4 (b) The fact that there was grave and serious harm inflicted on the
5 victim and that based upon the juvenile's age or mental capacity the
6 juvenile knew or reasonably should have known that the victim was
7 particularly vulnerable or incapable of resistance due to advanced age,
8 disability, ill-health, or extreme youth, or was for any other reason
9 substantially incapable;
 - 10 (c) The character and attitude of the juvenile indicate that the
11 juvenile is likely to commit another delinquent or criminal act;
 - 12 (d) The juvenile's prior record and the seriousness of any acts for
13 which the juvenile has been adjudicated delinquent;
 - 14 (e) The fact that the juvenile committed the act pursuant to an
15 agreement that the juvenile either pay or be paid for the commission of
16 the act and that the pecuniary incentive was beyond that inherent in the
17 act itself;
 - 18 (f) The fact that the juvenile committed the act against a
19 policeman or other law enforcement officer, correctional employee or
20 fireman, acting in the performance of his duties while in uniform or
21 exhibiting evidence of his authority, or the juvenile committed the act
22 because of the status of the victim as a public servant;
 - 23 (g) The need for deterring the juvenile and others from violating
24 the law;
 - 25 (h) The fact that the juvenile knowingly conspired with others as
26 an organizer, supervisor, or manager to commit continuing criminal
27 activity in concert with two or more persons and the circumstances of
28 the crime show that he has knowingly devoted himself to criminal
29 activity as part of an ongoing business activity;
 - 30 (i) The fact that the juvenile on two separate occasions was
31 adjudged a delinquent on the basis of acts which if committed by an
32 adult would constitute crimes;
 - 33 (j) The impact of the offense on the victim or victims;
 - 34 (k) The impact of the offense on the community; and
 - 35 (l) The threat to the safety of the public or any individual posed by
36 the child.
- 37 (2) In determining whether incarceration is an appropriate
38 disposition the court shall consider the following mitigating
39 circumstances:
- 40 (a) The child is under the age of 14;
 - 41 (b) The juvenile's conduct neither caused nor threatened serious
42 harm;
 - 43 (c) The juvenile did not contemplate that the juvenile's conduct
44 would cause or threaten serious harm;
 - 45 (d) The juvenile acted under a strong provocation;
 - 46 (e) There were substantial grounds tending to excuse or justify the
47 juvenile's conduct, though failing to establish a defense;

- 1 (f) The victim of the juvenile's conduct induced or facilitated its
2 commission;
- 3 (g) The juvenile has compensated or will compensate the victim
4 for the damage or injury that the victim has sustained, or will
5 participate in a program of community service;
- 6 (h) The juvenile has no history of prior delinquency or criminal
7 activity or has led a law-abiding life for a substantial period of time
8 before the commission of the present act;
- 9 (i) The juvenile's conduct was the result of circumstances unlikely
10 to recur;
- 11 (j) The character and attitude of the juvenile indicate that the
12 juvenile is unlikely to commit another delinquent or criminal act;
- 13 (k) The juvenile is particularly likely to respond affirmatively to
14 noncustodial treatment;
- 15 (l) The separation of the juvenile from the juvenile's family by
16 incarceration of the juvenile would entail excessive hardship to the
17 juvenile or the juvenile's family;
- 18 (m) The willingness of the juvenile to cooperate with law
19 enforcement authorities; and
- 20 (n) The conduct of the juvenile was substantially influenced by
21 another person more mature than the juvenile.
- 22 b. (1) There shall be a presumption of nonincarceration for any
23 crime or offense of the fourth degree or less committed by a juvenile
24 who has not previously been adjudicated delinquent or convicted of a
25 crime or offense.
- 26 (2) Where incarceration is imposed, the court and a panel
27 comprised of at least two members of the **[Juvenile] Youth** Justice
28 Commission designated by the executive director and a member of the
29 State Parole Board designated by the chairman shall consider the
30 juvenile's eligibility for release pursuant to the provisions of
31 subsection d. of this section.
- 32 c. The following juveniles shall not be committed to a State
33 juvenile facility:
- 34 (1) Juveniles age 11 or under unless adjudicated delinquent for the
35 crime of arson or a crime which, if committed by an adult, would be a
36 crime of the first or second degree; and
- 37 (2) Juveniles who are developmentally disabled as defined in
38 paragraph (1) of subsection a. of section 3 of P.L.1977, c.82 (C.30:6D-
39 3).
- 40 d. (1) When the court determines that, based on the consideration
41 of all the factors set forth in subsection a., the juvenile shall be
42 incarcerated, unless it orders the incarceration pursuant to subsection
43 c. of section 24 of P.L.1982, c.77 (C.2A:4A-43), it shall state on the
44 record the reasons for imposing incarceration, including any findings
45 with regard to these factors, and commit the juvenile to the custody of
46 the **[Juvenile] Youth** Justice Commission which shall provide for the
47 juvenile's placement in a suitable juvenile facility pursuant to the
48 conditions set forth in this subsection and for terms not to exceed the

1 maximum terms as provided herein for what would constitute the
 2 following crimes if committed by an adult:

- 3 (a) Murder under 2C:11-3a(1) or (2) 20 years
- 4 (b) Murder under 2C:11-3a(3) 10 years
- 5 (c) Crime of the first degree, except murder 4 years
- 6 (d) Crime of the second degree 3 years
- 7 (e) Crime of the third degree 2 years
- 8 (f) Crime of the fourth degree 1 year
- 9 (g) Disorderly persons offense 6 months

10 (2) The period of confinement shall continue until the panel
 11 established pursuant to subsection b. of this section determines that the
 12 person is eligible for early release on parole or until expiration of the
 13 term of confinement, whichever shall occur first; except that in no case
 14 shall the period of confinement and parole exceed the maximum
 15 provided by law for the offense. A juvenile shall be granted early
 16 release on parole when it appears that the juvenile has made
 17 substantial progress toward positive behavioral adjustment and
 18 rehabilitative goals articulated by the panel established pursuant to
 19 subsection b. of this section to the juvenile. However, if a juvenile is
 20 approved for parole by the panel established pursuant to subsection b.
 21 of this section prior to serving one-third of any term imposed for any
 22 crime of the first, second, or third degree, including any extended term
 23 imposed pursuant to paragraph (3) or (4) of this subsection, or one-
 24 fourth of any term imposed for any other crime the granting of parole
 25 shall be subject to approval of the sentencing court. Prior to approving
 26 parole, the court shall give the prosecuting attorney notice and an
 27 opportunity to be heard. If the court denies the parole of a juvenile
 28 pursuant to this paragraph it shall state its reasons in writing and notify
 29 the panel established pursuant to subsection b. of this section, the
 30 juvenile, and the juvenile's attorney. The court shall have 30 days from
 31 the date of notice of the pending parole to exercise the power granted
 32 under this paragraph. If the court does not respond within that time
 33 period, the parole will be deemed approved.

34 The panel established pursuant to subsection b. of this section shall
 35 determine at the time of release the conditions of parole, which shall
 36 be appropriately tailored to the needs of each juvenile. Any conditions
 37 imposed at the time of release or modified thereafter as a graduated
 38 intervention in lieu of initiating parole revocation proceedings shall
 39 constitute the least restrictive alternatives necessary to promote the
 40 successful return of the juvenile to the community. The juvenile shall
 41 not be required to enter or complete a residential community release
 42 program, residential treatment program, or other out-of-home
 43 placement as a condition of parole unless it is determined that the
 44 condition is necessary to protect the safety of the juvenile.

45 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
 46 seq.) who is released on parole prior to the expiration of the juvenile's
 47 maximum term may be retained under parole supervision for a period
 48 not exceeding the unserved portion of the term. The panel established

1 pursuant to subsection b. of this section, the juvenile, the juvenile's
2 attorney, the juvenile's parent or guardian or, with leave of the court
3 any other interested party, may make a motion to the court, with notice
4 to the prosecuting attorney, for the return of the juvenile from a
5 juvenile facility prior to the juvenile's parole and provide for an
6 alternative disposition which would not exceed the duration of the
7 original time to be served in the facility.

8 (3) Upon application by the prosecutor, the court may sentence a
9 juvenile who has been convicted of a crime of the first, second, or
10 third degree if committed by an adult, to an extended term of
11 incarceration beyond the maximum set forth in paragraph (1) of this
12 subsection, if it finds that the juvenile was previously adjudged
13 delinquent on at least two separate occasions, for offenses which, if
14 committed by an adult, would constitute a crime of the first or second
15 degree. The extended term shall not exceed five additional years for an
16 act which would constitute murder and shall not exceed three
17 additional years for all other crimes of the first degree and shall not
18 exceed two additional years for a crime of the second degree, if
19 committed by an adult, and one additional year for a crime of the third
20 degree, if committed by an adult.

21 (4) Upon application by the prosecutor, when a juvenile is before
22 the court at one time for disposition of three or more unrelated
23 offenses which, if committed by an adult, would constitute crimes of
24 the first, second or third degree and which are not part of the same
25 transaction, the court may sentence the juvenile to an extended term of
26 incarceration not to exceed the maximum of the permissible term for
27 the most serious offense for which the juvenile has been adjudicated
28 plus two additional years.

29 (5) The panel established pursuant to subsection b. of this section
30 may impose a term of post-incarceration supervision following the
31 juvenile's release from custody only if it is deemed necessary to
32 effectuate the juvenile's rehabilitation and reintegration into society.
33 Post-incarceration supervision shall not exceed six months, except the
34 term may be extended for an additional six months if the panel
35 established pursuant to subsection b. of this section deems
36 continuation of the post-incarceration supervision necessary to
37 effectuate the juvenile's rehabilitation and reintegration into society.
38 Post-incarceration supervision shall not exceed one year. Post-
39 incarceration supervision shall not be imposed on any juvenile who
40 has completed a period of parole supervision of six months or more.
41 The term of post-incarceration supervision shall commence on the date
42 of the expiration of the juvenile's maximum sentence. During the term
43 of post-incarceration supervision the juvenile shall remain in the
44 community and in the legal custody of the commission. The juvenile
45 shall not be required to enter or complete a residential community
46 release program, residential treatment program, or other out-of-home
47 placement as a condition of post-incarceration supervision. A term of
48 post-incarceration supervision imposed pursuant to this paragraph may

1 be terminated by the panel established pursuant to subsection b. of this
2 section or court if the juvenile has made a satisfactory adjustment in
3 the community while under supervision and if continued supervision is
4 not required.

5 (6) The commission shall review the case of each juvenile
6 sentenced to a term of commitment with the commission at least every
7 three months and submit a status report to the court, the prosecutor,
8 and the counsel for the juvenile. The commission's review and status
9 report shall include, but not be limited to:

- 10 (a) information on the treatment, care, and custody of the juvenile;
11 (b) whether the juvenile is receiving the mental health, substance
12 use disorder, educational, and other rehabilitative services necessary to
13 promote the juvenile's successful reintegration into the community;
14 (c) any incidents of violence involving the juvenile; and
15 (d) the juvenile's eligibility for parole.

16 Counsel for the juvenile shall have the opportunity to respond to
17 the report required pursuant to this paragraph.

18 The commission shall continue to submit quarterly reports to the
19 court until the juvenile is paroled or released at the expiration of the
20 term of incarceration and shall resume the quarterly reviews if the
21 juvenile is returned to the custody of the commission. The court may
22 conduct a hearing at any time to determine whether commitment with
23 the commission continues to be appropriate pursuant to section 24 of
24 P.L.1982, c.77 (C.2A:4A-43) and section 25 of P.L.1982, c.77
25 (C.2A:4A-44), and may release the juvenile or otherwise modify the
26 dispositional order. Nothing in this paragraph shall abrogate the
27 court's retention of jurisdiction pursuant to section 26 of P.L.1982,
28 c.77 (C.2A:4A-45).

29 e. If the panel established pursuant to subsection b. of this section
30 determines there is probable cause to believe that the juvenile has
31 seriously or persistently violated the terms and conditions of parole,
32 the commission shall conduct a hearing to determine if the juvenile's
33 parole should be revoked. The juvenile shall be represented by
34 counsel at the hearing. The hearing shall be conducted by a hearing
35 officer who is licensed as an attorney-at-law in this State. The juvenile
36 shall not be incarcerated prior to the hearing unless the panel
37 established pursuant to subsection b. of this section determines by
38 objective and credible evidence that the juvenile poses an immediate
39 and substantial danger to public safety. If the juvenile is incarcerated
40 prior to the hearing, the hearing shall be held within 72 hours of the
41 juvenile's return to custody and a written decision made and
42 transmitted to the juvenile and the juvenile's counsel within 48 hours
43 of the hearing. Upon request of counsel for the juvenile, the hearing
44 officer shall adjourn the hearing for not more than 72 hours.
45 Subsequent adjournments may be granted upon request of the juvenile
46 and good cause shown.

1 The panel established pursuant to subsection b. of this section shall
2 not revoke the parole of a juvenile unless the hearing officer
3 determines, by clear and convincing evidence, that:

4 (1) the juvenile has seriously or persistently violated the conditions
5 of parole;

6 (2) the juvenile poses a substantial danger to public safety and no
7 form of community-based supervision would alleviate that danger; and

8 (3) revocation is consistent with the provisions of section 2 of
9 P.L.1982, c.77 (C.2A:4A-21).

10 The procedures and standards set forth in sections 15 through 21 of
11 P.L.1979, c.441 (C.30:4-123.59 through C.30:4-123.65) shall apply to
12 juvenile parole revocation hearings, unless the procedures and
13 standards conflict with those set forth in this subsection.

14 Notwithstanding a determination that the juvenile violated a
15 condition of parole, the panel established pursuant to subsection b. of
16 this section may modify those conditions.

17 f. The panel established pursuant to subsection b. of this section
18 may relieve a juvenile of any parole conditions, and may permit a
19 parolee to reside outside the State pursuant to the provisions of the
20 Interstate Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4),
21 and after providing notice to the Attorney General, may consent to the
22 supervision of a parolee by the federal government pursuant to the
23 federal Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521
24 et seq.). The panel established pursuant to subsection b. of this section
25 may revoke permission, except in the case of a juvenile under the
26 Witness Security Reform Act, or reinstate relieved parole conditions
27 for any period of time during which a juvenile is under its jurisdiction.

28 g. The commission shall promulgate rules and regulations
29 governing the commission's duties and responsibilities concerning
30 parole eligibility, supervision, and revocation.

31 h. The member of the State Parole Board who is designated by
32 the chairman to be on the panel established pursuant to subsection b.
33 of this section shall have experience in juvenile justice or have
34 successfully completed a juvenile justice training program to be
35 established by the chairman. The training program shall be comprised
36 of seven hours of instruction including, but not limited to: emerging
37 scientific knowledge concerning adolescent development, particularly
38 adolescent brain function and how adolescent development relates to
39 incarcerated youth, the influence of peer relationships among
40 adolescents and peer contagion effects, and the effects of juvenile
41 crime on victims.

42 i. Any decision concerning parole made by the panel established
43 pursuant to subsection b. of this section shall be unanimous.

44 (cf: P.L.2023, c.177, s.2)

45
46 9. Section 1 of P.L.1992, c.211 (C.2A:4A-44.1) is amended to
47 read as follows:

1 1. The **【Juvenile】 Youth** Justice Commission established
2 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) may enter
3 into an agreement with any county concerning the use of that
4 county's juvenile detention facility for the housing of juveniles the
5 court has placed under the custody of the commission for placement
6 in State correctional facilities only if the county's juvenile detention
7 facility is not over its maximum rated capacity.

8 Unless the contract otherwise provides or the commission so
9 directs in order to provide for the secure and orderly operation of
10 the facility, a juvenile placed in a county detention facility pursuant
11 to the provisions of this act shall not be segregated from the
12 juveniles otherwise placed in the county detention facility or
13 excluded from any program or activity offered in that facility.

14 Any contract entered into pursuant to this section shall ensure
15 that educational, vocational, mental health, health and rehabilitative
16 services are provided to the juveniles and that these services are, at
17 minimum, equivalent to those provided to adjudicated juveniles in
18 State-operated facilities.

19 (cf: P.L.1995, c.280, s.12)

20

21 10. Section 2 of P.L.2020, c.111 (C.2A:4A-44.2) is amended to
22 read as follows:

23 2. a. Except as provided in subsection b. of this section, the
24 award of public health emergency credits pursuant to section 1 of
25 P.L.2020, c.111 (C.30:4-123.100) shall apply to any juvenile
26 serving a sentence in a State correctional facility operated by the
27 **【Juvenile】 Youth** Justice Commission who due to the expiration of
28 the juvenile's term of commitment is scheduled to be released from
29 custody within 365 days .

30 b. Public health emergency credits shall not be awarded to any
31 juvenile serving a sentence in a State correctional facility operated
32 by the **【Juvenile】 Youth** Justice Commission for:

33 (1) murder pursuant to N.J.S.2C:11-3;

34 (2) aggravated sexual assault pursuant to subsection a. of
35 N.J.S.2C:14-2; or

36 (3) any offense enumerated in N.J.S.2C:47-1 and who is deemed
37 a repetitive, compulsive sex offender.

38 c. A juvenile who was serving a sentence in a State
39 correctional facility operated by the **【Juvenile】 Youth** Justice
40 Commission during the Public Health Emergency and State of
41 Emergency declared by the Governor in Executive Order 103 of
42 2020 concerning the coronavirus disease 2019 pandemic shall
43 receive public health emergency credits in accordance with section
44 1 of P.L.2020, c.111 (C.30:4-123.100).

45 d. A juvenile scheduled to be released from the custody of the
46 **【Juvenile】 Youth** Justice Commission following an award of public
47 health emergency credits pursuant to section 1 of P.L.2020, c.111

1 (C.30:4-123.100) shall be released on the scheduled release date
2 based on the award of public health emergency credits.

3 e. (1) Notwithstanding the provisions of subsection d. of this
4 section, a juvenile scheduled to be released from the custody of the
5 **【Juvenile】 Youth** Justice Commission following an award of public
6 health emergency credits pursuant to section 1 of P.L.2020, c.111
7 (C.30:4-123.100) whose scheduled release date is less than 45 days
8 after the effective date of P.L.2020, c.111 (C.30:4-123.100 et al.)
9 shall be released within 45 days after the effective date, in order to
10 allow the **【Juvenile】 Youth** Justice Commission to devise and
11 implement a release plan for the juvenile and arrange for services to
12 be provided to the juvenile upon release.

13 (2) A juvenile who is released from custody following an award
14 of public health emergency credits pursuant to this section shall be
15 prohibited from making contact with a victim as set forth in section
16 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
17 remain in force until the time that the juvenile was scheduled to be
18 released prior to the award of public health emergency credits.

19 f. Prior to releasing a juvenile from the custody of the
20 **【Juvenile】 Youth** Justice Commission following an award of public
21 health emergency credits pursuant to section 1 of P.L.2020, c.111
22 (C.30:4-123.100), the Executive Director of the **【Juvenile】 Youth**
23 Justice Commission shall:

24 (1) notify the juvenile in writing of the prohibition against
25 making contact with any victim of the crime for which the juvenile
26 was serving a sentence pursuant to section 5 of P.L.2020, c.111
27 (C.30:4-123.103);

28 (2) notify the juvenile that a violation of the prohibition against
29 contact with the victim is a crime of the fourth degree; and

30 (3) require the juvenile to acknowledge in writing the receipt of
31 the notifications provided pursuant to this subsection.

32 (cf: P.L.2020, c.111, s.2)

33

34 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
35 read as follows:

36 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
37 Commission shall immediately identify any juvenile who is
38 scheduled to be released from the custody of the **【Juvenile】 Youth**
39 Justice Commission within 365 days as a result of the award of
40 public health emergency credits pursuant to section 1 of P.L.2020,
41 c.111 (C.30:4-123.100).

42 b. Notwithstanding any provisions of law to the contrary, the
43 Executive Director of the **【Juvenile】 Youth** Justice Commission
44 shall provide notice to the prosecutor of the county in which the
45 juvenile was adjudicated delinquent or the Attorney General if the
46 matter was prosecuted by the Attorney General. The notice shall
47 include:

- 1 (1) the name of any juvenile who, due to the expiration of the
2 juvenile's term of commitment, is scheduled to be released from the
3 custody of the **【Juvenile】 Youth** Justice Commission within 365
4 days as a result of the award of public health emergency credits;
- 5 (2) the date on which the juvenile is scheduled to be released
6 from custody based on the award of public health emergency
7 credits; and
- 8 (3) the date on which the juvenile was scheduled to be released
9 from custody prior to the award of public health emergency credits.
- 10 c. The Executive Director of the **【Juvenile】 Youth** Justice
11 Commission shall make available to the public on the Internet
12 website of the **【Juvenile】 Youth** Justice Commission, in both
13 English and Spanish, information concerning:
- 14 (1) the procedures for filing an application for a restraining
15 order pursuant to the "Prevention of Domestic Violence Act of
16 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);
- 17 (2) resources for victims of domestic violence; and
- 18 (3) procedures for filing with the court a petition to dissolve the
19 prohibition established pursuant to section 5 of P.L.2020, c.111
20 (C.30:4-123.103) prohibiting a juvenile from making contact with
21 any victim of the crime for which the juvenile was serving a
22 sentence.
23 (cf: P.L.2020, c.111, s.6)
24
- 25 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
26 read as follows:
- 27 7. Notwithstanding the provisions of any law to the contrary,
28 upon receipt of notice from the Executive Director of the
29 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
30 to be released from the custody of the **【Juvenile】 Youth** Justice
31 Commission within 365 days based on the award of public health
32 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
33 123.100), the prosecutor or Attorney General, prior to the juvenile's
34 scheduled release date, may:
- 35 a. use any reasonable means available to notify any identifiable
36 victim of the crime for which the juvenile is serving a sentence in a
37 State correctional facility operated by the **【Juvenile】 Youth** Justice
38 Commission of the juvenile's scheduled release date;
- 39 b. notify the identifiable victim that the law prohibits the
40 juvenile from having any contact with the victim unless a petition is
41 filed with the court to dissolve the prohibition in accordance with
42 the procedures established by the court;
- 43 c. notify the victim of the duration of the prohibition against
44 the juvenile having contact with the victim;
- 45 d. notify the victim of the penalties imposed for the juvenile's
46 violation of the prohibition against contact;

- 1 e. provide information to the victim concerning how a petition
2 may be filed with the court to dissolve the prohibition against the
3 juvenile having contact with the victim; and
- 4 f. provide information to the victim concerning the procedures
5 for filing an application for a restraining order pursuant to the
6 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
7 (C.2C:25-17 et seq.), and resources for victims of domestic
8 violence.
9 (cf: P.L.2020, c.111, s.7)

10

11 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
12 read as follows:

13 1. Disclosure of juvenile information; penalties for disclosure.

14 a. Social, medical, psychological, legal and other records of the
15 court and probation division, and records of law enforcement
16 agencies, pertaining to juveniles charged as a delinquent or found to
17 be part of a juvenile-family crisis, shall be strictly safeguarded from
18 public inspection. Such records shall be made available only to:

19 (1) Any court or probation division;

20 (2) The Attorney General or county prosecutor;

21 (3) The parents or guardian and to the attorney of the juvenile;

22 (4) The Department of Human Services or Department of
23 Children and Families, if providing care or custody of the juvenile;

24 (5) Any institution or facility to which the juvenile is currently
25 committed or in which the juvenile is placed;

26 (6) Any person or agency interested in a case or in the work of
27 the agency keeping the records, by order of the court for good cause
28 shown, except that information concerning adjudications of
29 delinquency, records of custodial confinement, payments owed on
30 assessments imposed pursuant to section 2 of P.L.1979, c.396
31 (C.2C:43-3.1) or restitution ordered following conviction of a crime
32 or adjudication of delinquency, and the juvenile's financial
33 resources, shall be made available upon request to the Victims of
34 Crime Compensation Agency established pursuant to section 2 of
35 P.L.2007, c.95 (C.52:4B-3.2), which shall keep such information
36 and records confidential;

37 (7) The **【Juvenile】** Youth Justice Commission established
38 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170);

39 (8) Law enforcement agencies for the purpose of reviewing
40 applications for a permit to purchase a handgun or firearms
41 purchaser identification card;

42 (9) Any potential party in a subsequent civil action for damages
43 related to an act of delinquency committed by a juvenile, including
44 the victim or a member of the victim's immediate family, regardless
45 of whether the action has been filed against the juvenile; provided,
46 however, that records available under this paragraph shall be
47 limited to official court documents, such as complaints, pleadings
48 and orders, and that such records may be disclosed by the recipient

1 only in connection with asserting legal claims or obtaining
 2 indemnification on behalf of the victim or the victim's family and
 3 otherwise shall be safeguarded from disclosure to other members of
 4 the public. Any potential party in a civil action related to the
 5 juvenile offense may file a motion with the civil trial judge seeking
 6 to have the juvenile's social, medical or psychological records
 7 admitted into evidence in a civil proceeding for damages;

8 (10) Any potential party in a subsequent civil action for
 9 damages related to an act of delinquency committed by a juvenile,
 10 including the victim or a member of the victim's immediate family,
 11 regardless of whether the action has been filed against the juvenile;
 12 provided, however, that records available under this paragraph shall
 13 be limited to police or investigation reports concerning acts of
 14 delinquency, which shall be disclosed by a law enforcement agency
 15 only with the approval of the County Prosecutor's Office or the
 16 Division of Criminal Justice. Prior to disclosure, all personal
 17 information regarding all individuals, other than the requesting
 18 party and the arresting or investigating officer, shall be redacted.
 19 Such records may be disclosed by the recipient only in connection
 20 with asserting legal claims or obtaining indemnification on behalf
 21 of the victim or the victim's family, and otherwise shall be
 22 safeguarded from disclosure to other members of the public;

23 (11) The Office of the Child Advocate established pursuant to
 24 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
 25 information received by the child advocate pursuant to this
 26 paragraph shall be in accordance with the provisions of section 76
 27 of P.L.2005, c.155 (C.52:27EE-76);

28 (12) Law enforcement agencies with respect to information
 29 available on the juvenile central registry maintained by the courts
 30 pursuant to subsection g. of this section, including, but not limited
 31 to: records of official court documents, such as complaints,
 32 pleadings and orders for the purpose of obtaining juvenile arrest
 33 information; juvenile disposition information; juvenile pretrial
 34 information; and information concerning the probation status of a
 35 juvenile; and

36 (13) A Court Appointed Special Advocate as defined in section
 37 1 of P.L.2009, c.217 (C.2A:4A-92).

38 b. Records of law enforcement agencies may be disclosed for
 39 law enforcement purposes, or for the purpose of reviewing
 40 applications for a permit to purchase a handgun or a firearms
 41 purchaser identification card to any law enforcement agency of this
 42 State, another state or the United States, and the identity of a
 43 juvenile under warrant for arrest for commission of an act that
 44 would constitute a crime if committed by an adult may be disclosed
 45 to the public when necessary to execution of the warrant.

46 c. At the time of charge, adjudication or disposition,
 47 information as to the identity of a juvenile charged with an offense,

- 1 the offense charged, the adjudication and disposition shall, upon
2 request, be disclosed to:
- 3 (1) The victim or a member of the victim's immediate family;
 - 4 (2) (Deleted by amendment, P.L.2005, c.165).
 - 5 (3) On a confidential basis, the principal of the school where the
6 juvenile is enrolled for use by the principal and such members of
7 the staff and faculty of the school as the principal deems
8 appropriate for maintaining order, safety or discipline in the school
9 or to planning programs relevant to the juvenile's educational and
10 social development, provided that no record of such information
11 shall be maintained except as authorized by regulation of the
12 Department of Education; or
 - 13 (4) A party in a subsequent legal proceeding involving the
14 juvenile, upon approval by the court.
- 15 d. A law enforcement or prosecuting agency shall, at the time
16 of a charge, adjudication or disposition, send written notice to the
17 principal of the school where the juvenile is enrolled of the identity
18 of the juvenile charged, the offense charged, the adjudication and
19 the disposition if:
- 20 (1) The offense occurred on school property or a school bus,
21 occurred at a school-sponsored function or was committed against
22 an employee or official of the school; or
 - 23 (2) The juvenile was taken into custody as a result of
24 information or evidence provided by school officials; or
 - 25 (3) The offense, if committed by an adult, would constitute a
26 crime, and the offense:
 - 27 (a) resulted in death or serious bodily injury or involved an
28 attempt or conspiracy to cause death or serious bodily injury; or
 - 29 (b) involved the unlawful use or possession of a firearm or other
30 weapon; or
 - 31 (c) involved the unlawful manufacture, distribution or
32 possession with intent to distribute a controlled dangerous
33 substance or controlled substance analog; or
 - 34 (d) was committed by a juvenile who acted with a purpose to
35 intimidate an individual or group of individuals because of race,
36 color, religion, sexual orientation or ethnicity; or
 - 37 (e) would be a crime of the first, second, or third degree.
- 38 Information provided to the principal pursuant to this subsection
39 shall be maintained by the school and shall be treated as
40 confidential but may be made available to such members of the staff
41 and faculty of the school as the principal deems appropriate for
42 maintaining order, safety or discipline in the school or for planning
43 programs relevant to a juvenile's educational and social
44 development.
- 45 e. Nothing in this section prohibits a law enforcement or
46 prosecuting agency from providing the principal of a school with
47 information identifying one or more juveniles who are under
48 investigation or have been taken into custody for commission of any

1 act that would constitute an offense if committed by an adult when
 2 the law enforcement or prosecuting agency determines that the
 3 information may be useful to the principal in maintaining order,
 4 safety or discipline in the school or in planning programs relevant
 5 to the juvenile's educational and social development. Information
 6 provided to the principal pursuant to this subsection shall be treated
 7 as confidential but may be made available to such members of the
 8 staff and faculty of the school as the principal deems appropriate for
 9 maintaining order, safety or discipline in the school or for planning
 10 programs relevant to the juvenile's educational and social
 11 development. No information provided pursuant to this section
 12 shall be maintained.

13 f. Information as to the identity of a juvenile adjudicated
 14 delinquent, the offense, the adjudication and the disposition shall be
 15 disclosed to the public where the offense for which the juvenile has
 16 been adjudicated delinquent if committed by an adult, would
 17 constitute a crime of the first, second or third degree, or aggravated
 18 assault, destruction or damage to property to an extent of more than
 19 \$500.00, unless upon application at the time of disposition the
 20 juvenile demonstrates a substantial likelihood that specific and
 21 extraordinary harm would result from such disclosure in the specific
 22 case. Where the court finds that disclosure would be harmful to the
 23 juvenile, the reasons therefor shall be stated on the record.

24 g. (1) Nothing in this section shall prohibit the establishment
 25 and maintaining of a central registry of the records of law
 26 enforcement agencies relating to juveniles for the purpose of
 27 exchange between State and local law enforcement agencies and
 28 prosecutors of this State, another state, or the United States. These
 29 records of law enforcement agencies shall be available on a 24-hour
 30 basis.

31 (2) Certain information and records relating to juveniles in the
 32 central registry maintained by the courts, as prescribed in paragraph
 33 (12) of subsection a. of this section, shall be available to State and
 34 local law enforcement agencies and prosecutors on a 24-hour basis.

35 h. Whoever, except as provided by law, knowingly discloses,
 36 publishes, receives, or makes use of or knowingly permits the
 37 unauthorized use of information concerning a particular juvenile
 38 derived from records listed in subsection a. or acquired in the
 39 course of court proceedings, probation, or police duties, shall, upon
 40 conviction thereof, be guilty of a disorderly persons offense.

41 i. Juvenile delinquency proceedings.

42 (1) Except as provided in paragraph (2) of this subsection, the
 43 court may, upon application by the juvenile or his parent or
 44 guardian, the prosecutor or any other interested party, including the
 45 victim or complainant or members of the news media, permit public
 46 attendance during any court proceeding at a delinquency case,
 47 where it determines that a substantial likelihood that specific harm
 48 to the juvenile would not result. The court shall have the authority

1 to limit and control attendance in any manner and to the extent it
2 deems appropriate;

3 (2) The court or, in cases where the county prosecutor has
4 entered an appearance, the county prosecutor shall notify the victim
5 or a member of the victim's immediate family of any court
6 proceeding involving the juvenile and the court shall permit the
7 attendance of the victim or family member at the proceeding except
8 when, prior to completing testimony as a witness, the victim or
9 family member is properly sequestered in accordance with the law
10 or the Rules Governing the Courts of the State of New Jersey or
11 when the juvenile or the juvenile's family member shows, by clear
12 and convincing evidence, that such attendance would result in a
13 substantial likelihood that specific harm to the juvenile would result
14 from the attendance of the victim or a family member at a
15 proceeding or any portion of a proceeding and that such harm
16 substantially outweighs the interest of the victim or family member
17 to attend that portion of the proceeding;

18 (3) The court shall permit a victim, or a family member of a
19 victim to make a statement prior to ordering a disposition in any
20 delinquency proceeding involving an offense that would constitute a
21 crime if committed by an adult.

22 j. The Department of Education, in consultation with the
23 Attorney General, shall adopt, pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
25 regulations concerning the creation, maintenance and disclosure of
26 pupil records including information acquired pursuant to this
27 section.

28 (cf: P.L.2009, c.217, s.2)

29

30 14. N.J.S.2C:4-11 is amended to read as follows:

31 2C:4-11. a. A person shall not be tried for or convicted of an
32 offense if:

33 (1) At the time of the conduct charged to constitute the offense
34 he was less than 14 years of age, in which case the family court
35 shall have exclusive jurisdiction unless pursuant to section 8 of the
36 "New Jersey Code of **【Juvenile】** Youth Justice" the juvenile has
37 demanded indictment and trial by jury; or

38 (2) At the time of the conduct charged to constitute the offense
39 he was 14, 15, 16 or 17 years of age, unless:

40 (a) The family court has no jurisdiction over him;

41 (b) The family court has, pursuant to section 7 of the "New
42 Jersey Code of **【Juvenile】** Youth Justice," entered an order waiving
43 jurisdiction and referring the case to the county prosecutor for the
44 institution of criminal proceedings against him;

45 (c) The juvenile has, pursuant to section 8 of the "New Jersey
46 Code of **【Juvenile】** Youth Justice," demanded indictment and trial
47 by jury.

1 b. No court shall have jurisdiction to try and convict a person
2 of an offense if criminal proceedings against him are barred by
3 subsection a. of this section. When it appears that a person charged
4 with the commission of an offense may be of such an age that
5 proceedings may be barred under subsection a. of this section, the
6 court shall hold a hearing thereon, and the burden shall be on such
7 person to establish to the satisfaction of the court that the
8 proceeding is barred upon such grounds. If the court determines
9 that the proceeding is barred, custody of the person charged shall be
10 surrendered to the family court and the case, including all papers
11 and processes relating thereto shall be transferred.

12 (cf: P.L.1982, c.77, s.32)

13

14 15. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
15 as follows:

16 2. a. (1) A person who has been convicted, adjudicated
17 delinquent or found not guilty by reason of insanity for commission
18 of a sex offense as defined in subsection b. of this section shall
19 register as provided in subsections c. and d. of this section.

20 (2) A person who in another jurisdiction is required to register
21 as a sex offender and (a) is enrolled on a full-time or part-time basis
22 in any public or private educational institution in this State,
23 including any secondary school, trade or professional institution,
24 institution of higher education or other post-secondary school, or
25 (b) is employed or carries on a vocation in this State, on either a
26 full-time or a part-time basis, with or without compensation, for
27 more than 14 consecutive days or for an aggregate period exceeding
28 30 days in a calendar year, shall register in this State as provided in
29 subsections c. and d. of this section.

30 (3) A person who fails to register as required under this act shall
31 be guilty of a crime of the third degree.

32 b. For the purposes of this act a sex offense shall include the
33 following:

34 (1) Aggravated sexual assault, sexual assault, aggravated
35 criminal sexual contact, kidnapping pursuant to paragraph (2) of
36 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
37 crimes if the court found that the offender's conduct was
38 characterized by a pattern of repetitive, compulsive behavior,
39 regardless of the date of the commission of the offense or the date
40 of conviction;

41 (2) A conviction, adjudication of delinquency, or acquittal by
42 reason of insanity for aggravated sexual assault; sexual assault;
43 aggravated criminal sexual contact; kidnapping pursuant to
44 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
45 welfare of a child by engaging in sexual conduct which would
46 impair or debauch the morals of the child pursuant to subsection a.
47 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
48 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or

1 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
 2 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
 3 c.291 (C.2C:13-6); criminal sexual contact pursuant to
 4 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
 5 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
 6 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
 7 the offender is not the parent of the victim; knowingly promoting
 8 prostitution of a child pursuant to paragraph (3) or paragraph (4) of
 9 subsection b. of N.J.S.2C:34-1; leader of a child pornography
 10 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
 11 an attempt to commit any of these enumerated offenses if the
 12 conviction, adjudication of delinquency or acquittal by reason of
 13 insanity is entered on or after the effective date of this act or the
 14 offender is serving a sentence of incarceration, probation, parole or
 15 other form of community supervision as a result of the offense or is
 16 confined following acquittal by reason of insanity or as a result of
 17 civil commitment on the effective date of this act;

18 (3) A conviction, adjudication of delinquency, or acquittal by
 19 reason of insanity for an offense similar to any offense enumerated
 20 in paragraph (2) or a sentence on the basis of criteria similar to the
 21 criteria set forth in paragraph (1) of this subsection entered or
 22 imposed under the laws of the United States, this State, or another
 23 state.

24 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)
 25 of this subsection, a sex offense shall not include an adjudication of
 26 delinquency for endangering the welfare of a child pursuant to
 27 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that
 28 the actor demonstrates that:

29 (a) the facts of the case are limited to the creation, exhibition or
 30 distribution of a photograph depicting nudity or portraying a child
 31 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
 32 through the use of an electronic communications device, an
 33 interactive wireless communications device, or a computer;

34 (b) the creator and subject of the photograph are juveniles or
 35 were juveniles at the time of its making; and

36 (c) the subject of the photograph whose nudity is depicted or
 37 who is portrayed in a sexually suggestive manner, as the case may
 38 be, knowingly consented to the making of the photograph.

39 c. A person required to register under the provisions of this act
 40 shall do so on forms to be provided by the designated registering
 41 agency as follows:

42 (1) A person who is required to register and who is under
 43 supervision in the community on probation, parole, furlough, work
 44 release, or a similar program, shall register at the time the person is
 45 placed under supervision or no later than 120 days after the
 46 effective date of this act, whichever is later, in accordance with
 47 procedures established by the Department of Corrections, the
 48 Department of Human Services, the **【Juvenile】** Youth Justice

- 1 Commission established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170) or the Administrative Office of the Courts,
3 whichever is responsible for supervision;
- 4 (2) A person confined in a correctional or juvenile facility or
5 involuntarily committed who is required to register shall register
6 prior to release in accordance with procedures established by the
7 Department of Corrections, the Department of Human Services or
8 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
9 release, shall also register with the chief law enforcement officer of
10 the municipality in which the person resides or, if the municipality
11 does not have a local police force, the Superintendent of State
12 Police;
- 13 (3) A person moving to or returning to this State from another
14 jurisdiction shall register with the chief law enforcement officer of
15 the municipality in which the person will reside or, if the
16 municipality does not have a local police force, the Superintendent
17 of State Police within 120 days of the effective date of this act or 10
18 days of first residing in or returning to a municipality in this State,
19 whichever is later;
- 20 (4) A person required to register on the basis of a conviction
21 prior to the effective date who is not confined or under supervision
22 on the effective date of this act shall register within 120 days of the
23 effective date of this act with the chief law enforcement officer of
24 the municipality in which the person will reside or, if the
25 municipality does not have a local police force, the Superintendent
26 of State Police;
- 27 (5) A person who in another jurisdiction is required to register
28 as a sex offender and who is enrolled on a full-time or part-time
29 basis in any public or private educational institution in this State,
30 including any secondary school, trade or professional institution,
31 institution of higher education or other post-secondary school shall,
32 within ten days of commencing attendance at such educational
33 institution, register with the chief law enforcement officer of the
34 municipality in which the educational institution is located or, if the
35 municipality does not have a local police force, the Superintendent
36 of State Police;
- 37 (6) A person who in another jurisdiction is required to register
38 as a sex offender and who is employed or carries on a vocation in
39 this State, on either a full-time or a part-time basis, with or without
40 compensation, for more than 14 consecutive days or for an
41 aggregate period exceeding 30 days in a calendar year, shall, within
42 ten days after commencing such employment or vocation, register
43 with the chief law enforcement officer of the municipality in which
44 the employer is located or where the vocation is carried on, as the
45 case may be, or, if the municipality does not have a local police
46 force, the Superintendent of State Police;
- 47 (7) In addition to any other registration requirements set forth in
48 this section, a person required to register under this act who is

1 enrolled at, employed by or carries on a vocation at an institution of
2 higher education or other post-secondary school in this State shall,
3 within 10 days after commencing such attendance, employment or
4 vocation, register with the law enforcement unit of the educational
5 institution, if the institution has such a unit.

6 d. (1) Upon a change of address, a person shall notify the law
7 enforcement agency with which the person is registered and shall
8 re-register with the appropriate law enforcement agency no less
9 than 10 days before he intends to first reside at his new address.
10 Upon a change of employment or school enrollment status, a person
11 shall notify the appropriate law enforcement agency no later than
12 five days after any such change. A person who fails to notify the
13 appropriate law enforcement agency of a change of address or status
14 in accordance with this subsection is guilty of a crime of the third
15 degree.

16 (2) A person required to register under this act shall provide the
17 appropriate law enforcement agency with information as to whether
18 the person has routine access to or use of a computer or any other
19 device with Internet capability. A person who fails to notify the
20 appropriate law enforcement agency of such information or of a
21 change in the person's access to or use of a computer or other
22 device with Internet capability or who provides false information
23 concerning the person's access to or use of a computer or any other
24 device with Internet capability is guilty of a crime of the third
25 degree.

26 e. A person required to register under paragraph (1) of
27 subsection b. of this section or under paragraph (3) of subsection b.
28 due to a sentence imposed on the basis of criteria similar to the
29 criteria set forth in paragraph (1) of subsection b. shall verify his
30 address with the appropriate law enforcement agency every 90 days
31 in a manner prescribed by the Attorney General. A person required
32 to register under paragraph (2) of subsection b. of this section or
33 under paragraph (3) of subsection b. on the basis of a conviction for
34 an offense similar to an offense enumerated in paragraph (2) of
35 subsection b. shall verify his address annually in a manner
36 prescribed by the Attorney General. In addition to address
37 information, the person shall provide as part of the verification
38 process any additional information the Attorney General may
39 require. One year after the effective date of this act, the Attorney
40 General shall review, evaluate and, if warranted, modify pursuant to
41 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.) the verification requirement. Any person who knowingly
43 provides false information concerning his place of residence or who
44 fails to verify his address with the appropriate law enforcement
45 agency or other entity, as prescribed by the Attorney General in
46 accordance with this subsection, is guilty of a crime of the third
47 degree.

1 f. Except as provided in subsection g. of this section, a person
2 required to register under this act may make application to the
3 Superior Court of this State to terminate the obligation upon proof
4 that the person has not committed an offense within 15 years
5 following conviction or release from a correctional facility for any
6 term of imprisonment imposed, whichever is later, and is not likely
7 to pose a threat to the safety of others.

8 g. A person required to register under this section who has
9 been convicted of, adjudicated delinquent, or acquitted by reason of
10 insanity for more than one sex offense as defined in subsection b. of
11 this section or who has been convicted of, adjudicated delinquent,
12 or acquitted by reason of insanity for aggravated sexual assault
13 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
14 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
15 eligible under subsection f. of this section to make application to
16 the Superior Court of this State to terminate the registration
17 obligation.

18 (cf: P.L.2017, c.141, s.3)

19

20 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
21 as follows:

22 3. Notice of the obligation to register shall be provided as
23 follows:

24 (1) A court imposing a sentence, disposition or order of
25 commitment following acquittal by reason of insanity shall notify
26 the defendant of the obligation to register pursuant to section 2 of
27 this act.

28 (2) The Department of Corrections, the Administrative Office of
29 the Courts, the **【Juvenile】 Youth** Justice Commission established
30 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and the
31 Department of Human Services shall (a) establish procedures for
32 notifying persons under their supervision of the obligation to
33 register pursuant to this act and (b) establish procedures for
34 registration by persons with the appropriate law enforcement
35 agency who are under supervision in the community on probation,
36 parole, furlough, work release or similar program outside the
37 facility, and registration with the appropriate law enforcement
38 agency of persons who are released from the facility in which they
39 are confined without supervision.

40 (3) The Division of Motor Vehicles in the Department of Law
41 and Public Safety shall provide notice of the obligation to register
42 pursuant to this section in connection with each application for a
43 license to operate a motor vehicle and each application for an
44 identification card issued pursuant to section 2 of P.L.1980, c.47
45 (C.39:3-29.3).

46 (4) The Attorney General shall cause notice of the obligation to
47 register to be published in a manner reasonably calculated to reach

1 the general public within 30 days of the effective date of this act.
2 (cf: P.L.1995, c.280, s.19)

3
4 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
5 as follows:

6 4. a. Within 60 days of the effective date of this act, the
7 Superintendent of State Police, with the approval of the Attorney
8 General, shall prepare the form of registration statement as required
9 in subsection b. of this section and shall provide such forms to each
10 organized full-time municipal police department, the Department of
11 Corrections, the Administrative Office of the Courts and the
12 Department of Human Services. In addition, the Superintendent of
13 State Police shall make such forms available to the **[Juvenile]**
14 Youth Justice Commission established pursuant to section 2 of
15 P.L.1995, c.284 (C.52:17B-170).

16 b. The form of registration required by this act shall include:

17 (1) A statement in writing signed by the person required to
18 register acknowledging that the person has been advised of the duty
19 to register and reregister imposed by this act and including the
20 person's name, social security number, age, race, sex, date of birth,
21 height, weight, hair and eye color, address of legal residence,
22 address of any current temporary residence, date and place of
23 employment; and any anticipated or current school enrollment,
24 including but not limited to enrollment at or employment by any
25 institution of higher education;

26 (2) Date and place of each conviction, adjudication or acquittal
27 by reason of insanity, indictment number, fingerprints, and a brief
28 description of the crime or crimes for which registration is required;
29 and

30 (3) Any other information that the Attorney General deems
31 necessary to assess risk of future commission of a crime, including
32 criminal and corrections records, nonprivileged personnel,
33 treatment, and abuse registry records, and evidentiary genetic
34 markers when available.

35 c. Within three days of receipt of a registration pursuant to
36 subsection c. of section 2 of this act, the registering agency shall
37 forward the statement and any other required information to the
38 prosecutor who shall, as soon as practicable, transmit the form of
39 registration to the Superintendent of State Police, and, if the
40 registrant will reside in a different county, to the prosecutor of the
41 county in which the person will reside. The prosecutor of the
42 county in which the person will reside shall transmit the form of
43 registration to the law enforcement agency responsible for the
44 municipality in which the person will reside and other appropriate
45 law enforcement agencies. The superintendent shall promptly
46 transmit the conviction data and fingerprints to the Federal Bureau
47 of Investigation.

1 d. The Superintendent of State Police shall maintain a central
2 registry of registrations provided pursuant to this act.
3 (cf: P.L.2003, c.34, s.2)

4
5 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
6 read as follows:

7 2. Application for Temporary Protective Order.

8 a. (1) Any person alleging to be a victim of nonconsensual sexual
9 contact, sexual penetration, or lewdness, or any attempt at such
10 conduct, or stalking or cyber-harassment, and who is not eligible for
11 a restraining order as a "victim of domestic violence" as defined by
12 the provisions of subsection d. of section 3 of P.L.1991, c.261
13 (C.2C:25-19), may, except as provided in subsection b. of this
14 section, file an application with the Superior Court pursuant to the
15 Rules of Court alleging the commission of such conduct or
16 attempted conduct and seeking a temporary protective order.

17 As used in this section and in sections 3, 4, and 8 of P.L.2015,
18 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

19 "Sexual contact" means an intentional touching by the victim or
20 actor, either directly or through clothing, of the victim's or actor's
21 intimate parts for the purpose of degrading or humiliating the victim
22 or sexually arousing or sexually gratifying the actor.

23 "Sexual penetration" means vaginal intercourse, cunnilingus,
24 fellatio or anal intercourse between persons or insertion of the hand,
25 finger or object into the anus or vagina either by the actor or upon
26 the actor's instruction.

27 "Lewdness" means the exposing of the genitals for the purpose
28 of arousing or gratifying the sexual desire of the actor or of any
29 other person.

30 "Intimate parts" means the following body parts: sexual organs,
31 genital area, anal area, inner thigh, groin, buttock or breast of a
32 person.

33 "Stalking" means purposefully or knowingly engaging in a
34 course of conduct directed at or toward a person that would cause a
35 reasonable person to fear for the reasonable person's own safety or
36 the safety of a third person, or suffer other emotional distress,
37 because the conduct involves: repeatedly maintaining a visual or
38 physical proximity to a person; directly, indirectly, or through third
39 parties, by any action, method, device, or means, following,
40 monitoring, observing, surveilling, threatening, or communicating
41 to or about a person, or interfering with a person's property;
42 repeatedly committing harassment against a person; or repeatedly
43 conveying, or causing to be conveyed, verbal or written threats or
44 threats conveyed by any other means of communication or threats
45 implied by conduct or a combination thereof directed at or towards
46 a person.

47 "Repeatedly" means on two or more occasions.

1 "Emotional distress" means significant mental suffering or
2 distress.

3 "Cause a reasonable person to fear" means to cause fear which a
4 reasonable victim, similarly situated, would have under the
5 circumstances.

6 "Cyber-harassment" means conduct that occurs, while making
7 one or more communications in an online capacity via any
8 electronic device or through a social networking site and with the
9 purpose to harass another, that involves: threatening to inflict injury
10 or physical harm to any person or the property of any person;
11 knowingly sending, posting, commenting, requesting, suggesting, or
12 proposing any lewd, indecent, or obscene material to or about a
13 person with the intent to emotionally harm a reasonable person or
14 place a reasonable person in fear of physical or emotional harm to
15 the reasonable person; or threatening to commit any crime against a
16 person or the person's property.

17 (2) Except as provided in subsection b. of this section, an
18 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
19 be filed by the alleged victim's parent or guardian on behalf of the
20 alleged victim in any case in which the alleged victim:

21 (a) is less than 18 years of age; or

22 (b) has a developmental disability as defined in section 3 of
23 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
24 renders the alleged victim temporarily or permanently incapable of
25 understanding the nature of the alleged victim's conduct, including,
26 but not limited to, being incapable of providing consent, or of
27 understanding the nature of the alleged conduct that is the subject of
28 the application.

29 b. (1) When it is alleged that nonconsensual sexual contact,
30 sexual penetration, or lewdness, or any attempt at such conduct, or
31 stalking or cyber-harassment has been committed by an
32 unemancipated minor, an applicant seeking a protective order shall
33 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
34 al.), but may seek a protective order and other relief under the "New
35 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c.77
36 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
37 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

38 (2) When it is alleged that nonconsensual sexual contact, sexual
39 penetration, or lewdness, or any attempt at such conduct, or stalking
40 or cyber-harassment has been committed against an unemancipated
41 minor by a parent, guardian, or other person having care, custody
42 and control of that child as defined in R.S.9:6-2, an applicant
43 seeking a protective order shall not proceed under the provisions of
44 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
45 the Department of Children and Families for appropriate action.

46 c. (1) An applicant may seek a protective order pursuant to
47 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an

1 order regardless of whether criminal charges based on the incident
2 were filed and regardless of the disposition of any such charges.

3 (2) The filing of an application pursuant to this section shall not
4 prevent the filing of a criminal complaint, or the institution or
5 maintenance of a criminal prosecution based on the same act.

6 d. The court shall waive any requirement that the applicant's or
7 alleged victim's place of residence appear on the application.

8 e. An applicant may seek a protective order pursuant to
9 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
10 over the place where the alleged conduct or attempted conduct
11 occurred, where the respondent resides, or where the alleged victim
12 resides or is sheltered.

13 f. No fees or other costs shall be assessed against an applicant
14 for seeking a protective order pursuant to P.L.2015, c.147
15 (C.2C:14-13 et al.).

16 (cf: P.L.2023, c.127, s.2)

17

18 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
19 read as follows:

20 1. a. For the purposes of this section:

21 "County correctional facility" means any prison or other secure
22 facility managed and operated by any county of this State in which
23 adult offenders are incarcerated.

24 "County juvenile detention facility" means any secure juvenile
25 facility managed and operated by any county of this State.

26 "Secure juvenile facility" means the New Jersey Training School
27 for Boys, the Juvenile Medium Security Facility, and any other
28 secure juvenile facility managed and operated by the **【Juvenile】**
29 Youth Justice Commission.

30 "State correctional facility" means a State prison or other penal
31 institution.

32 b. A person who possesses or uses an electronic
33 communication device or a battery or device to recharge an
34 electronic communication device while confined to a State
35 correctional facility, secure juvenile facility, county correctional
36 facility, or county juvenile detention facility is guilty of a crime of
37 the third degree.

38 c. A person, other than an employee or a contract employee of
39 the Department of Corrections, the **【Juvenile】** Youth Justice
40 Commission, a county correctional facility, or a county juvenile
41 detention facility who knowingly sells, transfers, assigns, provides,
42 or otherwise gives an electronic communication device to a person
43 who is confined in a State correctional facility, secure juvenile
44 facility, county correctional facility, or county juvenile detention
45 facility is guilty of a crime of the third degree.

46 d. An employee or a contract employee of the Department of
47 Corrections, the **【Juvenile】** Youth Justice Commission, a county

1 correctional facility, or a county juvenile detention facility who
2 knowingly sells, transfers, assigns, provides, or otherwise gives an
3 electronic communication device to a person who is confined in a
4 State correctional facility, secure juvenile facility, county
5 correctional facility, or county juvenile detention facility is guilty of
6 a crime of the second degree.
7 (cf: P.L.2007, c.127, s.1)

8
9 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
10 read as follows:

11 4. a. (1) The Attorney General shall biannually issue a
12 comprehensive report detailing the number of occurrences and other
13 statistics, without revealing or including any personal identifying
14 information, concerning first, second, third and subsequent
15 violations of paragraph (1) of subsection a. of section 1 of
16 P.L.1979, c.264 (C.2C:33-15) involving the possession or
17 consumption of any alcoholic beverage, marijuana, hashish, or
18 cannabis items by persons under the legal age to purchase alcoholic
19 beverages or cannabis items, the municipal, county or other
20 geographic areas within which first, second, third and subsequent
21 violations occur, and the law enforcement agencies involved in
22 first, second, third and subsequent violations, covering the previous
23 six-month period. The initial report shall be issued by June 30,
24 2021, the second report shall be issued by January 30, 2022, and
25 then the next report issued every six months thereafter. Each report
26 shall also be submitted to the Governor and the Legislature pursuant
27 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

28 (2) The Attorney General shall also make reports available to
29 the task force established pursuant to subsection b. of this section
30 based on the Attorney General's periodic review of body worn
31 camera recordings of law enforcement officers responding to a call
32 for service related to a violation or suspected violation of paragraph
33 (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15), or
34 at the initiation of any other law enforcement or investigative
35 encounter between an officer and a person related to a violation or
36 suspected violation of that paragraph, which recordings are required
37 to be made in accordance with paragraph (4) of subsection a. of
38 section 1 of P.L.1979, c.264 (C.2C:33-15). The periodic review
39 shall be conducted using body worn camera recordings both
40 selected by the Attorney General and randomly determined, and the
41 task force may request an Attorney General review a particular
42 municipality, region, or time period. The identity of any person
43 included in a recording reviewed by the Attorney General shall be
44 kept confidential and shall not be revealed to the members of the
45 task force or any staff provided to the task force by the Department
46 of Law and Public Safety pursuant to paragraph (6) of subsection b.
47 of this section to support its work.

- 1 b. (1) A taskforce shall be established in the Department of Law
2 and Public Safety, comprised of 26 members to review each
3 Attorney General report described in subsection a. of this section,
4 and make recommendations thereon to the Governor and
5 Legislature related to law enforcement activities to address the
6 enforcement of underage possession or consumption of alcoholic
7 beverages, marijuana, hashish, or cannabis items in violation of
8 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
9 issue of underage possession or consumption of these substances.
- 10 (2) The membership of the taskforce shall include the following
11 individuals:
- 12 (a) the Attorney General, or a designee;
 - 13 (b) the Public Defender, or a designee;
 - 14 (c) the Commissioner of the Department of Children and
15 Families, or a designee;
 - 16 (d) the Commissioner of Education, or a designee;
 - 17 (e) a representative from the **【Juvenile】** Youth Justice
18 Commission, appointed by the Governor;
 - 19 (f) a representative from the Division of Criminal Justice in the
20 Department of Law and Public Safety, appointed by the Governor;
 - 21 (g) the Chair of the Governor's **【Juvenile】** Youth Justice
22 Delinquency and Prevention Committee;
 - 23 (h) two members appointed by the Governor upon the
24 recommendation of the President of the Senate, at least one of
25 whom shall be a member of the Legislative Black Caucus or
26 Legislative Latino Caucus, determined in coordination with the
27 members recommended by the Speaker of the General Assembly
28 pursuant to subparagraph (i) of this paragraph, so that there is at
29 least one member of each caucus serving as a member of the task
30 force;
 - 31 (i) two members appointed by the Governor upon the
32 recommendation of the Speaker of the General Assembly, at least
33 one of whom shall be a member of the Legislative Black Caucus or
34 Legislative Latino Caucus, determined in coordination with the
35 members recommended by the Senate President pursuant to
36 subparagraph (h) of this paragraph, so that there is at least one
37 member of each caucus serving as a member of the task force;
 - 38 (j) the Administrative Director of the Courts, or a designee;
 - 39 (k) a representative from the New Jersey Institute for Social
40 Justice, appointed by the Governor;
 - 41 (l) a representative from the American Civil Liberties Union of
42 New Jersey, appointed by the Governor;
 - 43 (m) a representative from the County Prosecutors Association of
44 New Jersey who is actively and presently involved in juvenile
45 matters, appointed by the Governor;
 - 46 (n) a representative from the New Jersey Juvenile Officers
47 Association, appointed by the Governor;

- 1 (o) one representative each from the Annie E. Casey Foundation
2 and Vera Institute of Justice, both appointed by the Governor;
- 3 (p) a representative of the NAACP New Jersey State
4 Conference, appointed by the Governor;
- 5 (q) a representative of Salvation and Social Justice, appointed
6 by the Governor;
- 7 (r) a representative from the County Youth Services
8 Commission Administrators, appointed by the Governor;
- 9 (s) a representative from the faith-based ethical community in
10 New Jersey, appointed by the Governor;
- 11 (t) a representative of an employee organization representing
12 employees who work at juvenile justice facilities, appointed by the
13 Governor; and
- 14 (u) three representatives who have been involved with the New
15 Jersey juvenile justice system, appointed by the Governor,
16 including at least one representative of a non-profit organization
17 that deals with juvenile justice issues and at least one individual
18 who has been subject to the custody of the juvenile justice system.
- 19 (3) All members appointed by the Governor, other than the
20 members of the Legislature recommended for appointment, shall
21 serve at the pleasure of the Governor. The members of the
22 Legislature shall serve on the task force during their elective term
23 of office. Any vacancies in the membership of the task force shall
24 be filled in the same manner as the original appointments were
25 made.
- 26 (4) Members of the task force shall serve without compensation,
27 but shall be reimbursed for necessary expenditures incurred in the
28 performance of their duties as members of the task force within the
29 limits of funds appropriated or otherwise made available to the task
30 force for its purposes.
- 31 (5) The task force shall organize as soon as practicable
32 following the appointment of its members. The task force shall
33 choose a chairperson from among its members and shall appoint a
34 secretary who need not be a member of the task force.
- 35 (6) The Department of Law and Public Safety shall provide such
36 stenographic, clerical, and other administrative assistants, and such
37 professional staff as the task force requires to carry out its work.
38 (cf: P.L.2021, c.25, s.4)
- 39
- 40 21. N.J.S.2C:39-6 is amended to read as follows:
- 41 2C:39-6. a. Provided a person complies with the requirements of
42 subsection j. of this section, N.J.S.2C:39-5 does not apply to:
- 43 (1) Members of the Armed Forces of the United States or of the
44 National Guard while actually on duty, or while traveling between
45 places of duty and carrying authorized weapons in the manner
46 prescribed by the appropriate military authorities;

- 1 (2) Federal law enforcement officers, and any other federal
2 officers and employees required to carry firearms in the
3 performance of their official duties;
- 4 (3) Members of the State Police and, under conditions
5 prescribed by the superintendent, members of the Marine Law
6 Enforcement Bureau of the Division of State Police;
- 7 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's
8 detective or investigator, State investigator employed by the
9 Division of Criminal Justice of the Department of Law and Public
10 Safety, investigator employed by the State Commission of
11 Investigation, inspector of the Alcoholic Beverage Control
12 Enforcement Bureau of the Division of State Police in the
13 Department of Law and Public Safety authorized to carry weapons
14 by the Superintendent of State Police, State park police officer, or
15 State conservation police officer;
- 16 (5) Except as hereinafter provided, a State correctional police
17 officer, or a prison or jail warden of any penal institution in this
18 State or the warden's deputies, or an employee of the Department of
19 Corrections engaged in the interstate transportation of convicted
20 offenders, while in the performance of the employee's duties, and
21 when required to possess the weapon by a superior officer, or a
22 correctional police officer or keeper of a penal institution in this
23 State at all times while in the State of New Jersey, provided the
24 person annually passes an examination approved by the
25 superintendent testing the person's proficiency in the handling of
26 firearms;
- 27 (6) A civilian employee of the United States Government under
28 the supervision of the commanding officer of any post, camp,
29 station, base or other military or naval installation located in this
30 State who is required, in the performance of the employee's official
31 duties, to carry firearms, and who is authorized to carry firearms by
32 the commanding officer, while in the actual performance of the
33 employee's official duties;
- 34 (7) (a) A regularly employed member, including a detective, of
35 the police department of any county or municipality, or of any
36 State, interstate, municipal or county park police force or boulevard
37 police force, at all times while in the State of New Jersey;
- 38 (b) A special law enforcement officer authorized to carry a
39 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
40 (C.40A:14-146.14);
- 41 (c) An airport security officer or a special law enforcement
42 officer appointed by the governing body of any county or
43 municipality, except as provided in subparagraph (b) of this
44 paragraph, or by the commission, board or other body having
45 control of a county park or airport or boulevard police force, while
46 engaged in the actual performance of the officer's official duties and
47 when specifically authorized by the governing body to carry
48 weapons;

1 (8) A full-time, paid member of a paid or part-paid fire
 2 department or force of any municipality who is assigned full-time
 3 or part-time to an arson investigation unit created pursuant to
 4 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
 5 investigation unit in the county prosecutor's office, while either
 6 engaged in the actual performance of arson investigation duties or
 7 while actually on call to perform arson investigation duties and
 8 when specifically authorized by the governing body or the county
 9 prosecutor, as the case may be, to carry weapons. Prior to being
 10 permitted to carry a firearm, a member shall take and successfully
 11 complete a firearms training course administered by the Police
 12 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
 13 seq.), and shall annually qualify in the use of a revolver or similar
 14 weapon prior to being permitted to carry a firearm;

15 (9) A juvenile correctional police officer in the employment of
 16 the **【Juvenile】 Youth** Justice Commission established pursuant to
 17 section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the
 18 regulations promulgated by the commission;

19 (10) A designated employee or designated licensed agent for a
 20 nuclear power plant under license of the Nuclear Regulatory
 21 Commission, while in the actual performance of the person's
 22 official duties, if the federal licensee certifies that the designated
 23 employee or designated licensed agent is assigned to perform site
 24 protection, guard, armed response or armed escort duties and is
 25 appropriately trained and qualified, as prescribed by federal
 26 regulation, to perform those duties. Any firearm utilized by an
 27 employee or agent for a nuclear power plant pursuant to this
 28 paragraph shall be returned each day at the end of the employee's or
 29 agent's authorized official duties to the employee's or agent's
 30 supervisor. All firearms returned each day pursuant to this
 31 paragraph shall be stored in locked containers located in a secure
 32 area;

33 (11) A county correctional police officer at all times while in the
 34 State of New Jersey, provided the officer annually passes an
 35 examination approved by the superintendent testing the officer's
 36 proficiency in the handling of firearms;

37 (12) A county prosecutor, assistant prosecutor, federal
 38 prosecutor, municipal prosecutor, Attorney General, assistant
 39 attorney general, deputy attorney general and federal, State, county,
 40 or municipal court judge, including a judge of the Tax Court and
 41 any other court of limited jurisdiction established, altered, or
 42 abolished by law, a judge of the Office of Administrative Law, a
 43 judge of the Division of Workers' Compensation at all times while
 44 in this State. Prior to being permitted to carry a firearm, a person
 45 subject to this paragraph shall take and successfully complete a
 46 firearms training course administered by the Police Training
 47 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
 48 shall annually qualify in the use of a handgun or similar weapon

1 prior to being permitted to carry a firearm. The superintendent may
2 issue identification cards indicating that such a person is permitted
3 to carry a handgun pursuant to this paragraph.

4 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

5 (1) A law enforcement officer employed by a governmental
6 agency outside of the State of New Jersey while actually engaged in
7 the officer's official duties, provided, however, that the officer has
8 first notified the superintendent or the chief law enforcement officer
9 of the municipality or the prosecutor of the county in which the
10 officer is engaged; or

11 (2) A licensed dealer in firearms and the dealer's registered
12 employees during the course of their normal business while
13 traveling to and from their place of business and other places for the
14 purpose of demonstration, exhibition or delivery in connection with
15 a sale, provided, however, that the weapon is carried in the manner
16 specified in subsection g. of this section.

17 c. Provided a person complies with the requirements of
18 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
19 do not apply to:

20 (1) A special agent of the Division of Taxation who has passed
21 an examination in an approved police training program testing
22 proficiency in the handling of any firearm which the agent may be
23 required to carry, while in the actual performance of the agent's
24 official duties and while going to or from the agent's place of duty,
25 or any other police officer, while in the actual performance of the
26 officer's official duties;

27 (2) A State deputy conservation police officer or a full-time
28 employee of the Division of Parks and Forestry having the power of
29 arrest and authorized to carry weapons, while in the actual
30 performance of the officer's official duties;

31 (3) (Deleted by amendment, P.L.1986, c.150.)

32 (4) A court attendant appointed by the sheriff of the county or
33 by the judge of any municipal court or other court of this State,
34 while in the actual performance of the attendant's official duties;

35 (5) A guard employed by any railway express company, banking
36 or building and loan or savings and loan institution of this State,
37 while in the actual performance of the guard's official duties;

38 (6) A member of a legally recognized military organization
39 while actually under orders or while going to or from the prescribed
40 place of meeting and carrying the weapons prescribed for drill,
41 exercise or parade;

42 (7) A municipal humane law enforcement officer, authorized
43 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
44 14.1), or humane law enforcement officer of a county society for
45 the prevention of cruelty to animals authorized pursuant to
46 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
47 in the actual performance of the officer's duties;

- 1 (8) An employee of a public utilities corporation actually
2 engaged in the transportation of explosives;
- 3 (9) A railway policeman, except a transit police officer of the
4 New Jersey Transit Police Department, at all times while in the
5 State of New Jersey, provided that the person has passed an
6 approved police academy training program consisting of at least
7 280 hours. The training program shall include, but need not be
8 limited to, the handling of firearms, community relations, and
9 juvenile relations;
- 10 (10) A campus police officer appointed under P.L.1970, c.211
11 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
12 a firearm, a campus police officer shall take and successfully
13 complete a firearms training course administered by the Police
14 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
15 seq.), and shall annually qualify in the use of a revolver or similar
16 weapon prior to being permitted to carry a firearm;
- 17 (11) (Deleted by amendment, P.L.2003, c.168).
- 18 (12) A transit police officer of the New Jersey Transit Police
19 Department, at all times while in the State of New Jersey, provided
20 the officer has satisfied the training requirements of the Police
21 Training Commission, pursuant to subsection c. of section 2 of
22 P.L.1989, c.291 (C.27:25-15.1);
- 23 (13) A parole officer employed by the State Parole Board at all
24 times. Prior to being permitted to carry a firearm, a parole officer
25 shall take and successfully complete a basic course for regular
26 police officer training administered by the Police Training
27 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
28 shall annually qualify in the use of a revolver or similar weapon
29 prior to being permitted to carry a firearm;
- 30 (14) A Human Services police officer at all times while in the
31 State of New Jersey, as authorized by the Commissioner of Human
32 Services;
- 33 (15) A person or employee of any person who, pursuant to and
34 as required by a contract with a governmental entity, supervises or
35 transports persons charged with or convicted of an offense;
- 36 (16) A housing authority police officer appointed under
37 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
38 State of New Jersey; or
- 39 (17) A probation officer assigned to the "Probation Officer
40 Community Safety Unit" created by section 2 of P.L.2001, c.362
41 (C.2B:10A-2) while in the actual performance of the probation
42 officer's official duties. Prior to being permitted to carry a firearm,
43 a probation officer shall take and successfully complete a basic
44 course for regular police officer training administered by the Police
45 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
46 seq.), and shall annually qualify in the use of a revolver or similar
47 weapon prior to being permitted to carry a firearm.

1 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
2 antique firearms, provided that the antique firearms are unloaded or
3 are being fired for the purposes of exhibition or demonstration at an
4 authorized target range or in another manner approved in writing by
5 the chief law enforcement officer of the municipality in which the
6 exhibition or demonstration is held, or if not held on property under
7 the control of a particular municipality, the superintendent.

8 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
10 being fired but that is unloaded and immobile, provided that the
11 antique cannon is possessed by (a) a scholastic institution, a
12 museum, a municipality, a county or the State, or (b) a person who
13 obtained a firearms purchaser identification card as specified in
14 N.J.S.2C:58-3.

15 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
17 being transported by one eligible to possess it, in compliance with
18 regulations the superintendent may promulgate, between its
19 permanent location and place of purchase or repair.

20 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
21 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
22 or fired by one eligible to possess an antique cannon, for purposes
23 of exhibition or demonstration at an authorized target range or in
24 the manner as has been approved in writing by the chief law
25 enforcement officer of the municipality in which the exhibition or
26 demonstration is held, or if not held on property under the control
27 of a particular municipality, the superintendent, provided that
28 performer has given at least 30 days' notice to the superintendent.

29 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
30 N.J.S.2C:39-5 do not apply to the transportation of unloaded
31 antique cannons directly to or from exhibitions or demonstrations
32 authorized under paragraph (4) of subsection d. of this section,
33 provided that the transportation is in compliance with safety
34 regulations the superintendent may promulgate. Those subsections
35 shall not apply to transportation directly to or from exhibitions or
36 demonstrations authorized under the law of another jurisdiction,
37 provided that the superintendent has been given 30 days' notice and
38 that the transportation is in compliance with safety regulations the
39 superintendent may promulgate.

40 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
41 be construed to prevent a person keeping or carrying about the
42 person's place of business, residence, premises or other land owned
43 or possessed by the person, any firearm, or from carrying the same,
44 in the manner specified in subsection g. of this section, from any
45 place of purchase to the person's residence or place of business,
46 between the person's dwelling and place of business, between one
47 place of business or residence and another when moving, or
48 between the person's dwelling or place of business and place where

1 the firearms are repaired, for the purpose of repair. For the
2 purposes of this section, a place of business shall be deemed to be a
3 fixed location.

4 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
5 be construed to prevent:

6 (1) A member of any rifle or pistol club organized in accordance
7 with the rules prescribed by the National Board for the Promotion
8 of Rifle Practice, in going to or from a place of target practice,
9 carrying firearms necessary for target practice, provided that the
10 club has filed a copy of its charter with the superintendent and
11 annually submits a list of its members to the superintendent and
12 provided further that the firearms are carried in the manner
13 specified in subsection g. of this section;

14 (2) A person carrying a firearm or knife in the woods or fields or
15 upon the waters of this State for the purpose of hunting, target
16 practice or fishing, provided that the firearm or knife is legal and
17 appropriate for hunting or fishing purposes in this State and the
18 person has in the person's possession a valid hunting license, or,
19 with respect to fresh water fishing, a valid fishing license;

20 (3) A person transporting any firearm or knife while traveling:

21 (a) Directly to or from any place for the purpose of hunting or
22 fishing, provided the person has in the person's possession a valid
23 hunting or fishing license; or

24 (b) Directly to or from any target range, or other authorized
25 place for the purpose of practice, match, target, trap or skeet
26 shooting exhibitions, provided in all cases that during the course of
27 the travel all firearms are carried in the manner specified in
28 subsection g. of this section and the person has complied with all
29 the provisions and requirements of Title 23 of the Revised Statutes
30 and any amendments thereto and all rules and regulations
31 promulgated thereunder; or

32 (c) In the case of a firearm, directly to or from any exhibition or
33 display of firearms which is sponsored by any law enforcement
34 agency, any rifle or pistol club, or any firearms collectors club, for
35 the purpose of displaying the firearms to the public or to the
36 members of the organization or club, provided, however, that not
37 less than 30 days prior to the exhibition or display, notice of the
38 exhibition or display shall be given to the Superintendent of the
39 State Police by the sponsoring organization or club, and the sponsor
40 has complied with any reasonable safety regulations the
41 superintendent may promulgate. Any firearms transported pursuant
42 to this section shall be transported in the manner specified in
43 subsection g. of this section;

44 (4) A person from keeping or carrying about a private or
45 commercial aircraft or any boat, or from transporting to or from the
46 aircraft or boat for the purpose of installation or repair of a visual
47 distress signaling device approved by the United States Coast
48 Guard.

1 g. Any weapon being transported under paragraph (2) of
2 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
3 of this section shall be carried unloaded and contained in a closed
4 and fastened case, gunbox, securely tied package, or locked in the
5 trunk of the automobile in which it is being transported, and in the
6 course of travel shall include only deviations as are reasonably
7 necessary under the circumstances.

8 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any employee of a public utility, as defined in R.S.48:2-
10 13, doing business in this State or any United States Postal Service
11 employee, while in the actual performance of duties which
12 specifically require regular and frequent visits to private premises,
13 from possessing, carrying or using any device which projects,
14 releases or emits any substance specified as being noninjurious to
15 canines or other animals by the Commissioner of Health and which
16 immobilizes only on a temporary basis and produces only
17 temporary physical discomfort through being vaporized or
18 otherwise dispensed in the air for the sole purpose of repelling
19 canine or other animal attacks.

20 The device shall be used solely to repel only those canine or
21 other animal attacks when the canines or other animals are not
22 restrained in a fashion sufficient to allow the employee to properly
23 perform the employee's duties.

24 Any device used pursuant to this act shall be selected from a list
25 of products, which consist of active and inert ingredients, permitted
26 by the Commissioner of Health.

27 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
28 any person who is 18 years of age or older and who has not been
29 convicted of a crime, from possession for the purpose of personal
30 self-defense of one pocket-sized device which contains and releases
31 not more than three-quarters of an ounce of chemical substance not
32 ordinarily capable of lethal use or of inflicting serious bodily injury,
33 but rather, is intended to produce temporary physical discomfort or
34 disability through being vaporized or otherwise dispensed in the air.
35 Any person in possession of any device in violation of this
36 subsection shall be deemed and adjudged to be a disorderly person,
37 and upon conviction thereof, shall be punished by a fine of not less
38 than \$100.

39 (2) Notwithstanding the provisions of paragraph (1) of this
40 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
41 health inspector or investigator operating pursuant to the provisions
42 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
43 inspector from possessing a device which is capable of releasing
44 more than three-quarters of an ounce of a chemical substance, as
45 described in paragraph (1) of this subsection, while in the actual
46 performance of the inspector's or investigator's duties, provided that
47 the device does not exceed the size of those used by law
48 enforcement.

- 1 j. A person shall qualify for an exemption from the provisions
2 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
3 section, if the person has satisfactorily completed a firearms
4 training course approved by the Police Training Commission.
- 5 The exempt person shall not possess or carry a firearm until the
6 person has satisfactorily completed a firearms training course and
7 shall annually qualify in the use of a revolver or similar weapon.
8 For purposes of this subsection, a "firearms training course" means
9 a course of instruction in the safe use, maintenance and storage of
10 firearms which is approved by the Police Training Commission.
11 The commission shall approve a firearms training course if the
12 requirements of the course are substantially equivalent to the
13 requirements for firearms training provided by police training
14 courses which are certified under section 6 of P.L.1961, c.56
15 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
16 or (6) of subsection a. of this section shall be exempt from the
17 requirements of this subsection.
- 18 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
19 to prevent any financial institution, or any duly authorized
20 personnel of the institution, from possessing, carrying or using for
21 the protection of money or property, any device which projects,
22 releases or emits tear gas or other substances intended to produce
23 temporary physical discomfort or temporary identification.
- 24 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
25 to prevent a law enforcement officer who retired in good standing,
26 including a retirement because of a disability pursuant to section 6
27 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
28 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
29 substantially similar statute governing the disability retirement of
30 federal law enforcement officers, provided the officer was a
31 regularly employed, full-time law enforcement officer for an
32 aggregate of four or more years prior to the officer's disability
33 retirement and further provided that the disability which constituted
34 the basis for the officer's retirement did not involve a certification
35 that the officer was mentally incapacitated for the performance of
36 the officer's usual law enforcement duties and any other available
37 duty in the department which the officer's employer was willing to
38 assign to the officer or does not subject that retired officer to any of
39 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
40 would disqualify the retired officer from possessing or carrying a
41 firearm, who semi-annually qualifies in the use of the handgun the
42 officer is permitted to carry in accordance with the requirements
43 and procedures established by the Attorney General pursuant to
44 subsection j. of this section and pays the actual costs associated
45 with those semi-annual qualifications, who is 75 years of age or
46 younger, and who was regularly employed as a full-time member of
47 the State Police; a full-time member of an interstate police force; a
48 full-time member of a county or municipal police department in this

1 State; a full-time member of a State law enforcement agency; a full-
2 time sheriff, undersheriff or sheriff's officer of a county of this
3 State; a full-time State or county correctional police officer; a full-
4 time State correctional police officer or county correctional police
5 officer; a full-time State or county park police officer; a full-time
6 special agent of the Division of Taxation; a full-time Human
7 Services police officer; a full-time transit police officer of the New
8 Jersey Transit Police Department; a full-time campus police officer
9 exempted pursuant to paragraph (10) of subsection c. of this
10 section; a full-time State conservation police officer exempted
11 pursuant to paragraph (4) of subsection a. of this section; a full-time
12 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
13 21; a full-time Burlington County Bridge police officer appointed
14 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
15 housing authority police officer exempted pursuant to paragraph
16 (16) of subsection c. of this section; a full-time juvenile correctional
17 police officer exempted pursuant to paragraph (9) of subsection a.
18 of this section; a full-time parole officer exempted pursuant to
19 paragraph (13) of subsection c. of this section; a full-time railway
20 policeman exempted pursuant to paragraph (9) of subsection c. of
21 this section; a full-time county prosecutor's detective or
22 investigator; a full-time federal law enforcement officer; or is a
23 qualified retired law enforcement officer, as used in the federal
24 "Law Enforcement Officers Safety Act of 2004," Pub.L.108-277,
25 domiciled in this State from carrying a handgun in the same manner
26 as law enforcement officers exempted under paragraph (7) of
27 subsection a. of this section. A retired law enforcement officer
28 shall be entitled to carry a handgun pursuant to this subsection
29 under the following conditions:

30 (1) The retired law enforcement officer shall make application
31 in writing to the Superintendent of State Police for approval to carry
32 a handgun every two years. A renewal application shall be
33 submitted in the same manner.

34 (2) Upon receipt of the written application of the retired law
35 enforcement officer, the superintendent shall request a verification
36 of service from the chief law enforcement officer of the
37 organization in which the retired officer was last regularly
38 employed as a full-time law enforcement officer prior to retiring.
39 The verification of service shall include:

40 (a) The name and address of the retired officer;

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

43 (c) A list of all handguns known to be registered to that officer;

44 (d) A statement that, to the reasonable knowledge of the chief
45 law enforcement officer, the retired officer is not subject to any of
46 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

47 (e) A statement that the officer retired in good standing.

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of
3 this subsection, the superintendent shall notify in writing the chief
4 law enforcement officer of the municipality wherein that retired
5 officer resides. In the event the retired officer resides in a
6 municipality which has no chief law enforcement officer or law
7 enforcement agency, the superintendent shall maintain a record of
8 the approval.

9 (4) The superintendent shall issue to an approved retired officer
10 an identification card permitting the retired officer to carry a
11 handgun pursuant to this subsection. This identification card shall
12 be valid for two years from the date of issuance and shall be valid
13 throughout the State. The identification card shall not be
14 transferable to any other person. The identification card shall be
15 carried at all times on the person of the retired officer while the
16 retired officer is carrying a handgun. The retired officer shall
17 produce the identification card for review on the demand of any law
18 enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which the person resides by filing a written request for a
23 hearing within 30 days of the denial. Copies of the request shall be
24 served upon the superintendent and the county prosecutor. The
25 hearing shall be held within 30 days of the filing of the request, and
26 no formal pleading or filing fee shall be required. Appeals from the
27 determination of the hearing shall be in accordance with law and the
28 rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. A person
32 who becomes subject to any of the disabilities set forth in
33 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
34 superintendent, the person's identification card issued under
35 paragraph (4) of this subsection to the chief law enforcement officer
36 of the municipality wherein the person resides or the
37 superintendent, and shall be permanently disqualified to carry a
38 handgun under this subsection.

39 (7) The superintendent may charge a reasonable application fee
40 to retired officers to offset any costs associated with administering
41 the application process set forth in this subsection.

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish and Wildlife, while in the actual performance of duties, from
45 possessing, transporting or using any device that projects, releases
46 or emits any substance specified as being non-injurious to wildlife
47 by the Director of the Division of Animal Health in the Department
48 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

4 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
5 be construed to prevent duly authorized personnel of the New
6 Jersey Division of Fish and Wildlife, while in the actual
7 performance of duties, from possessing, transporting or using hand
8 held pistol-like devices, rifles or shotguns that launch pyrotechnic
9 missiles for the sole purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife; from possessing,
11 transporting or using rifles, pistols or similar devices for the sole
12 purpose of chemically immobilizing wild or non-domestic animals;
13 or, provided the duly authorized person complies with the
14 requirements of subsection j. of this section, from possessing,
15 transporting or using rifles or shotguns, upon completion of a Police
16 Training Commission approved training course, in order to dispatch
17 injured or dangerous animals or for non-lethal use for the purpose
18 of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife.

20 (cf: P.L.2022, c.131, s.8)

21

22 22. Section 4 of P.L.1993, c.364 (C.2C:43-2.2) is amended to
23 read as follows:

24 4. a. In addition to any other disposition made pursuant to law,
25 a court shall order a person convicted of, indicted for or formally
26 charged with, or a juvenile charged with delinquency or adjudicated
27 delinquent for an act which if committed by an adult would
28 constitute, aggravated sexual assault or sexual assault as defined in
29 subsection a. or c. of N.J.S.2C:14-2 to submit to an approved
30 serological test for acquired immune deficiency syndrome (AIDS)
31 or infection with the human immunodeficiency virus (HIV) or any
32 other related virus identified as a probable causative agent of AIDS.
33 The court shall issue such an order only upon the request of the
34 victim and upon application of the prosecutor immediately
35 following the request. The person or juvenile shall be ordered by
36 the court to submit to such repeat or confirmatory tests as may be
37 medically necessary.

38 As used in this section, "formal charge" includes a proceeding by
39 accusation in the event that the defendant has waived the right to an
40 indictment.

41 b. A court order issued pursuant to subsection a. of this section
42 shall require testing to be performed as soon as practicable by the
43 Commissioner of the Department of Corrections pursuant to
44 authority granted to the commissioner by sections 6 and 10 of
45 P.L.1976, c.98 (C.30:1B-6 and 30:1B-10), by a provider of health
46 care, at a health facility licensed pursuant to section 12 of P.L.1971,
47 c.136 (C.26:2H-12) or the **【Juvenile】** Youth Justice Commission
48 established pursuant to section 2 of P.L.1995, c.284

1 (C.52:17B-170). If the victim makes the request prior to or at the
2 time of indictment, or accusation if the defendant has waived the
3 right to an indictment, the court order shall require the testing be
4 performed within 48 hours. The order shall also require that the
5 results of the test be reported to the offender and to the appropriate
6 Office of Victim-Witness Advocacy.

7 c. The Office of Victim-Witness Advocacy, established
8 pursuant to section 5 of P.L.1985, c.404 (C.52:4B-43), shall
9 reimburse the Department of Corrections, Department of Health or
10 the **【Juvenile】 Youth** Justice Commission for the direct costs
11 incurred by these departments for any tests ordered by a court
12 pursuant to subsection a. of this section. Reimbursement shall be
13 made following a request from the department.

14 d. In addition to any other disposition authorized, a court may
15 order an offender at the time of sentencing to reimburse the State
16 for the costs of the tests ordered by subsection a. of this section.

17 e. Upon receipt of the result of a test ordered pursuant to
18 subsection a. of this section, the Office of Victim-Witness
19 Advocacy shall provide the victim with appropriate counseling,
20 referral for counseling and if appropriate, referral for health care.
21 The office shall notify the victim or make appropriate arrangements
22 for the victim to be notified of the test result.

23 f. The result of a test ordered pursuant to subsection a. of this
24 section shall be confidential and employees of the Department of
25 Corrections, the **【Juvenile】 Youth** Justice Commission, the Office
26 of Victim-Witness Advocacy, a health care provider, health care
27 facility or counseling service shall not disclose the result of a test
28 performed pursuant to this section except as authorized herein or as
29 otherwise authorized by law or court order. The provisions of this
30 section shall not be deemed to prohibit disclosure of a test result to
31 the person tested.

32 g. Persons who perform tests ordered pursuant to subsection a.
33 of this section in accordance with accepted medical standards for
34 the performance of such tests shall be immune from civil and
35 criminal liability arising from their conduct.

36 h. This section shall not be construed to preclude or limit any
37 other testing for acquired immune deficiency syndrome (AIDS) or
38 infection with the human immunodeficiency virus (HIV) or any
39 other related virus identified as a probable causative agent of AIDS
40 which is otherwise permitted by statute, court rule or common law.

41 (cf: P.L.2013, c.140, s.1)

42

43 23. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
44 as follows:

45 3. a. All fines, assessments imposed pursuant to section 2 of
46 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
47 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
48 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

1 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
2 penalties imposed pursuant to section 1 of P.L.2009, c.143
3 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
4 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
5 as follows:

6 (1) All fines, assessments imposed pursuant to section 2 of
7 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
8 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
9 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
10 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
11 penalties imposed pursuant to section 1 of P.L.2009, c.143
12 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
13 P.L.2013, c.214 (C.30:4-123.97), and restitution imposed by the
14 Superior Court or otherwise imposed at the county level, shall be
15 collected by the county probation division except when the fine,
16 assessment, or restitution is imposed in conjunction with a custodial
17 sentence to a State correctional facility or in conjunction with a
18 term of incarceration imposed pursuant to section 25 of P.L.1982,
19 c.77 (C.2A:4A-44) in which event the fine, assessment, or
20 restitution shall be collected by the Department of Corrections or
21 the **【Juvenile】** Youth Justice Commission established pursuant to
22 section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
23 a State correctional institution or a juvenile serving a term of
24 incarceration imposed pursuant to section 25 of P.L.1982, c.77
25 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
26 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
27 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
28 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a
29 penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-
30 3.8), a penalty imposed pursuant to section 7 of P.L.2013, c.214
31 (C.30:4-123.97), or restitution shall have the assessment, penalty,
32 fine, or restitution deducted from any income the inmate receives as
33 a result of labor performed at the institution or on any type of work
34 release program or, pursuant to regulations promulgated by the
35 Commissioner of the Department of Corrections or the **【Juvenile】**
36 Youth Justice Commission, from any personal account established
37 in the institution for the benefit of the inmate.

38 (a) A payment of restitution collected by the Department of
39 Corrections pursuant to this paragraph shall be maintained by the
40 department for two years during which the department shall attempt
41 to locate the victim to whom the restitution is owed. If the
42 department has not located the victim and the victim has not come
43 forward to claim the payment within this two-year period, the
44 payment shall be transferred to the Victims of Crime Compensation
45 Office Account to be used in satisfying claims pursuant to the
46 provisions of the "Criminal Injuries Compensation Act of 1971,"
47 P.L.1971, c.317 (C.52:4B-1 et seq.).

1 (b) If the Department of Corrections has transferred a payment
2 of restitution to the Victims of Crime Compensation Office
3 pursuant to subparagraph (a) of this paragraph, the department shall
4 provide the office with the order for restitution and any other
5 information regarding the identity of the victim to whom the
6 payment is owed. The office shall be responsible for maintaining
7 this information and for distributing payments of restitution to
8 victims who can prove they are owed the payments.

9 (2) All fines, assessments imposed pursuant to section 2 of
10 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
11 section 1 of P.L.1999, c.295 (C.2C:43-3.5), and restitution imposed
12 by a municipal court shall be collected by the municipal court
13 administrator except if the fine, assessments imposed pursuant to
14 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
15 as a condition of probation in which event it shall be collected by
16 the county probation division.

17 b. Except as provided in subsection c. with respect to fines
18 imposed on appeals following convictions in municipal courts and
19 except as provided in subsection i. with respect to restitution
20 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
21 al.), all fines imposed by the Superior Court or otherwise imposed
22 at the county level, shall be paid over by the officer entitled to
23 collect the fines to:

24 (1) The county treasurer with respect to fines imposed on
25 defendants who are sentenced to and serve a custodial term,
26 including a term as a condition of probation, in the county jail,
27 workhouse, or penitentiary except where such county sentence is
28 served concurrently with a sentence to a State institution; or

29 (2) The State Treasurer with respect to all other fines.

30 c. All fines imposed by municipal courts, except a central
31 municipal court established pursuant to N.J.S.2B:12-1 on
32 defendants convicted of crimes, disorderly persons offenses, and
33 petty disorderly persons offenses, and all fines imposed following
34 conviction on appeal therefrom, and all forfeitures of bail shall be
35 paid over by the officer entitled to collect the fines to the treasury
36 of the municipality wherein the municipal court is located.

37 In the case of an intermunicipal court, fines shall be paid into the
38 municipal treasury of the municipality in which the offense was
39 committed, and costs, fees, and forfeitures of bail shall be
40 apportioned among the several municipalities to which the court's
41 jurisdiction extends according to the ratios of the municipalities'
42 contributions to the total expense of maintaining the court.

43 In the case of a central municipal court, established by a county
44 pursuant to N.J.S.2B:12-1, all costs, fines, fees, and forfeitures of
45 bail shall be paid into the county treasury of the county where the
46 central municipal court is located.

- 1 d. All assessments imposed pursuant to section 2 of P.L.1979,
2 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
3 in that section.
- 4 e. All mandatory Drug Enforcement and Demand Reduction
5 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
6 and deposited as provided for in that section.
- 7 f. All forensic laboratory fees assessed pursuant to
8 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
9 that section.
- 10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.
- 14 h. All assessments imposed pursuant to section 11 of P.L.1993,
15 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
16 in that section.
- 17 i. All restitution imposed on defendants under the provisions
18 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
19 enforcement entity in extraditing the defendant from another
20 jurisdiction shall be paid over by the officer entitled to collect the
21 restitution to the law enforcement entities which participated in the
22 extradition of the defendant.
- 23 j. All penalties imposed pursuant to section 1 of P.L.1999,
24 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
25 in that section.
- 26 k. All penalties imposed pursuant to section 11 of P.L.2001,
27 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
28 that section.
- 29 l. All mandatory penalties imposed pursuant to section 1 of
30 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
31 provided in that section.
- 32 m. All mandatory Computer Crime Prevention penalties
33 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
34 shall be forwarded and deposited as provided in that section.
- 35 n. All mandatory Sex Offender Supervision penalties imposed
36 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
37 forwarded and deposited as provided in that section.
38 (cf: P.L.2019, c.363, s.6)
39
- 40 24. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
41 read as follows:
- 42 14. a. No person under the age of 18 years shall purchase, barter
43 or otherwise acquire a firearm and no person under the age of 21
44 years shall purchase, barter or otherwise acquire a handgun, unless
45 the person is authorized to possess the handgun in connection with
46 the performance of official duties under the provisions of
47 N.J.S.2C:39-6.

1 b. No person under the age of 18 years shall possess, carry, fire
2 or use a firearm except as provided under paragraphs (1), (2), (3)
3 and (4) of this subsection; and, unless authorized in connection with
4 the performance of official duties under the provisions of
5 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
6 carry, fire or use a handgun except under the following
7 circumstances:

8 (1) In the actual presence or under the direct supervision of his
9 father, mother or guardian, or some other person who holds a permit
10 to carry a handgun or a firearms purchaser identification card, as the
11 case may be; or

12 (2) For the purpose of military drill under the auspices of a
13 legally recognized military organization and under competent
14 supervision; or

15 (3) For the purpose of competition, target practice, instruction,
16 and training in and upon a firing range approved by the governing
17 body of the municipality in which the range is located or the
18 National Rifle Association and which is under competent
19 supervision at the time of such supervision or target practice or
20 instruction and training at any location; or

21 (4) For the purpose of hunting during the regularly designated
22 hunting season, provided that he possesses a valid hunting license
23 and has successfully completed a hunter's safety course taught by a
24 qualified instructor or conservation police officer and possesses a
25 certificate indicating the successful completion of such a course.

26 c. A person who violates this section shall be guilty of a crime
27 of the fourth degree. For purposes of this section the fact that the
28 act would not constitute a crime if committed by an adult shall not
29 be deemed to prohibit or require waiver of family court jurisdiction
30 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
31 under the "New Jersey Code of **【Juvenile】** Youth Justice,"
32 P.L.1982, c.77 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60
33 et seq.), P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81
34 (C.2A:4A-70 et seq.).

35 (cf: P.L.2019, c.407, s.3)

36

37 25. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
38 read as follows:

39 20. Records involving abuse or neglect. When the Department
40 of Children and Families receives a report or complaint that a child
41 may be abused or neglected; when the department provides services
42 to a child; or when the department receives a request from the
43 Superior Court, Chancery Division, Family Part to investigate an
44 allegation of abuse or neglect, the department may request of any
45 and all public or private institutions, or agencies including law
46 enforcement agencies, or any private practitioners, their records
47 past and present pertaining to that child and other children under the
48 same care, custody and control. The department shall not be

1 charged a fee for the copying of the records. Records kept pursuant
2 to the "New Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982,
3 c.77 (C.2A:4A-20 et seq.) may be obtained by the department, upon
4 issuance by a court of an order on good cause shown directing these
5 records to be released to the department for the purpose of aiding in
6 evaluation to determine if the child is abused or neglected. In the
7 release of the aforementioned records, the source shall have
8 immunity from any liability, civil or criminal.
9 (cf: P.L.2006, c.47, s.51)

10

11 26. Section 9 of P.L.1947, c.179 (C.9:22-9) is amended to read
12 as follows:

13 9. Any municipal youth guidance council having an adjustment
14 committee may petition the Superior Court, Chancery Division,
15 Family Part, in its discretion, to either:

16 A. Establish a schedule for a holding of juvenile hearings in a
17 suitable location chosen by the adjustment committee within the
18 limits of the petitioning municipality; or

19 B. Appoint a referee to hear and recommend disposition of any
20 cases specifically referred to the referee by the Family Part of the
21 county and any cases coming within the provisions of the "New
22 Jersey Code of **【Juvenile】 Youth** Justice," P.L.1982, c. 77
23 (C.2A:4A-20 et seq.) arising within the limits of the petitioning
24 municipality. It shall be the duty of the petitioning municipality to
25 see that adequate diagnostic services shall be made available to
26 such children.

27 Any case requiring the detention of a child shall be referred to
28 the Family Part for hearing.

29 Upon receipt of a petition to appoint a referee the Family Part
30 shall proceed to appoint a member of the adjustment committee, or
31 some other suitable person, as referee, in accordance with
32 N.J.S.2A:4-12. Nothing in this provision shall limit the present
33 discretionary power of the Family Part to appoint referees on their
34 own initiative or to prevent such a court from hearing cases
35 scheduled to be heard in the petitioning municipality in place of the
36 referee so appointed by it.

37 (cf: P.L.1991, c.91, s.215)

38

39 27. Section 2 of P.L.1955, c.55 (C.9:23-2) is amended to read as
40 follows:

41 2. Pursuant to said compact, the Governor is hereby authorized
42 and empowered to designate an officer within the **【Juvenile】 Youth**
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) who shall be the compact administrator and
45 who, acting jointly with like officers of other party States, shall
46 promulgate rules and regulations to carry out more effectively the
47 terms of the compact. Said compact administrator shall serve

1 subject to the pleasure of the Governor. The compact administrator
2 is hereby authorized, empowered and directed to co-operate with all
3 departments, agencies and officers of and in the government of this
4 State and its political subdivisions in facilitating the proper
5 administration of the compact or of any supplementary agreement
6 or agreements entered into by this State thereunder.
7 (cf: P.L.1995, c.280, s.23)

8
9 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
10 read as follows:

11 1. a. The Civil Service Commission shall effectuate the
12 following title changes in the career service:

13 (1) Correction officer recruit shall be retitled as correctional
14 police officer;

15 (2) Senior correction officer shall be retitled as senior
16 correctional police officer;

17 (3) Correction sergeant shall be retitled as correctional police
18 sergeant;

19 (4) Correction lieutenant shall be retitled as correctional police
20 lieutenant;

21 (5) Correction captain shall be retitled as correctional police
22 captain;

23 (6) Director of custody operations shall be retitled as
24 correctional police chief ;

25 (7) Correction officer apprentice shall be retitled as correctional
26 police officer apprentice; and

27 (8) Correction major shall be retitled as correctional police
28 major.

29 b. The title changes provided under this section shall apply to
30 all corrections officers employed by the New Jersey Department of
31 Corrections and the **[Juvenile]** Youth Justice Commission.

32 c. Any fees associated with the retitling pursuant to subsection
33 a. of this section shall be borne by the corrections officer whose
34 title is changed.

35 (cf: P.L.2017, c.293, s.1)

36
37 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
38 as follows:

39 6. a. For each State-placed child who is resident in a district
40 and in a State facility on the last school day prior to October 16 of
41 the prebudget year, and for each district-placed child who is
42 resident in a district and in a State facility on the last school day
43 prior to October 16 of the budget year, the Commissioner of
44 Education shall deduct from the State aid payable to that district an
45 amount equal to the approved per pupil cost established pursuant to
46 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
47 except that for a child in a county juvenile detention center, no

1 deduction shall be made until Fiscal Year 1999, in which year and
2 thereafter **【50%】** 50 percent of the per pupil cost shall be deducted.

3 b. If, for any district, the amount to be deducted pursuant to
4 subsection a. of this section is greater than State aid payable to the
5 district, the district shall pay to the Department of Education the
6 difference between the amount to be deducted and the State aid
7 payable to the district.

8 c. The amount deducted pursuant to subsection a. of this
9 section and the amount paid to the Department of Education
10 pursuant to subsection b. of this section shall be forwarded to the
11 Department of Human Services or the Department of Children and
12 Families, as applicable, if the facility is operated by or under
13 contract with that department, or to the Department of Corrections
14 if the facility is operated by or under contract with that department,
15 or to the **【Juvenile】** Youth Justice Commission established pursuant
16 to section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
17 operated by or under contract with that commission, and shall serve
18 as payment by the district of tuition for the child. In the case of
19 county juvenile detention centers, the tuition shall be deemed to
20 supplement funds currently provided by the county for this purpose
21 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
22 In Fiscal Year 1998, a county shall not decrease its level of
23 contribution as a result of the payment of tuition pursuant to this
24 section. In Fiscal Year 1999 and thereafter, a county shall be
25 required to pay **【50%】** 50 percent of the approved per pupil costs
26 established pursuant to the provisions of section 24 of P.L.1996,
27 c.138 (C.18A:7F-24) for the purpose of implementing chapters 10
28 and 11 of Title 9 of the Revised Statutes. Amounts so deducted
29 shall be used solely for the support of educational programs and
30 shall be maintained in a separate account for that purpose. No
31 district shall be responsible for the tuition of any child admitted by
32 the State to a State facility after the last school day prior to October
33 16 of the prebudget year.

34 (cf: P.L.2006, c.47, s.81)

35

36 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
37 read as follow:

38 8. Funds received pursuant to this act by the Department of
39 Human Services, the Department of Children and Families, the
40 Department of Corrections or the **【Juvenile】** Youth Justice
41 Commission established pursuant to section 2 of P.L.1995, c.284
42 (C.52:17B-170) shall be used only for the salaries of teachers,
43 educational administrators at the program level, child study team
44 personnel, clerical staff assigned to child study teams or to
45 educational day programs, paraprofessionals assigned to
46 educational programs in State facilities, and for diagnostic services
47 required as part of the child study team evaluations and related

1 educational services personnel whose function requires an
2 educational certificate issued by the State Department of Education,
3 and for the costs of educational materials, supplies and equipment
4 for these programs. No such funds shall be used for the renovation
5 or construction of capital facilities, for the maintenance and
6 operation of educational facilities, or for custodial, habilitation or
7 other noneducational costs.

8 There are hereby authorized to be appropriated to the
9 Departments of Human Services, Children and Families and
10 Corrections such funds as may be necessary to provide for adult,
11 post-secondary and college programs.

12 (cf: P.L.2006, c.47, s.82)

13

14 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
15 read as follows:

16 9. The Commissioner of Education, with the approval of the
17 State Board of Education, shall promulgate rules and regulations to
18 ensure a thorough and efficient education, consistent with the
19 provisions of P.L.2007, c.260 (C.18A:7F-43 et al.), for the children
20 in State facilities. In the case of county juvenile detention centers,
21 the Office of Education in the **【Juvenile】 Youth** Justice
22 Commission shall develop, in consultation with the commissioner,
23 appropriate standards, to be effective for Fiscal Year 1999, for the
24 provision of a thorough and efficient education by the county for
25 facilities established under chapter 10 and chapter 11 of Title 9 of
26 the Revised Statutes.

27 The commissioner shall continually review the operation of
28 educational programs in State facilities. If he finds that the
29 operation of any of these programs does not meet the educational
30 standard required by the regulations, he shall direct that a remedial
31 plan be prepared by the education director of the facility in which
32 the program is located, together with the director of educational
33 services of the department which is operating or contracting with
34 the facility. The plan shall be submitted to the Commissioner of
35 Education for his approval. If he approves the plan, it shall be
36 implemented in a timely and effective manner. If he finds the plan
37 or its implementation to be insufficient, he may, until the
38 insufficiency is corrected, withhold and place in a special account
39 any State aid funds which otherwise would have been forwarded
40 pursuant to section 6 of P.L.1979, c.207.

41 (cf: P.L.2007, c.260, s.26)

42

43 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
44 read as follows:

45 11. a. Any parent or guardian of a pupil in a State facility and
46 any pupil in a State facility between 18 and 20 years of age, may
47 request an administrative review on matters of educational
48 classification or educational program.

- 1 b. The administrative review process shall include the
2 following sequence:
- 3 (1) A conference with teaching staff members or child study
4 team personnel;
- 5 (2) A conference with the Director of Educational Services of
6 the Department of Human Services, the Department of Children and
7 Families, the Department of Corrections, or the **【Juvenile】 Youth**
8 Justice Commission, whichever is appropriate;
- 9 (3) A hearing by the Commissioner of Education pursuant to
10 law and regulation.
- 11 c. The due process rights available to children, parents and
12 guardians in the public schools on matters of educational
13 classification or educational program shall be available to children,
14 parents and guardians in State facilities.
- 15 d. The placement of a child in a particular State facility shall
16 not be subject to an administrative review or hearing pursuant to
17 this section.
18 (cf: P.L.2006, c.47, s.83)
19
- 20 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
21 read as follows:
- 22 19. For school funding purposes, the Commissioner of
23 Education shall determine district of residence as follows:
- 24 a. (1) In the case of a child placed in a resource family home
25 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
26 the district of residence shall be the district in which the resource
27 family parents reside. If such a child in a resource family home is
28 subsequently placed in a State facility or by a State agency, the
29 district of residence of the child shall then be determined as if no
30 such resource family placement had occurred.
- 31 (2) In the case of a child placed in a resource family home on or
32 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
33 district of residence shall be the present district of residence of the
34 parent or guardian with whom the child lived prior to the most
35 recent placement in a resource family home.
- 36 b. The district of residence for children who are in residential
37 State facilities, or who have been placed by State agencies in group
38 homes, skill development homes, private schools or out-of-State
39 facilities, shall be the present district of residence of the parent or
40 guardian with whom the child lived prior to his most recent
41 admission to a State facility or most recent placement by a State
42 agency.
- 43 c. The district of residence for children whose parent or
44 guardian temporarily moves from one school district to another as
45 the result of being homeless shall be the district in which the parent
46 or guardian last resided prior to becoming homeless. For the
47 purpose of this amendatory and supplementary act, "homeless" shall

1 mean an individual who temporarily lacks a fixed, regular and
2 adequate residence.

3 d. If the district of residence cannot be determined according to
4 the criteria contained herein, if the criteria contained herein identify
5 a district of residence outside of the State, or if the child has resided
6 in a domestic violence shelter, homeless shelter, or transitional
7 living facility located outside of the district of residence for more
8 than one year, the State shall assume fiscal responsibility for the
9 tuition of the child. The tuition shall equal the approved per pupil
10 cost established pursuant to section 24 of P.L.1996, c.138
11 (C.18A:7F-24). This amount shall be appropriated in the same
12 manner as other State aid under this act. The Department of
13 Education shall pay the amount to the Department of Human
14 Services, the Department of Children and Families, the Department
15 of Corrections or the **【Juvenile】** Youth Justice Commission
16 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
17 or, in the case of a homeless child or a child in a family resource
18 home, the Department of Education shall pay to the school district
19 in which the child is enrolled the weighted base per pupil amount
20 calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49)
21 and the appropriate security categorical aid per pupil and special
22 education categorical aid per pupil.

23 e. If the State has assumed fiscal responsibility for the tuition
24 of a child in a private educational facility approved by the
25 Department of Education to serve children who are classified as
26 needing special education services, the department shall pay to the
27 Department of Human Services, the Department of Children and
28 Families or the **【Juvenile】** Youth Justice Commission, as
29 appropriate, the aid specified in subsection d. of this section and in
30 addition, such aid as required to make the total amount of aid equal
31 to the actual cost of the tuition.

32 (cf: P.L.2017, c.83, s.1)

33

34 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
35 read as follows:

36 20. Beginning in the school year 1997-98, the Commissioner of
37 Education shall annually report to the Legislature, describing the
38 condition of educational programs in State facilities, the efforts of
39 the Departments of Corrections, Children and Families, and Human
40 Services and the **【Juvenile】** Youth Justice Commission in meeting
41 the standards of a thorough and efficient education in these
42 facilities, the steps underway to correct any deficiencies in their
43 educational programs, and the progress of the educational programs
44 in New Jersey State facilities in comparison with those in the state
45 facilities of other states. At that time the commissioner shall
46 recommend to the Legislature any necessary or desirable changes or

1 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).
2 (cf: P.L.2006, c.47, s.86)

3
4 35. Section 1 of P.L.2005, c.265 (C.18A:7C-12) is amended to
5 read as follows:

6 1. Notwithstanding any provision of law to the contrary, in the
7 case of a student enrolled in an educational program in a county
8 juvenile detention center that meets the standards for a thorough
9 and efficient education developed by the Office of Education in the
10 **【Juvenile】 Youth** Justice Commission, in consultation with the
11 Commissioner of Education, pursuant to section 9 of P.L. 1979,
12 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
13 district, the district shall accept all days of attendance and courses
14 studied by the student at the county juvenile detention center and
15 apply them toward district requirements for elementary, middle, or
16 high school graduation.

17 (cf: P.L.2005, c.265, s.1)

18

19 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
20 read as follows:

21 24. Annually by December 15, the Department of Corrections,
22 the Department of Human Services, the Department of Children and
23 Families and the **【Juvenile】 Youth** Justice Commission shall each
24 submit to the commissioner for approval, with respect to the
25 facilities under their operational or supervisory authority, a budget
26 for educational programs as set forth in section 8 of P.L.1979, c.207
27 (C.18A:7B-4) for the subsequent year, together with enrollments
28 and per pupil costs. For the purposes of calculating a per pupil cost,
29 enrollment shall be based on the number of pupils in the State
30 facility on the last school day prior to October 16 of the prebudget
31 year. In the subsequent year, pursuant to P.L.1979, c.207
32 (C.18A:7B-1 et seq.) for students resident in a district, approved per
33 pupil amounts shall be deducted from each school district's State aid
34 and remitted to the appropriate agency, except that for county
35 juvenile detention centers, no deduction shall be made until Fiscal
36 Year 1999; in that year and thereafter, **【50%】 50 percent** of
37 approved per pupil amounts shall be deducted and remitted to the
38 **【Juvenile】 Youth** Justice Commission.

39 (cf: P.L.2006, c.47, s.89)

40

41 37. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
42 read as follows:

43 3. As used in this act and P.L.1996, c.138, unless the context
44 clearly requires a different meaning:

45 "At-risk pupils" means those resident pupils from households
46 with a household income at or below the most recent federal

1 poverty guidelines available on October 15 of the prebudget year
2 multiplied by 1.85;

3 "Base per pupil amount" means the cost per elementary pupil of
4 delivering the core curriculum content standards and extracurricular
5 and cocurricular activities necessary for a thorough and efficient
6 education;

7 "Bilingual education pupil" means a resident pupil enrolled in a
8 program of bilingual education or in an English as a second
9 language program approved by the State Board of Education;

10 "Budgeted local share" means the district's local tax levy
11 contained in the budget certified for taxation purposes;

12 "Capital outlay" means capital outlay as defined in GAAP;

13 "Combination pupil" means a resident pupil who is both an at-
14 risk pupil and a bilingual education pupil;

15 "Commissioner" means the Commissioner of Education;

16 "Concentration of at-risk pupils" shall be based on prebudget
17 year pupil data and means, for a school district or a county
18 vocational school district, the number of at-risk pupils among those
19 counted in resident enrollment, divided by resident enrollment;

20 "County special services school district" means any entity
21 established pursuant to article 8 of chapter 46 of Title 18A of the
22 New Jersey Statutes;

23 "County vocational school district" means any entity established
24 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
25 Statutes;

26 "CPI" means the increase, expressed as a decimal, in the average
27 annualized consumer price index for the New York City and
28 Philadelphia areas in the fiscal year preceding the prebudget year
29 relative to the previous fiscal year as reported by the United States
30 Department of Labor;

31 "Debt service" means payments of principal and interest upon
32 school bonds and other obligations issued to finance the purchase or
33 construction of school facilities, additions to school facilities, or the
34 reconstruction, remodeling, alteration, modernization, renovation or
35 repair of school facilities, including furnishings, equipment,
36 architect fees, and the costs of issuance of such obligations and
37 shall include payments of principal and interest upon bonds
38 heretofore issued to fund or refund such obligations, and upon
39 municipal bonds and other obligations which the commissioner
40 approves as having been issued for such purposes;

41 "District income" means the aggregate income of the residents of
42 the taxing district or taxing districts, based upon data provided by
43 the Division of Taxation in the New Jersey Department of the
44 Treasury and contained on the New Jersey State Income Tax forms
45 for the calendar year ending two years prior to the prebudget year.
46 The commissioner may supplement data contained on the State
47 Income Tax forms with data available from other State or federal
48 agencies in order to better correlate the data to that collected on the

1 federal census. With respect to regional districts and their
2 constituent districts, however, the district income as described
3 above shall be allocated among the regional and constituent districts
4 in proportion to the number of pupils resident in each of them;

5 "Equalized valuation" means the equalized valuation of the
6 taxing district or taxing districts, as certified by the Director of the
7 Division of Taxation on October 1, or subsequently revised by the
8 tax court by January 15, of the prebudget year. With respect to
9 regional districts and their constituent districts, however, the
10 equalized valuations as described above shall be allocated among
11 the regional and constituent districts in proportion to the number of
12 pupils resident in each of them. In the event that the equalized table
13 certified by the director shall be revised by the tax court after
14 January 15 of the prebudget year, the revised valuations shall be
15 used in the recomputation of aid for an individual school district
16 filing an appeal, but shall have no effect upon the calculation of the
17 property value rate, Statewide average equalized school tax rate, or
18 Statewide equalized total tax rate;

19 "Full-day preschool" means a preschool day consisting of a six-
20 hour comprehensive educational program in accordance with the
21 district's kindergarten through grade 12 school calendar;

22 "GAAP" means the generally accepted accounting principles
23 established by the Governmental Accounting Standards Board as
24 prescribed by the State board pursuant to N.J.S.18A:4-14;

25 "General special education services pupil" means a pupil
26 receiving specific services pursuant to chapter 46 of Title 18A of
27 the New Jersey Statutes;

28 "Geographic cost adjustment" means an adjustment that reflects
29 county differences in the cost of providing educational services that
30 are outside the control of the district;

31 "Household income" means income as defined in 7 CFR ss.245.2
32 and 245.6 or any subsequent superseding federal law or regulation;

33 "Net budget" means the sum of the district's general fund tax
34 levy, State aid received pursuant to the provisions of this act other
35 than preschool education aid, miscellaneous revenue estimated
36 pursuant to GAAP, and designated general fund balance;

37 "Prebudget year" means the school fiscal year preceding the year
38 in which the school budget is implemented;

39 "Nonpreschool ECPA" means the amount of early childhood
40 program aid, excluding prior year carry-forward amounts, included
41 in a district's 2007-2008 school year budget certified for taxes that
42 was allocated to grades K through 3;

43 "Report" means the Educational Adequacy Report issued by the
44 commissioner pursuant to section 4 of this act;

45 "Resident enrollment" means the number of pupils other than
46 preschool pupils, post-graduate pupils, and post-secondary
47 vocational pupils who, on the last school day prior to October 16 of
48 the current school year, are residents of the district and are enrolled

1 in: (1) the public schools of the district, excluding evening schools,
2 (2) another school district, other than a county vocational school
3 district in the same county on a full-time basis, or a State college
4 demonstration school or private school to which the district of
5 residence pays tuition, or (3) a State facility in which they are
6 placed by the district; or are residents of the district and are: (1)
7 receiving home instruction, or (2) in a shared-time vocational
8 program and are regularly attending a school in the district and a
9 county vocational school district. In addition, resident enrollment
10 shall include the number of pupils who, on the last school day prior
11 to October 16 of the prebudget year, are residents of the district and
12 in a State facility in which they were placed by the State. Pupils in
13 a shared-time vocational program shall be counted on an equated
14 full-time basis in accordance with procedures to be established by
15 the commissioner. Resident enrollment shall include regardless of
16 nonresidence, the enrolled children of teaching staff members of the
17 school district or county vocational school district who are
18 permitted, by contract or local district policy, to enroll their
19 children in the educational program of the school district or county
20 vocational school district without payment of tuition. Disabled
21 children between three and five years of age and receiving programs
22 and services pursuant to N.J.S.18A:46-6 shall be included in the
23 resident enrollment of the district;

24 "School district" means any local or regional school district
25 established pursuant to chapter 8 or chapter 13 of Title 18A of the
26 New Jersey Statutes;

27 "State facility" means a State developmental center, a State
28 Division of Youth and Family Services' residential center, a State
29 residential mental health center, a Department of Children and
30 Families Regional Day School, a State training school/secure care
31 facility, a State juvenile community program, a juvenile detention
32 center or a boot camp under the supervisory authority of the
33 **【Juvenile】 Youth** Justice Commission pursuant to P.L.1995, c.284
34 (C.52:17B-169 et seq.), or an institution operated by or under
35 contract with the Department of Corrections, Children and Families
36 or Human Services, or the **【Juvenile】 Youth** Justice Commission;

37 "Statewide equalized school tax rate" means the amount
38 calculated by dividing the general fund tax levy for all school
39 districts, which excludes county vocational school districts and
40 county special services school districts as defined pursuant to this
41 section, in the State for the prebudget year by the equalized
42 valuations certified in the year prior to the prebudget year of all
43 taxing districts in the State except taxing districts for which there
44 are not school tax levies;

45 "Tax levy growth limitation" means the permitted annual
46 increase in the adjusted tax levy for a school district as calculated

1 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
2 18A:7F-39).

3 (cf: P.L.2010, c.44, s.6)

4

5 38. N.J.S.18A:47-4 is amended to read as follows:

6 18A:47-4. Such special school shall receive, restrain, and
7 instruct dependent delinquent children, and children under the age
8 of 16 years, committed to such school by the Superior Court,
9 Chancery Division, Family Part pursuant to the "New Jersey Code
10 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

11 If in the judgment of the court the best interests of a child
12 demand that the special school have the entire charge and control of
13 the child, the court may take the custody of the child from its
14 parents or guardian and give it, for an indeterminate period, to the
15 board of education having control of the special school. When in
16 the judgment of the board the conduct of the child has so improved
17 that it should be permitted to attend the regular public schools, it
18 may return the child to the custody of its parents or guardian.

19 Any child, under the age of 16 years, arrested for any cause
20 except murder or manslaughter, and pupils habitually truant or
21 incorrigible, may, by order of the Family Part be held in the school
22 until final judgment.

23 (cf: P.L.1991, c.91, s.235)

24

25 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
26 read as follows:

27 2. The Legislature finds and declares that:

28 a. A qualified and stable work force in public facilities and
29 nonprofit social services agencies is essential to ensure the provision
30 of quality services to persons in need of services, including persons
31 with mental illness, developmental disabilities or other disabilities,
32 persons in need of substance use disorder treatment and juveniles
33 under the custody and care of the **【Juvenile】 Youth** Justice
34 Commission;

35 b. These public facilities and social services agencies are
36 currently facing a personnel crisis, which is expected to worsen in the
37 next two decades;

38 c. The entry-level and on-going salaries offered by these public
39 facilities and social services agencies to direct care professionals are
40 not always competitive with those offered in the private for profit
41 sector, which limits the ability of these facilities and agencies to attract
42 and retain qualified direct care professionals;

43 d. Loan redemption programs can address the economic hardship
44 of direct care professionals performing critical work in low-paying
45 jobs, who in many instances are forced, because of their high loan debt
46 and low incomes, to reject or abandon employment in the public
47 sector, which is in great need of their skills and knowledge, for
48 employment that is more financially rewarding;

1 e. The departure of these skilled direct care professionals from
2 the public and nonprofit sector is, in many cases, a loss to their own
3 sense of personal fulfillment, to the consumers that they serve, and to
4 society at large; and

5 f. The establishment by this State of a loan redemption program
6 for direct care professionals employed in public facilities and nonprofit
7 agencies that contract with the Department of Human Services and the
8 **【Juvenile】 Youth** Justice Commission is essential to address the need
9 for the continued provision of high-quality services by these skilled
10 and knowledgeable professionals.

11 (cf: P.L.2023, c.177, s.52)

12

13 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
14 read as follows:

15 3. As used in this act:

16 "Approved course of study" means: an undergraduate program
17 leading to a bachelor's degree offered by a four-year public or
18 independent institution of higher education; or a graduate program
19 leading to a master's degree, which is offered by a public or
20 independent institution of higher education, in a human services
21 discipline such as social work, psychology or counseling, or a
22 health-related profession such as occupational, physical or speech
23 therapy.

24 "Approved employment" means postgraduate, full-time
25 employment as a direct care professional in a qualified facility. The
26 term shall not include a paid student internship, paid fellowship,
27 volunteer service or employment before graduation.

28 "Authority" means the Higher Education Student Assistance
29 Authority established pursuant to N.J.S.18A:71A-3.

30 "Direct care professional" means a professional staff member at
31 a qualified facility who provides one or more of the following
32 services to eligible persons: counseling; physical, occupational,
33 recreational or speech therapy; case management; vocational
34 training; assistance with activities of daily living; medication
35 management; budgeting assistance; addiction treatment services;
36 nutrition; and other clinical services.

37 "Eligible student loan expenses" mean the cumulative total of the
38 annual student loans, covering the cost of attendance while enrolled
39 in an approved course of study. Interest paid or due on student
40 loans that a program participant has taken out for use in paying the
41 costs of attendance at an institution of higher education shall be
42 considered eligible for reimbursement under the program.

43 "Program" means the Social Services Student Loan Redemption
44 Program established pursuant to this act.

45 "Program participant" means a person who meets the
46 requirements of the program.

47 "Qualified facility" means:

- 1 a. a facility operated by the Department of Human Services
 - 2 that provides direct care services to persons served by the
 - 3 department;
 - 4 b. a county psychiatric hospital;
 - 5 c. a facility operated by the **【Juvenile】 Youth** Justice
 - 6 Commission;
 - 7 d. a veterans' memorial home operated by the Department of
 - 8 Military and Veterans' Affairs; and
 - 9 e. a nonprofit agency in the State that contracts with the
 - 10 Department of Human Services or the **【Juvenile】 Youth** Justice
 - 11 Commission to provide direct care services to persons served by the
 - 12 department or commission.
- 13 (cf: P.L.2005, c.157, s.3)

14

15 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to

16 read as follows:

17 4. There is established the Social Services Student Loan

18 Redemption Program within the Higher Education Student

19 Assistance Authority.

20 The purpose of the program is to address the current and

21 projected critical shortage of direct care professionals in the State

22 by providing an incentive for persons to engage in employment at

23 certain public facilities, and nonprofit social services agencies

24 under contract with the Department of Human Services or the

25 **【Juvenile】 Youth** Justice Commission, so as to ensure that State

26 residents who are in need of direct care services at these facilities

27 and agencies have sufficient, qualified professional staff in order to

28 provide the needed services.

29 The program shall provide loan redemption to finance the

30 undergraduate or graduate study of program participants in

31 exchange for full-time employment as a direct care professional at a

32 qualified facility following completion of an approved course of

33 study.

34 (cf: P.L.2005, c.157, s.4)

35

36 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended

37 to read as follows:

38 10. The Higher Education Student Assistance Authority, in

39 consultation with the Commissioner of Human Services and the

40 executive director of the **【Juvenile】 Youth** Justice Commission,

41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

42 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to

43 implement the provisions of this act, including eligibility criteria for

44 the program, procedures for determining the amount of the loan

45 redemption award, and the types of direct care professional

46 positions that qualify for the program.

47 (cf: P.L.2005, c.157, s.10)

1 43. Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
2 read as follows:

3 10. a. To assist and advise in issues pertaining to prisoner
4 reentry, there is established in the Department of Corrections an
5 advisory commission to be known as the "Prisoner Reentry
6 Commission." The purpose of the commission shall be to review,
7 study, and offer solutions to problems facing prisoners re-entering
8 society, including, but not limited to determining whether:

9 (1) New Jersey should seek a federal waiver under Section 1115
10 of the Social Security Act to expand Medicaid eligibility to non-
11 disabled adults, to leverage additional federal funds in order to
12 target high risk populations;

13 (2) Health care and treatment resources for former prisoners are
14 adequate and if not, methods by which they can be improved;

15 (3) The prison population can be incorporated fully into New
16 Jersey's workforce development strategy; and

17 (4) Sources of funding intended for the same populations and
18 communities could be tapped, coordinated and leveraged
19 effectively.

20 b. In addition, the commission shall:

21 (1) Evaluate and provide recommendations for special issues
22 concerning juvenile reentry;

23 (2) Evaluate and make recommendations concerning current law
24 on juvenile waiver; and

25 (3) Evaluate and provide recommendations for inter-agency
26 communication, information sharing, and problem solving.

27 c. (1) The advisory commission shall consist of 18 members as
28 follows:

29 (a) The Attorney General or his designee, who shall serve ex
30 officio;

31 (b) The Secretary of State or his designee, who shall serve ex
32 officio;

33 (c) The Commissioner of Corrections or his designee, who shall
34 serve ex officio;

35 (d) The Commissioner of Human Services or his designee, who
36 shall serve ex officio;

37 (e) The Commissioner of Labor and Workforce Development or
38 his designee, who shall serve ex officio;

39 (f) The Commissioner of Community Affairs or his designee,
40 who shall serve ex officio;

41 (g) The Commissioner of Education or his designee, who shall
42 serve ex officio;

43 (h) Two members of the Senate, to be appointed by the
44 President of the Senate, who shall each be of different political
45 parties;

46 (i) Two members of the General Assembly, to be appointed by
47 the Speaker of the General Assembly, who shall each be of different
48 political parties;

1 (j) The Chairman of the State Parole Board or his designee,
2 who shall serve ex officio;

3 (k) The Executive Director of the **【Juvenile】 Youth** Justice
4 Commission or his designee, who shall serve ex officio;

5 (l) The Executive Director of the Housing and Mortgage
6 Finance Agency or his designee, who shall serve ex officio;

7 (m) The New Jersey Public Defender or his designee, who shall
8 serve ex officio;

9 (n) One representative from the New Jersey Institute for Social
10 Justice; and

11 (o) Two public members, who by experience or training have
12 expertise in issues facing former prisoners, to be appointed by the
13 Governor.

14 (2) The Governor shall designate one member as chairman and
15 two members as vice-chairmen of the commission from among the
16 members listed in this subsection.

17 (3) The public members shall be appointed for a five-year term.
18 Vacancies in the membership of the advisory commission shall be
19 filled in the same manner provided for in the original appointments.
20 The members of the advisory commission shall serve without
21 compensation but may be reimbursed for travel and other
22 miscellaneous expenses necessary to perform their duties, within
23 the limits of funds made available to the advisory commission for
24 its purposes.

25 (4) A member of the commission may be removed for good
26 cause.

27 d. The commission may meet at the call of its chair and hold
28 hearings at the times and in the places it may deem appropriate and
29 necessary to fulfill its charge. The advisory commission shall be
30 entitled to call to its assistance, and avail itself of the services of,
31 the employees of any State, county or municipal department, board,
32 bureau, commission or agency as it may require and as may be
33 available to it for its purposes.

34 e. The commission shall annually submit a report to the
35 Governor and the Legislature pursuant to section 2 of P.L.1991,
36 c.164 (C.52:14-19.1) along with any recommendations it deems
37 appropriate, including any legislative proposals it may wish to
38 make.

39 (cf: P.L.2009, c.329, s.10)

40

41 44. Section 3 of P.L.1998, c.71 (C.30:4-27.26) is amended to
42 read as follows:

43 3. As used in this act:

44 "Agency with jurisdiction" means the agency which releases
45 upon lawful order or authority a person who is serving a sentence or
46 term of confinement, or is otherwise being detained or maintained
47 in custody. This term includes the Department of Corrections or a
48 county correctional facility, the **【Juvenile】 Youth** Justice

1 Commission or a county juvenile detention facility, and the
2 Department of Human Services. "Attorney General" means the
3 Attorney General or a county prosecutor to whom the Attorney
4 General has delegated authority under this act.

5 "Clinical certificate for a sexually violent predator" means a
6 form prepared by the Division of Mental Health Services in the
7 Department of Human Services and approved by the Administrative
8 Office of the Courts, that is completed by the psychiatrist or other
9 physician who has examined the person who is subject to
10 commitment within three days of presenting the person for
11 admission to a facility for treatment, and which states that the
12 person is a sexually violent predator in need of involuntary
13 commitment. The form shall also state the specific facts upon which
14 the examining physician has based that conclusion and shall be
15 certified in accordance with the Rules Governing the Courts of the
16 State of New Jersey. A clinical certificate for a sexually violent
17 predator may not be executed by an individual who is a relative by
18 blood or marriage to the person who is being examined.

19 "Likely to engage in acts of sexual violence" means the
20 propensity of a person to commit acts of sexual violence is of such
21 a degree as to pose a threat to the health and safety of others.

22 "Mental abnormality" means a mental condition that affects a
23 person's emotional, cognitive or volitional capacity in a manner that
24 predisposes that person to commit acts of sexual violence.

25 "Person" means an individual 18 years of age or older who is a
26 potential or actual subject of proceedings under this act.

27 "Psychiatrist" means a physician who has completed the training
28 requirements of the American Board of Psychiatry and Neurology.

29 "Sexually violent offense" means:

30 (a) aggravated sexual assault; sexual assault; aggravated
31 criminal sexual contact; kidnapping pursuant to subparagraph (b) of
32 paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual
33 contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3
34 if the underlying crime is sexual assault; an attempt to commit any
35 of these enumerated offenses; or a criminal offense with
36 substantially the same elements as any offense enumerated above,
37 entered or imposed under the laws of the United States, this State or
38 another state; or

39 (b) any offense for which the court makes a specific finding on
40 the record that, based on the circumstances of the case, the person's
41 offense should be considered a sexually violent offense.

42 "Sexually violent predator" means a person who has been
43 convicted, adjudicated delinquent or found not guilty by reason of
44 insanity for commission of a sexually violent offense, or has been
45 charged with a sexually violent offense but found to be incompetent
46 to stand trial, and suffers from a mental abnormality or personality
47 disorder that makes the person likely to engage in acts of sexual

1 violence if not confined in a secure facility for control, care and
2 treatment.

3 "Treatment team" means the individuals, agencies or firms which
4 provide treatment, supervision or other services at a facility
5 designated for the custody, care and treatment of sexually violent
6 predators.

7 (cf: P.L.1998, c.71, s.3)

8

9 45. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
10 read as follows:

11 4. a. In order to ensure that adult and juvenile inmates who are
12 dangerous to themselves or others because of mental illness and
13 who are "in need of involuntary commitment" within the meaning
14 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually
15 violent predators" within the meaning of section 3 of P.L.1998, c.71
16 (C.30:4-27.26), are not released without appropriate supervision
17 and treatment, the board, the Commissioner of the Department of
18 Corrections, the Attorney General, the **【Juvenile】 Youth** Justice
19 Commission established pursuant to section 2 of P.L.1995, c.284
20 (C.52:17B-170) and county prosecutors shall follow the procedures
21 set forth in this section.

22 b. When an adult or juvenile inmate is scheduled for release
23 due to expiration of the inmate's maximum term, the commissioner
24 or the **【Juvenile】 Youth** Justice Commission shall notify the
25 Attorney General and the prosecutor of the county from which the
26 person was committed if:

27 (1) The adult inmate's term includes a sentence imposed for
28 conviction of aggravated sexual assault, sexual assault or
29 aggravated criminal sexual contact and the court imposing sentence
30 found that the offender's conduct was characterized by a pattern of
31 repetitive, compulsive behavior;

32 (2) The parole board or the superintendent of the facility in
33 which the inmate has been confined has advised the commissioner
34 or the **【Juvenile】 Youth** Justice Commission that the conduct of the
35 inmate during the period of confinement, the inmate's mental
36 condition or the inmate's past history indicates that the inmate may
37 be "in need of involuntary commitment" within the meaning of
38 section 2 of P.L.1987, c.116 (C.30:4-27.2); or

39 (3) The inmate's term includes a sentence imposed for
40 conviction of a "sexually violent offense" as defined in section 3 of
41 P.L.1998, c.71 (C.30:4-27.26).

42 c. Notice required by subsection b. shall be given no less than
43 90 days before the date on which the inmate's maximum term is
44 scheduled to expire.

45 d. When such notice is given, the board, the **【Juvenile】 Youth**
46 Justice Commission or the commissioner shall provide the Attorney
47 General and county prosecutor with all information relevant to a

1 determination of whether the inmate may be "in need of involuntary
2 commitment" or may be a "sexually violent predator", including,
3 without regard to classification as confidential pursuant to
4 regulations of the board, of the Department of Corrections or the
5 **【Juvenile】 Youth** Justice Commission, any preparole report,
6 psychological and medical records, any statement of the reasons for
7 denial of parole and, if applicable, a statement of the reasons for the
8 determination that the inmate may be "in need of involuntary
9 commitment" or may be a "sexually violent predator".

10 e. If the Attorney General or county prosecutor determines, on
11 the basis of the information provided pursuant to this section or
12 N.J.S.2C:47-5, that the inmate may be "in need of involuntary
13 commitment" or may be a "sexually violent predator", the
14 Commissioner of Corrections or the **【Juvenile】 Youth** Justice
15 Commission, upon request of the Attorney General or county
16 prosecutor shall:

17 (1) Permit persons qualified to execute clinical certificates
18 necessary for civil commitment to examine the inmate in the
19 institution in which he is confined; or

20 (2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2),
21 arrange for persons qualified to execute clinical certificates
22 necessary for civil commitment to examine the inmate.

23 f. In the interests of the public safety and the well-being of the
24 inmate, the Attorney General or county prosecutor may exercise
25 discretion to obtain an assessment of the inmate's condition by one
26 or more of the means set forth in subsection e. of this section.

27 g. The Attorney General or county prosecutor shall provide a
28 psychiatrist or physician assessing or examining an inmate pursuant
29 to this section with all information relevant to the inmate's need of
30 involuntary commitment, including information concerning the
31 inmate's condition, history, recent behavior and any recent act or
32 threat. Any person who assesses or examines an inmate pursuant to
33 this section shall provide the Attorney General and county
34 prosecutor with a written report detailing the person's findings and
35 conclusions.

36 h. (1) All information, documents and records concerning the
37 inmate's mental condition or classified as confidential pursuant to
38 regulations of the board, of the Department of Corrections or the
39 **【Juvenile】 Youth** Justice Commission that are received or provided
40 pursuant to this section or N.J.S.2C:47-5 shall be deemed
41 confidential.

42 (2) Unless authorized or required by court order or except as
43 required in the course of judicial proceedings relating to the
44 inmate's commitment or release, disclosure of such information,
45 documents and records shall be limited to professionals evaluating
46 the inmate's condition pursuant to this section, the Attorney
47 General, county prosecutor and members of their respective staffs

1 as necessary to the performance of duties imposed pursuant to this
2 section.

3 i. Any person acting in good faith who has provided
4 information relevant to an inmate's need of involuntary commitment
5 or as to whether the inmate is a sexually violent predator or has
6 taken good faith steps to assess an inmate's need of involuntary
7 commitment or whether the inmate is a sexually violent predator is
8 immune from civil and criminal liability.

9 (cf: P.L.1998, c.71, s.17)

10

11 46. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to
12 read as follows:

13 3. a. The Commissioner of Corrections, in conjunction with the
14 **【Juvenile】 Youth** Justice Commission and the State Parole Board,
15 shall establish a program to record and analyze the recidivism of all
16 inmates and juveniles adjudicated delinquent who are released from
17 a State correctional facility or a training school for juveniles,
18 whether on parole or upon the completion of their maximum
19 sentences. The purpose of this program shall be to assist in
20 measuring the effectiveness of the State's reentry initiatives and
21 programs.

22 b. The program shall record the arrests for all offenses
23 committed by releasees within three years following their release
24 and any convictions resulting from the arrests. These data shall be
25 analyzed to determine whether the rates and nature of rearrests and
26 convictions differ according to the criminal histories and personal
27 characteristics of releasees, the treatment they received while
28 confined, length of sentence, conditions of parole, participation and
29 involvement in reentry initiatives and programs, and such other
30 factors as may be relevant to the purposes of this section, including,
31 but not limited to, race, gender, ethnicity, and age.

32 c. The commissioner shall prepare and disseminate semi-
33 annual reports summarizing the recidivism rates, patterns, and other
34 findings and analyses resultant of the information gathered pursuant
35 to this section. These reports shall include summaries of the
36 treatment received by the releasees and any participation and
37 involvement in reentry initiatives by the releasees, and shall make
38 recommendations concerning the effectiveness of the treatment
39 programs and reentry initiatives. These reports shall be available to
40 the general public and shall not contain any personally identifying
41 information. To facilitate the accessibility of these reports to the
42 general public, the commissioner shall, to the greatest extent
43 possible, utilize the Internet.

44 d. The commissioner shall annually prepare and transmit to the
45 Governor and the Legislature, pursuant to section 2 of P.L.1991,
46 c.164 (C.52:14-19.1), a summary of the recommendations set forth
47 in the reports prepared pursuant to subsection c. of this section,
48 along with any recommendations the department, **【Juvenile】 Youth**

1 Justice Commission or the State Parole Board may have for
2 legislation to improve the effectiveness of the State's reentry
3 initiatives and programs.

4 (cf: P.L.2015, c.144, s.1)

5

6 47. Section 1 of P.L.1979, c.441 (C.30:4-123.45) is amended to
7 read as follows:

8 1. a. This act shall be known and may be cited as the "Parole
9 Act of 1979."

10 b. In this act, unless a different meaning is plainly required:

11 (1) "Adult inmate" means any person sentenced as an adult to a
12 term of incarceration.

13 (2) "Juvenile inmate" means any person under commitment as a
14 juvenile delinquent pursuant to section 25 of P.L.1982, c.77
15 (C.2A:4A-44).

16 (3) "Parole release date" means that date certified by a member
17 of the board for release of an inmate after a review of the inmate's
18 case pursuant to section 11, 13 or 14 of this act.

19 (4) "Primary parole eligibility date" means that date established
20 for parole eligibility for adult inmates pursuant to section 7 or 20 of
21 this act.

22 (5) "Public notice" shall consist of lists including names of all
23 inmates being considered for parole, the county from which the
24 inmates were committed and the crimes for which the inmates were
25 incarcerated. At least 30 days prior to parole consideration the lists
26 shall be forwarded to the office of the public defender of each
27 county or the private attorney of record for the inmates, the
28 prosecutor's office of each county, the sentencing court, the office
29 of the Attorney General, any other criminal justice agencies whose
30 information and comment may be relevant, and news organizations.

31 (6) Removal for "cause" means substantial cause that is plainly
32 sufficient under the law and sound public policy touching upon
33 qualifications appropriate to a member of the parole board or the
34 administration of the board such that the public interest precludes
35 the member's continuance in office. Cause includes, but is not
36 limited to, misconduct in office, incapacity, inefficiency,
37 nonfeasance, and violations of the Parole Board's Code of Ethics.

38 (7) "Commission" means the **【Juvenile】** Youth Justice
39 Commission established pursuant to section 2 of P.L.1995, c.284
40 (C.52:17B-170).

41 (8) "Parole officer" means, with respect to an adult inmate, an
42 officer assigned by the Chairman of the State Parole Board or the
43 chairman's designee and, with respect to a juvenile inmate, a person
44 assigned by the commission.

45 (cf: P.L.2019, c.364, s.7)

46

47 48. Section 5 of P.L.2020, c.111 (C.30:4-123.103) is amended to
48 read as follows:

1 5. a. An inmate who is released from the custody of the
2 Commissioner of Corrections or a juvenile who is released from the
3 custody of the **【Juvenile】** Youth Justice Commission following an
4 award of public health emergency credits pursuant to section 1 of
5 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the
6 date the inmate or juvenile, as the case may be, was scheduled to be
7 released prior to the award of public health emergency credits, shall
8 be prohibited from purposely or knowingly making contact with any
9 victim of the crime for which the inmate or juvenile was serving a
10 sentence.

11 For purposes of this subsection, making contact with a victim
12 shall include contact made personally by the inmate or juvenile, as
13 the case may be, or through an agent, and shall include but not be
14 limited to: personal, written, electronic, or telephone contact or
15 communication; or entering the residence, property, school, or place
16 of employment of the victim.

17 b. A violation of subsection a. of this section shall be a crime
18 of the fourth degree.

19 c. (1) A petition may be filed with the court to dissolve the
20 prohibition established pursuant to the provisions of this section
21 prohibiting an inmate or juvenile, as the case may be, from making
22 contact with the victim in accordance with procedures established
23 by the court.

24 (2) The Director of the Administrative Office of the Courts shall
25 provide the Department of Corrections, **【Juvenile】** Youth Justice
26 Commission, and Attorney General with information concerning the
27 procedures established by the court for filing a petition to dissolve
28 the prohibition established pursuant to this section prohibiting an
29 inmate or juvenile, as the case may be, from making contact with
30 any victim of the crime for which the inmate or juvenile was
31 serving a sentence.

32 (cf: P.L.2020, c.111, s.5)

33

34 49. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read
35 as follows:

36 12. The warrant of commitment to the custody of the **【Juvenile】**
37 Youth Justice Commission established pursuant to section 2 of
38 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
39 parents or guardians if they can be ascertained and the juvenile's
40 place of residence. The court shall order transmitted to the
41 commission, by the officer serving the order of commitment a copy
42 of the complaint, a copy of any probation reports, pre-disposition
43 reports, education records, county detention center records, or other
44 records which the county may have concerning the past
45 delinquencies of the juvenile and other information concerning any
46 mental or physical condition which the court deems to be of
47 importance in the rehabilitation of the juvenile or the maintenance

1 of discipline, order and safety in the facility or the operation of the
2 facility or its programs. Such records shall be used for the
3 information and guidance of the facility and the commission but
4 shall not be public records. Such warrants and records shall be
5 forwarded to the commission on, or prior to, the date of the
6 juvenile's admission into the facility.

7 (cf: P.L.1995, c.280, s.49)

8

9 50. Section 1 of P.L.1939, c.301 (C.30:4-157.4) is amended to
10 read as follows:

11 30:4-157.4. Whenever a juvenile shall be committed to the
12 custody of the **【Juvenile】 Youth** Justice Commission established
13 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
14 the duty of the court, at the time of the examination, to make
15 inquiry as to the ability of the parent or guardian to pay the
16 expenses of the commitment proceedings and the board of the
17 juvenile, and it shall endorse on the warrant of commitment a
18 statement of its finding in that regard.

19 Payment by the parent or guardian of these costs shall be made to
20 the probation division or county adjuster, whichever the court shall
21 designate; provided, however, that upon collection thereof the costs
22 of the commitment proceedings shall be paid to the county
23 treasurer, and any amount received representing maintenance shall
24 be forwarded to the State Treasurer. In the event of failure of the
25 parent or guardian to pay the amount ordered by the court then the
26 probation division or county adjuster, as the case may be, shall
27 bring the matter before the court for such further order as shall
28 appear proper therein to compel payment.

29 (cf: P.L.1995, c.280, s.50)

30

31 51. Section 16 of P.L.1970, c.300 (C.30:4-157.7) is amended to
32 read as follows:

33 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
34 Justice Commission established pursuant to section 2 of P.L.1995,
35 c.284 (C.52:17B-170) shall be indentured or bound out to service.

36 (cf: P.L.1995, c.280, s.52)

37

38 52. Section 11 of P.L.2017, c.176 (C.30:7E-7) is amended to
39 read as follows:

40 11. a. Notwithstanding the provisions of any other law or
41 regulation to the contrary, any contract between a health care
42 provider and the New Jersey Department of Corrections, the
43 **【Juvenile】 Youth** Justice Commission, the State Parole Board, or
44 any other State or local entity, which contract provides health care
45 services to the State's inmate population, shall not contain any
46 provision that discriminates, and the State or local entity
47 contracting for services shall ensure there is no discrimination, on

1 the basis of a person's gender identity or expression or on the basis
2 that the person is a transgender person.

3 b. The discrimination prohibited by this section shall include:

4 (1) denying, cancelling, limiting or refusing to issue or renew a
5 contract on the basis of a covered person's or prospective covered
6 person's gender identity or expression, or for the reason that the
7 covered person or prospective covered person is a transgender
8 person;

9 (2) demanding or requiring a payment or premium that is based
10 in whole or in part on a covered person's or prospective covered
11 person's gender identity or expression, or for the reason that the
12 covered person or prospective covered person is a transgender
13 person;

14 (3) designating a covered person's or prospective covered
15 person's gender identity or expression, or the fact that a covered
16 person or prospective covered person is a transgender person, as a
17 preexisting condition for which coverage will be denied or limited;
18 or

19 (4) denying or limiting coverage, or denying a claim, for
20 services including but not limited to the following, due to a covered
21 person's gender identity or expression or for the reason that the
22 covered person is a transgender person:

23 (a) health care services related to gender transition if coverage
24 is available for those services under the contract when the services
25 are not related to gender transition, including but not limited to
26 hormone therapy, hysterectomy, mastectomy, and vocal training; or

27 (b) health care services that are ordinarily or exclusively
28 available to individuals of one sex when the denial or limitation is
29 due only to the fact that the covered person is enrolled as belonging
30 to the other sex or has undergone, or is in the process of
31 undergoing, gender transition.

32 c. For the purposes of this section:

33 "Gender expression" means a person's gender-related appearance
34 and behavior, whether or not stereotypically associated with the
35 person's assigned sex at birth.

36 "Gender identity" means a person's internal sense of their own
37 gender, regardless of the sex the person was assigned at birth.

38 "Gender transition" means the process of changing a person's
39 outward appearance, including physical sex characteristics, to
40 accord with the person's actual gender identity.

41 "Transgender person" means a person who identifies as a gender
42 different from the sex assigned to the person at birth.

43 d. Nothing in this section shall preclude a State or local entity
44 contracting for services pursuant to this section from performing
45 utilization review, including periodic review of the medical
46 necessity of a particular service.

47 (cf: P.L.2017, c.176, s.11)

1 53. Section 3 of P.L.1997, c.81 (C.30:8-63) is amended to read
2 as follows:

3 3. As used in this act:

4 "Commission" means the **【Juvenile】 Youth** Justice Commission
5 established pursuant to section 2 of P.L.1995, c.284
6 (C.52:17B-170).

7 "Juvenile offender" means a person under the age of 18 who has
8 been adjudicated delinquent for an act which, if committed by an
9 adult, would constitute a crime of the third or fourth degree,
10 excluding an adjudication for any act which would constitute a
11 crime under chapter 14 of Title 2C of the New Jersey Statutes.
12 (cf: P.L.1997, c.81, s.3)

13

14 54. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
15 read as follows:

16 4. There is established in the Department of Children and
17 Families the New Jersey Youth Suicide Prevention Advisory
18 Council.

19 a. The purpose of the council shall be to: examine existing
20 needs and services and make recommendations to the division for
21 youth suicide reporting, prevention and intervention; advise the
22 division on the content of informational materials to be made
23 available to persons who report attempted or completed suicides;
24 and advise the division in the development of regulations required
25 pursuant to this act.

26 b. The council shall consist of 18 members as follows:

27 (1) the Commissioners of Human Services, Children and
28 Families, Health and Senior Services, and Education, the executive
29 director of the **【Juvenile】 Youth** Justice Commission established
30 pursuant to P.L.1995, c.284 (C.52:17B-169 et seq.) and the
31 chairman of the Community Mental Health Citizens Advisory
32 Board established pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.),
33 or their designees, who shall serve ex officio;

34 (2) six public members appointed by the Governor, as follows:
35 one person who is a current member of a county mental health
36 advisory board, one person with personal or family experience with
37 suicide, one person who is a current or retired primary or secondary
38 school teacher, one person who is a current or former member of a
39 local board of education, one psychiatrist and one person with
40 professional experience in the collection and reporting of social
41 science data;

42 (3) three public members appointed by the President of the
43 Senate, no more than two of whom are members of the same
44 political party, one of whom has volunteer or paid experience in the
45 provision of services to survivors of suicide or youth at risk of
46 attempting suicide, one of whom is an alcohol and drug counselor,
47 and one of whom is a representative of the New Jersey Traumatic
48 Loss Coalition; and

1 (4) three public members appointed by the Speaker of the
2 General Assembly, no more than two of whom are members of the
3 same political party, one of whom has knowledge of and interest in
4 the prevention of youth suicide and the provision of education about
5 suicide to high-risk populations, including religious, racial, ethnic
6 or sexual minorities, one of whom is a pediatrician, and one of
7 whom is a school-based counselor.

8 c. The public members shall be appointed no later than 60 days
9 after the date of enactment of this act.

10 d. The public members shall serve for a term of five years; but,
11 of the members first appointed, three shall serve for a term of two
12 years, three for a term of three years, three for a term of four years
13 and three for a term of five years. Members are eligible for
14 reappointment upon the expiration of their terms. Vacancies in the
15 membership of the council shall be filled in the same manner
16 provided for the original appointments.

17 e. The council shall organize as soon as practicable following
18 the appointment of its members and shall select a chairperson and
19 vice-chairperson from among the members. The chairperson shall
20 appoint a secretary who need not be a member of the council.

21 f. The public members shall serve without compensation, but
22 shall be reimbursed for necessary expenses incurred in the
23 performance of their duties and within the limits of funds available
24 to the council.

25 g. The council shall be entitled to call to its assistance and avail
26 itself of the services of the employees of any State, county or
27 municipal department, board, bureau, commission or agency as it
28 may require and as may be available to it for its purposes.

29 h. The Department of Children and Families shall provide staff
30 support to the council.

31 (cf: P.L.2006, c.47, s.175)

32
33 55. Section 9 of P.L.1989, c.293 (C.34:15C-6) is amended to
34 read as follows:

35 9. The commission shall:

36 a. Issue the New Jersey Unified Workforce Investment Plan
37 pursuant to the provisions of the Workforce Investment Act of
38 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
39 P.L.1989, c.293 (C.34:15C-7);

40 b. Establish performance standards for workforce investment
41 programs pursuant to the Workforce Investment Act of 1998,
42 Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 11 of
43 P.L.1989, c.293 (C.34:15C-8);

44 c. Act to ensure the full participation of Workforce Investment
45 Boards in the planning and supervision of local workforce
46 investment systems. The commission shall be responsible to
47 oversee and develop appropriate standards to ensure Workforce
48 Investment Board compliance with State and federal law, the State

- 1 plan, and other relevant requirements regarding membership,
2 staffing, meetings, and functions;
- 3 d. Foster and coordinate initiatives of the Department of
4 Education and Commission on Higher Education to enhance the
5 contributions of public schools and institutions of higher education
6 to the implementation of the State workforce investment policy;
- 7 e. Examine federal and State laws and regulations to assess
8 whether those laws and regulations present barriers to achieving any
9 of the goals of this act. The commission shall, from time to time as
10 it deems appropriate, issue to the Governor and the Legislature
11 reports on its findings, including recommendations for changes in
12 State or federal laws or regulations concerning workforce
13 investment programs or services, including, when appropriate,
14 recommendations to merge other State advisory structures and
15 functions into the commission;
- 16 f. Perform the duties assigned to a State Workforce Investment
17 Board pursuant to subsection (d) of section 111 of the Workforce
18 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);
- 19 g. Have the authority to enter into agreements with the head of
20 each State department or commission which administers or funds
21 education, employment or training programs, including, but not
22 limited to, the Departments of Labor and Workforce Development,
23 Community Affairs, Education, and Human Services and the
24 Commission on Higher Education, the New Jersey Economic
25 Development Authority, and the **【Juvenile】** Youth Justice
26 Commission, which agreements are for the purpose of assigning
27 planning, policy guidance and oversight functions to each
28 Workforce Investment Board with respect to any workforce
29 investment program funded or administered by the State department
30 or commission within the Workforce Investment Board's respective
31 labor market area or local area, as the case may be; and
- 32 h. Establish guidelines to be used by the Workforce Investment
33 Boards in performing the planning, policy guidance, and oversight
34 functions assigned to the boards under any agreement reached by
35 the commission with a department or commission pursuant to
36 subsection g. of this section. The commission shall approve all
37 local Workforce Investment Board plans that meet the criteria
38 established by the commission for the establishment of One-Stop
39 systems. The Department of Labor and Workforce Development
40 shall approve the operational portion of the plans for programs
41 administered by the department.
- 42 The commission shall have access to all files and records of
43 other State agencies and may require any officer or employee
44 therein to provide such information as it may deem necessary in the
45 performance of its functions.
- 46 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
47 construed as affecting the authority of the State Treasurer to review

1 and approve training programs for State employees pursuant to
2 N.J.S.11A:6-25.

3 (cf: P.L.2008, c.29, s.91)

4

5 56. Section 1 of P.L.2001, c.446 (C.34:15F-12) is amended to
6 read as follows:

7 1. a. There is established in the Department of Labor and
8 Workforce Development a Youth Employment and After School
9 Incentive Pilot Program which shall be administered by the
10 Commissioner of Labor and Workforce Development, pursuant to
11 the provisions of P.L.2001, c.446 (C.34:15F-12 et seq.). The
12 program shall provide for employment opportunities for
13 disadvantaged youth with private and nonprofit employers. The
14 purpose of the program shall be to enable disadvantaged youth to
15 acquire job knowledge and skills and an understanding of the
16 linkage between the skills, behaviors, and attitudes necessary to
17 function as an adult in the workplace.

18 As used in P.L.2001, c.446 (C.34:15F-12 et seq.),
19 "disadvantaged youth" means public and nonpublic school students
20 as well as youth who are not students who reside in municipalities
21 where both the rates of unemployment and violent crime
22 significantly exceed the Statewide rates of unemployment and
23 violent crime by percentages which shall be designated by the
24 commissioner. The term shall include youth in these municipalities
25 who are participating in a program of aftercare following their
26 release from juvenile detention or community facilities.

27 b. There is established in, but not of, the Department of Labor
28 and Workforce Development the Disadvantaged Youth Employment
29 Opportunities Council. Notwithstanding the allocation of the
30 council to the Department of Labor and Workforce Development,
31 the council shall directly report to the Chairperson of the State
32 Employment and Training Commission established by section 5 of
33 P.L.1989, c.293 (C.34:15C-2). The council shall consist of 18
34 members: the Commissioner of Labor and Workforce Development,
35 the Commissioner of Education, the Executive Director of the New
36 Jersey Commission on Higher Education, the Chief Executive
37 Officer and Secretary of the New Jersey Commerce, Economic
38 Growth and Tourism Commission, the Secretary of State and the
39 Executive Director of the **[Juvenile]** Youth Justice Commission, or
40 their designees, who shall serve ex officio and as nonvoting
41 members; and 12 public members appointed by the Governor, the
42 President of the Senate and the Speaker of the General Assembly.
43 The Governor shall appoint two religious leaders and two
44 representatives of education organizations. The President of the
45 Senate and the Speaker of the Assembly shall each appoint a leader
46 of the business community, a labor leader, a representative of a
47 county vocational-technical school, and a person representing
48 organizations that have expertise serving the needs of

1 disadvantaged youth. The public members shall serve for terms of
2 three years, may be reappointed and may serve until a successor has
3 been appointed. Of the public members first appointed, six shall be
4 appointed for terms of three years, and six shall be appointed for
5 terms of two years. A vacancy in the membership, occurring other
6 than by expiration of a term, shall be filled in the same manner as
7 the original appointment, but for the unexpired term only. The
8 members shall serve without compensation, but the council may,
9 within the limits of funds appropriated or otherwise made available
10 to it, reimburse members for actual expenses necessarily incurred in
11 the discharge of their official duties.

12 The council shall organize as soon as its members are appointed
13 and shall select a chairman and vice-chairman from among its
14 members and may select a secretary, who need not be a member of
15 the council. The council shall meet monthly, and at such other
16 times as may be necessary.

17 The council may employ, prescribe the duties and fix and pay the
18 compensation of such persons it may deem necessary to carry out
19 the duties of the council within the limits of available
20 appropriations.

21 It shall be the duty of the council to:

22 (1) Develop a master plan to increase employment opportunities
23 for disadvantaged youth;

24 (2) Enlist the commitment of the State's business leadership to
25 provide employment opportunities for disadvantaged youth;

26 (3) Enlist the support of the State's key unions which operate
27 apprenticeship and similar programs;

28 (4) Develop proposals for innovative efforts to assist
29 economically disadvantaged youth to enroll in and successfully
30 complete employment programs;

31 (5) Involve all sectors of the community, including high level
32 representatives of business, youth-serving agencies, foundations,
33 local school systems, the communications media, and the religious
34 community in an effort to promote and coordinate employment
35 opportunities for disadvantaged youth; and

36 (6) In conjunction with the Department of Labor and Workforce
37 Development and the Commerce, Economic Growth and Tourism
38 Commission, seek to identify and maximize any available federal
39 funding for the purpose of enhancing employment opportunities
40 provided under P.L.2001, c.446 (C.34:15F-12 et seq.).

41 The council shall be entitled to call to its assistance and avail
42 itself of the services of such employees of any State, county or
43 municipal department, board, bureau, commission, or agency as it
44 may require and as may be available to it for these purposes.

45 The Commissioner of Labor and Workforce Development, in
46 consultation with the State Employment and Training Commission
47 and the council, may promulgate rules and regulations necessary to

1 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).
2 (cf: P.L.2007, c.189, s.1)

3

4 57. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read
5 as follows:

6 2. a. In cooperation with the Disadvantaged Youth Employment
7 Opportunities Council established in section 1 of P.L.2001, c.446
8 (C.34:15F-12), the Commissioner of Labor and Workforce
9 Development, in consultation with the State Employment and
10 Training Commission shall develop and administer the employment
11 program established under this act. The commissioner shall, to the
12 greatest extent feasible, attempt to achieve a balance of enrolled
13 disadvantaged youth from the northern, central, and southern parts
14 of the State.

15 b. The Commissioner of Labor and Workforce Development, in
16 consultation with the State Employment and Training Commission,
17 the Department of Education, the **【Juvenile】 Youth** Justice
18 Commission, and the council, shall develop procedures relating to
19 the program referral process; establish the selection criteria for
20 participants which shall include the identification of local
21 disadvantaged youths assessed by local law enforcement and
22 juvenile corrections authorities as being at risk of gang membership
23 or involvement or reinvolvement in the criminal justice system and
24 students who are not meeting minimal district standards of behavior
25 and academic achievement; provide a listing of employers who have
26 agreed to participate in the program; and establish the process
27 which will be utilized for matching disadvantaged youth to
28 employment opportunities that will enhance the self-esteem and
29 assimilation of life skills necessary for productive functioning in the
30 school setting and society.

31 (cf: P.L.2007, c.189, s.2)

32

33 58. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
34 read as follows:

35 1. As used in this act:

36 "Law enforcement agency" or "agency" means any public
37 agency, other than the Department of Law and Public Safety, but
38 not including the **【Juvenile】 Youth** Justice Commission, any police
39 force, department, or division within the State, or any county or
40 municipality thereof, which is empowered by statute to act for the
41 detection, investigation, arrest, conviction, detention, or
42 rehabilitation of persons violating the criminal laws of this State.

43 "Law enforcement officer" or "officer" means any person who is
44 employed as a permanent full-time member of any State, county, or
45 municipal law enforcement agency, department, or division of those
46 governments who is statutorily empowered to act for the detection,
47 investigation, arrest, conviction, detention, or rehabilitation of
48 persons violating the criminal laws of this State and statutorily

1 required to successfully complete a training course approved by, or
2 certified as being substantially equivalent to such an approved
3 course, by the Police Training Commission pursuant to P.L.1961,
4 c.56 (C.52:17B-66 et seq.).

5 "Paid firefighter" or "firefighter" means any full-time paid
6 firefighter employed by a public fire department.

7 "Public fire department" or "department" means any department
8 of a municipality, county, fire district or the State or any agency
9 thereof having employees engaged in firefighting provided that such
10 firefighting employees are included in a negotiating unit exclusively
11 comprised of firefighting employees.

12 (cf: P.L.2009, c.16, s.1)

13

14 59. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
15 read as follow:

16 19. a. The Victims of Crime Compensation Agency, after
17 consultation with the Attorney General, the Department of
18 Corrections, and the Administrative Office of the Courts, on behalf
19 of the county probation divisions and the municipal court clerks,
20 shall continue to develop the existing uniform system for recording
21 all information necessary to ensure proper identification, tracking,
22 collection and disposition of moneys owed for:

23 (1) assessments imposed pursuant to section 2 of P.L.1979,
24 c.396 (C.2C:43-3.1);

25 (2) fines and restitutions imposed in accordance with provisions
26 of Title 2C of the New Jersey Statutes;

27 (3) fees imposed pursuant to N.J.S.2C:35-20;

28 (4) penalties imposed pursuant to N.J.S.2C:35-15.

29 b. The Victims of Crime Compensation Agency shall use the
30 moneys deposited in the Criminal Disposition and Revenue
31 Collection Fund to defray the costs incurred by the agency in
32 developing, implementing, operating and improving the agency's
33 component of the uniform system for tracking and collecting
34 revenues described in subsection a. of this section.

35 c. The **[Juvenile]** Youth Justice Commission established
36 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the
37 Department of Corrections, and the Administrative Office of the
38 Courts, on behalf of the county probation divisions and the
39 municipal court clerks, shall file such reports with the Victims of
40 Crime Compensation Agency as required for the operation of the
41 uniform system described in subsection a. of this section.

42 d. The Victims of Crime Compensation Agency shall report
43 annually to the Governor, the Attorney General, the Administrative
44 Director of the Administrative Office of the Courts, the
45 Commissioner of the Department of Corrections, the **[Juvenile]**
46 Youth Justice Commission and the Legislature on the development,
47 implementation, improvement and effectiveness of the uniform

1 system and on moneys received, deposited and identified as
2 receivable.

3 (cf: P.L.2007, c.95, s.10)

4

5 60. Section 1 of P.L.2019, c.115 (C.52:16A-26.10) is amended
6 to read as follows:

7 1. a. The New Jersey State Council on the Arts shall publish on
8 its website and disseminate to any organization in this State that
9 expresses to the council an intent to develop or expand an arts
10 program for youth at risk of juvenile delinquency a guide
11 containing best practices for such programs. Under the best
12 practices guidelines, programs should:

13 (1) recognize that art is a vehicle that can be used to engage
14 youth in activities that will increase their self-esteem;

15 (2) provide for collaborative effort among the artist, social
16 service provider, teacher, agency staff, youth, and family, as
17 appropriate, in delivery of the program;

18 (3) recognize and involve the families of the youth and the
19 communities in which the youth live;

20 (4) include age-appropriate curriculum;

21 (5) emphasize dynamic teaching tactics, such as hands-on
22 learning, apprentice relationships, and the use of technology;

23 (6) to the extent possible, culminate in a public performance or
24 exhibition with a focus on building participants' self-esteem through
25 public recognition;

26 (7) during the planning stage, address program goals, site
27 selection, population, the development of relationships among team
28 members, the methods for youth involvement in planning,
29 curriculum design, transportation, safety, incentives, behavioral
30 requirements, program growth, the balance between arts program
31 and other program objectives, the balance between process and
32 product, student recognition of achievements, and the involvement
33 of families, communities, and volunteers;

34 (8) incorporate an evaluation system early into the program;

35 (9) train teams, collaboratively, that work with youth in team
36 building, communication skills, and organizational skills;

37 (10) train teams in effective methods for working with youth
38 from special populations, including in behavior management,
39 adolescent psychology, and familiarization with the juvenile justice
40 system;

41 (11) train teams in designing a curriculum or involving a trained
42 curriculum specialist;

43 (12) adopt training that is practical, addresses issues identified
44 by team members, incorporates advice from a variety of trainers
45 with expertise in relevant issue areas, provides opportunities for
46 team members to share in successes and failures and engage in peer
47 training, and integrates specialized training into ongoing training
48 sessions whenever possible;

1 (13) require program staff to clearly define program goals and
2 intended outcomes in evaluating an arts program, and to monitor
3 and document program implementation and the service-delivery
4 process;

5 (14) utilize "process evaluations," which examine program
6 implementation and service delivery, to describe and refine a
7 program, measuring the impact on youth and identifying ways to
8 improve a program;

9 (15) employ journals, portfolios, surveys, and artist observations
10 as evaluation measures to determine the effects of arts programs on
11 at-risk youth, incorporating those measures into program activities
12 when possible;

13 (16) document program-specific factors, such as staff ratios,
14 hours of contact, and duration of contact, in process evaluations;

15 (17) account for the impact of individual, family, and
16 community factors on program effectiveness; and

17 (18) incorporate activities that recognize individual efforts and
18 provide opportunities for youth to learn new skills, which activities
19 are designed to reduce the influence of risk factors associated with
20 adolescent problem behaviors, such as low neighborhood
21 attachment, lack of commitment to school, alienation and
22 rebelliousness, and friends who engage in problem behavior.

23 The council shall make periodic revisions to the guide as
24 necessary.

25 b. The council shall provide technical and consultative
26 assistance to any State agency or local government unit requesting
27 such assistance to implement a program adopting the elements
28 listed in subsection a. of this section. The council shall, upon
29 completion or revision, deliver, by electronic or other means, the
30 guide to the **【Juvenile】** Youth Justice Commission and the Division
31 of Child Protection and Permanency in the Department of Children
32 and Families.

33 As used in this subsection, "State agency" means any agency in
34 the Executive branch of State government, including, but not
35 limited to, any department, board, bureau, commission, division,
36 office, council, or instrumentality thereof, or independent agency,
37 public authority or public benefit corporation, and any State college
38 or public institution of higher education. "Local government unit"
39 means a county, municipality, board of education, or county college
40 as defined in section 2 of P.L.1982, c.189 (C.18A:64A-25.2).
41 (cf: P.L.2019, c.115, s.1)

42
43 61. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
44 read as follows:

45 2. As used in this act:

46 "Applicant" means an individual who applies to the Police
47 Training Commission to become licensed as a law enforcement
48 officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

1 "Approved school" shall mean a school approved and authorized
2 by the Police Training Commission to give police training courses
3 or a training course for State and county correctional police officers
4 and juvenile detention officers as prescribed in this act.

5 "Commission" shall mean the Police Training Commission or
6 officers or employees thereof acting on its behalf.

7 "County" shall mean any county which within its jurisdiction has
8 or shall have a law enforcement unit as defined in this act.

9 "Discipline subject to appeal" means a removal, disciplinary
10 demotion, suspension, or fine of more than five days, or fewer
11 where the aggregate number of days the employee was suspended
12 or fined in any one calendar year is 15 or more days, or where the
13 employee received more than three suspensions or fines of five days
14 or fewer in one calendar year.

15 "Law enforcement officer" means any person who is employed
16 as a sworn member of any State, county, or municipal law
17 enforcement agency, department, division, or instrumentality of
18 those governments who is statutorily empowered to act for the
19 detection, investigation, arrest, conviction, detention, or
20 rehabilitation of persons violating the criminal laws of the State.
21 This term shall include, but is not limited to, sworn members of the
22 New Jersey State Police, the Division of Criminal Justice, and the
23 **[Juvenile] Youth** Justice Commission; State correctional police
24 officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4);
25 county correctional police officers pursuant to N.J.S.2A:154-3;
26 State Parole officers pursuant to section 1 of P.L.1968, c.427
27 (C.2A:154-4); special law enforcement officers of all classes
28 pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law
29 enforcement officers appointed pursuant to section 25 of P.L.2017,
30 c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4);
31 transit police officers appointed by New Jersey Transit pursuant to
32 section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police
33 officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
34 seq.).

35 "Law enforcement unit" shall mean any State, county or
36 municipal law enforcement agency, department, division, or
37 instrumentality of such government that is statutorily empowered to
38 act for the detection, investigation, arrest, conviction, detention, or
39 rehabilitation of persons violating the criminal laws of the State,
40 and shall include all agencies that employ law enforcement officers
41 as defined in this section.

42 "Licensing committee" means the committee established by the
43 Police Training Commission to perform duties with respect to law
44 enforcement officer licensing as set forth in subsection c. of section
45 9 of P.L.2022, c.65 (C.52:17B-71a).

46 "Municipality" shall mean a city of any class, township, borough,
47 village, or any other type of municipality in this State which, within

1 its jurisdiction, has or shall have a law enforcement unit as defined
2 in this act.

3 "National Decertification Index" shall mean the national registry
4 of law enforcement officer decertification or license revocations
5 maintained by the International Association of Directors of Law
6 Enforcement Standards and Training, or a successor database.

7 "Permanent appointment" shall mean an appointment having
8 permanent status as a law enforcement officer in a law enforcement
9 unit as prescribed by Title 11A of the New Jersey Statutes, Civil
10 Service Commission Rules and Regulations, or of any other law of
11 this State, municipal ordinance, or rules and regulations adopted
12 thereunder.

13 "Police training course" means a training course approved by the
14 Police Training Commission and conducted at an approved school.

15 "Probationary law enforcement license" means a license issued
16 by the Police Training Commission to a person appointed by a law
17 enforcement unit on a probationary or temporary basis which
18 authorizes the person to perform the functions of a permanent law
19 enforcement officer during the person's probationary or temporary
20 appointment term.

21 "Sustained finding" shall mean a determination by an employing
22 law enforcement unit that a law enforcement officer violated a law;
23 regulation; directive, guideline, policy, or procedure issued by the
24 Attorney General or County Prosecutor; agency protocol; standing
25 operating procedure; rule; or training.

26 (cf: P.L.2022, c.65, s.2)

27

28 62. Section 1 of P.L.1995, c.284 (C.52:17B-169) is amended to
29 read as follows:

30 1. The Legislature finds and declares:

31 a. The public safety requires reform of the juvenile justice
32 system;

33 b. Juvenile arrests for murder, robbery, aggravated sexual
34 assault, sexual assault and aggravated assault have increased 38
35 percent between 1988 and 1993 and New Jersey ranks near the top
36 nationally in the number of juvenile arrests for serious violent
37 crimes;

38 c. Juvenile crime has become a leading cause of injury and
39 death among young people;

40 d. Currently, preventive, deterrent and rehabilitative services
41 and sanctions for juveniles are the responsibility of no less than
42 three State departments: The Department of Law and Public Safety
43 deals with county prosecutors and local police and implements
44 prevention programs; the Department of Corrections operates the
45 New Jersey Training School for Boys and the Juvenile Medium
46 Security Facility, and its Bureau of Parole supervises juvenile
47 parolees; and the Department of Human Services operates

- 1 residential and day programs in facilities for juveniles adjudicated
2 delinquent;
- 3 e. The division of responsibility for the juvenile justice
4 population and the limitations on resources available to meet ever-
5 increasing demands for services provided by the Departments of
6 Human Services and Corrections have prevented the departments
7 from maximizing efforts to meet the special needs of the juvenile
8 justice population;
- 9 f. The juvenile justice system lacks services and sanctions
10 short of incarceration, particularly in urban areas and for that
11 reason, many juveniles are not held accountable until they have
12 committed a series of increasingly serious criminal acts;
- 13 g. The special needs of juveniles can be addressed through
14 services and sanctions provided at the county and local level;
- 15 h. The need to protect the public from criminal acts by juvenile
16 offenders requires a comprehensive program and concerted action
17 of governmental agencies and private organizations at the State,
18 county and local level that permit effective response and avoid
19 waste of scarce resources;
- 20 i. (1) The comprehensive program should provide a range of
21 services and sanctions for juveniles sufficient to protect the public
22 through prevention; early intervention; and a range of meaningful
23 sanctions that ensure accountability, provide training, education,
24 treatment and, when necessary, confinement followed by
25 community supervision that is adequate to protect the public and
26 promote successful reintegration into the community;
- 27 (2) Consistent with the need to protect the public, services and
28 sanctions for juveniles shall provide balanced attention to the
29 protection of the community, the imposition of accountability for
30 offenses committed, fostering interaction and dialogue between the
31 offender, victim and community and the development of
32 competencies to enable juvenile offenders to become responsible
33 and productive members of the community.
- 34 j. The most efficient and effective use of available resources
35 requires fixing responsibility for the comprehensive program in a
36 single State agency and providing incentives to encourage the
37 development and provision of appropriate services and sanctions at
38 the county and local level; and
- 39 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
40 Justice Commission responsible for operating State services and
41 sanctions for juveniles involved in the juvenile justice system and
42 responsible for developing a Statewide plan for effective provision
43 of juvenile justice services and sanctions at the State, county and
44 local level; to establish a State/Community Partnership Grant
45 Program through which the State will provide incentives to county
46 and local governments to encourage the provision of services and
47 sanctions for juveniles adjudicated or charged as delinquent and
48 programs for the prevention of juvenile delinquency, and to

1 establish county youth services commissions responsible for
2 planning and implementing the Partnership at the local level.
3 (cf: P.L.2001, c.408, s.7)

4

5 63. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
6 read as follows:

7 2. a. A **【Juvenile】** Youth Justice Commission is established in,
8 but not of, the Department of Law and Public Safety. The
9 commission is allocated to the Department of Law and Public
10 Safety for the purpose of complying with Article V, Section IV,
11 paragraph 1 of the New Jersey Constitution. The Attorney General
12 shall be the request officer for the commission within the meaning
13 of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall
14 exercise that authority and other administrative functions, powers
15 and duties consistent with the provisions of this act.

16 b. The commission shall consist of an executive director, an
17 executive board, an advisory council and such facilities, officers,
18 employees and organizational units as provided herein or as
19 otherwise necessary to performance of the commission's duties and
20 responsibilities.

21 c. The executive director shall be appointed by the Governor
22 with the advice and consent of the Senate and shall serve at the
23 pleasure of the Governor during the Governor's term of office and
24 until a successor is appointed and qualified.

25 d. The executive board shall consist of the following members:
26 The Attorney General, who shall serve as chair of the executive
27 board; the Commissioner of Corrections and the Commissioner of
28 Children and Families, who shall serve as vice-chairs of the
29 executive board; the Commissioner of Education; the chair of the
30 **【Juvenile】** Youth Justice Commission advisory council, established
31 pursuant to section 4 of P.L.1995, c.284 (C.52:17B-172); and two
32 members who serve as chairs of a county youth services
33 commission, established pursuant to P.L.1995, c.282 (C.52:17B-
34 180), to be appointed by the Governor to serve at the Governor's
35 pleasure. The Administrative Director of the Administrative Office
36 of the Courts is invited to participate on the executive board,
37 subject to the approval of the Supreme Court. A member of the
38 executive board may name a designee who shall have the authority
39 to act for the member. Members of the executive board shall serve
40 without compensation for their services to the commission. The
41 executive board shall meet at least quarterly and at such other times
42 as designated by the chair. Except with respect to matters
43 concerning distribution of funds to counties, four members of the
44 executive board shall constitute a quorum to transact business of the
45 executive board and action of the executive board shall require an
46 affirmative vote of four members. A member of the executive
47 board who is also a member of a county youth services commission
48 shall not participate in matters concerning distribution of funds to

1 counties; in these matters, three members of the executive board
2 shall constitute a quorum to transact business and an action of the
3 executive board shall require an affirmative vote of three members.

4 e. The commission shall have the following powers, duties and
5 responsibilities:

6 (1) To specify qualifications for and to employ, within the limits
7 of available appropriations and subject to the provisions of
8 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
9 Jersey Statutes, such staff as are necessary to accomplish the work
10 of the commission or as are needed for the proper performance of
11 the functions and duties of the commission, including but not
12 limited to:

13 (a) The number of deputy directors, assistant directors,
14 superintendents, assistant superintendents and other assistants who
15 shall be in the unclassified service and shall be deemed confidential
16 employees for the purposes of the "New Jersey Employer-Employee
17 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

18 (b) Juvenile corrections officers;

19 (2) To utilize such staff of the Department of Law and Public
20 Safety as the Attorney General, within the limits of available
21 appropriations, may make available to the commission;

22 (3) To organize the work of the commission in appropriate
23 bureaus and other organization units;

24 (4) To enter into contracts and agreements with State, county
25 and municipal governmental agencies and with private entities for
26 the purpose of providing services and sanctions for juveniles
27 adjudicated or charged as delinquent and programs for prevention
28 of juvenile delinquency;

29 (5) To contract for the services of professional and technical
30 personnel and consultants as necessary to fulfill the statutory
31 responsibilities of the commission;

32 (6) To establish minimum standards for the care, treatment,
33 government and discipline of juveniles confined pending, or as a
34 result of, an adjudication of delinquency;

35 (7) To assume the custody and care of all juveniles committed
36 by court order, law, classification, regulation or contract to the
37 custody of the commission or transferred to the custody of the
38 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
39 176);

40 (8) To manage and operate all State secure juvenile facilities
41 which shall include the New Jersey Training School for Boys
42 created pursuant to R.S.30:1-7 and transferred to the Commissioner
43 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
44 and the Juvenile Medium Security Facility created pursuant to
45 R.S.30:1-7 and both transferred to the commission pursuant to
46 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
47 other secure juvenile facility established by the commission in the
48 future;

- 1 (9) To manage and operate all State juvenile facilities or
2 juvenile programs for juveniles adjudicated delinquent which shall
3 include facilities and programs transferred to the commission
4 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
5 established or contracted for in the future by the commission;
- 6 (10) To prepare a State **[Juvenile]** Youth Justice Master Plan
7 every third year which identifies facilities, sanctions and services
8 available for juveniles adjudicated or charged as delinquent and
9 juvenile delinquency prevention programs and which identifies
10 additional needs based upon the extent and nature of juvenile
11 delinquency and the adequacy and effectiveness of available
12 facilities, services, sanctions and programs;
- 13 (11) To approve plans for each county submitted by the county
14 youth services commission pursuant to P.L.1995, c.282
15 (C.52:17B-180);
- 16 (12) To administer the State/Community Partnership Grant
17 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 18 (13) To accept from any governmental department or agency,
19 public or private body or any other source, grants or contributions
20 to be used in exercising its power, and in meeting its duties and
21 responsibilities;
- 22 (14) To formulate and adopt standards and rules for the efficient
23 conduct of the work of the commission, the facilities, services,
24 sanctions and programs within its jurisdiction, and its officers and
25 employees;
- 26 (15) To provide for the development of the facilities, services,
27 sanctions and programs within its jurisdiction and to promote the
28 integration of State, county and local facilities, sanctions, services
29 and programs, including probation and parole;
- 30 (16) To institute, or cause to be instituted, such legal
31 proceedings or processes as may be necessary to enforce properly
32 and give effect to any of its powers or duties including the authority
33 to compel by subpoena, subject to the sanction for contempt of
34 subpoena issued by a court, attendance and production of records;
- 35 (17) To provide for the timely and efficient collection and
36 analysis of data regarding the juvenile justice system to insure the
37 continuing review and evaluation of services, policies and
38 procedures;
- 39 (18) To receive and classify juveniles committed to the custody
40 of the commission;
- 41 (19) To determine whether an incarcerated juvenile is eligible
42 for parole and to supervise compliance with conditions of parole;
- 43 (20) To establish appropriate dispositions of juveniles for whom
44 parole has been revoked;
- 45 (21) To perform such other functions as may be prescribed by
46 law; and

1 (22) To promulgate, pursuant to the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
3 necessary to implement and effectuate the purposes of this act.

4 f. Whenever the term "Juvenile Justice Commission" occurs or
5 any reference is made thereto in any law, contract or document, the
6 same shall be deemed to mean or refer to the "Youth Justice
7 Commission" established and designated therein.

8 (cf: P.L.2019, c.363, s.17)

9

10 64. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended
11 to read as follows:

12 1. The **【Juvenile】 Youth** Justice Commission shall establish
13 standards for suicide and mental health screening in county juvenile
14 detention facilities in accordance with the provisions of this act.
15 The standards shall require that each county detention facility
16 develop written policies concerning mental health screening,
17 suicide screening, suicide prevention protocols and other mental
18 and emotional health-related issues and that each county juvenile
19 detention facility make psychological or psychiatric services
20 available to juveniles as needed.

21 (cf: P.L.2007, c.315, s.1)

22

23 65. Section 2 of P.L.2007, c.315 (C.52:17B-171.2) is amended
24 to read as follows:

25 2. a. Upon admission to a county juvenile detention facility, a
26 juvenile shall be screened for risk of suicide in accordance with the
27 facility's suicide prevention protocols and written policies required
28 by section 1 of this act. The suicide risk screening shall include,
29 but not be limited to, the use of a standardized suicide risk
30 questionnaire designated and made available by the **【Juvenile】**
31 **Youth** Justice Commission. The findings shall be recorded and
32 brought to the attention of the appropriate medical or mental health
33 staff as soon as possible.

34 b. If a juvenile shows evidence of suicide risk, the facility's
35 suicide prevention protocols shall be immediately implemented.
36 The policies shall include an increased level of supervision of a
37 juvenile showing evidence of suicide risk until appropriate mental
38 health services can be obtained. The facility administrator, or the
39 administrator's designee, shall be immediately notified if a juvenile:

40 (1) is suspected of being at risk of attempting suicide or in
41 emotional distress;

42 (2) has made a suicidal gesture or attempt; or

43 (3) scores in a suicide caution or warning range in a screening.

44 c. Every suicide gesture or attempt shall be reported to the
45 **【Juvenile】 Youth** Justice Commission.

46 (cf: P.L.2007, c.315, s.2)

1 66. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended
2 to read as follows:

3 3. Between 24 and 48 hours following admission to a county
4 juvenile detention facility, a juvenile shall undergo mental health
5 screening using a mental health screening tool designated by the
6 **【Juvenile】 Youth** Justice Commission and in accordance with the
7 facility's written policies required by section 1 of this act. If the
8 screening tool indicates that a referral for additional screening or
9 mental health services is appropriate, that referral shall occur as
10 soon as possible. If the screening indicates a warning or caution,
11 the juvenile shall be placed on, and remain under, increased
12 supervision until it is determined by a mental health clinician that a
13 heightened level of supervision is no longer needed to ensure the
14 safety of the juvenile.

15 (cf: P.L.2007, c.315, s.3)

16

17 67. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended
18 to read as follows:

19 6. No person shall perform a suicide risk screening pursuant to
20 section 2 of this act or a mental health screening pursuant to section
21 3 of this act unless that person has been certified by the **【Juvenile】**
22 Youth Justice Commission as qualified to perform such screening.

23 (cf: P.L.2007, c.315, s.6)

24

25 68. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended
26 to read as follows:

27 7. The **【Juvenile】 Youth** Justice Commission, in conjunction
28 with the Department of Children and Families, shall establish and
29 maintain a confidential Statewide database of the suicide risk
30 screenings required by section 2 of this act and the mental health
31 screenings required by section 3 of this act to be used exclusively
32 by persons performing suicide risk and mental health screenings.

33 (cf: P.L.2007, c.315, s.7)

34

35 69. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended
36 to read as follows:

37 8. a. The **【Juvenile】 Youth** Justice Commission shall monitor
38 the number of suicides that occur at each county juvenile detention
39 facility.

40 b. Upon an initial suicide at a facility, the commission shall
41 conduct an evaluation of the facility's compliance with the
42 provisions of this act, an accountability assessment and an action
43 report.

44 c. If a second suicide occurs within seven years of the initial
45 suicide, the **【Juvenile】 Youth** Justice Commission shall, within 30
46 days, and with the approval of the Attorney General, evaluate the
47 facility for compliance with the provisions of this act. A facility

1 shall not admit additional juveniles until the Attorney General has
2 certified that the facility is in compliance with the provisions of this
3 act.

4 d. If a third or subsequent suicide occurs within seven years of
5 an initial suicide, the facility shall be immediately closed and shall
6 not reopen until the Governor determines that it shall reopen. A
7 task force comprised of the following seven members shall assist
8 the Governor in making this determination: the Executive Director
9 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
10 Attorney General, or a designee; the Child Advocate, or a designee;
11 the Commissioner of Children and Families, or a designee; one
12 public member; a director of a county juvenile detention facility,
13 but not of the county facility being evaluated; and a member of the
14 board of chosen freeholders of the county within which the facility
15 being evaluated is located.

16 (cf: P.L.2007, c.315, s.8)

17

18 70. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended
19 to read as follows:

20 9. The **【Juvenile】 Youth** Justice Commission shall include the
21 following information on the commission's website:

22 a. All reports monitoring the operations of county juvenile
23 detention centers, including, but not limited to, any corrective
24 actions taken against or penalties imposed on a center, if applicable;
25 and

26 b. The rated census capacity and the average monthly
27 population for each county juvenile detention center.

28 (cf: P.L.2007, c.315, s.9)

29

30 71. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended
31 to read as follows:

32 10. The **【Juvenile】 Youth** Justice Commission shall, in
33 conjunction with the Police Training Commission and mental health
34 experts, develop a training curriculum for juvenile detention
35 officers and youth workers focusing on the mental health needs of
36 the juvenile detention population.

37 (cf: P.L.2007, c.315, s.10)

38

39 72. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
40 amended to read as follows:

41 11. The **【Juvenile】 Youth** Justice Commission, in conjunction
42 with the Department of Children and Families, shall annually
43 submit to the Governor and the Legislature, for seven years
44 following the effective date of this act, a report detailing:

45 a. the number of suicides and suicide attempts at each county
46 juvenile detention facility;

1 b. the number of suicide and mental health screenings that have
2 been conducted at each facility and the number of juveniles whose
3 screenings have indicated a warning or caution;

4 c. the number of juveniles who have been referred for
5 additional screening or evaluation; and

6 d. a summary of the diagnoses for juveniles who have received
7 treatment.

8 (cf: P.L.2007, c.315, s.11)

9

10 73. Section 12 of P.L.2007, c.315 (C.52:17B-171.11) is
11 amended to read as follows:

12 12. The **【Juvenile】 Youth** Justice Commission, pursuant to the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.) shall adopt rules and regulations necessary to implement the
15 provisions of this act, which may include:

16 a. penalties for continued violations of the manual of standards
17 applicable to county detention centers; and

18 b. a graduated system of intermediate fines and penalties for
19 violations of the provisions of the act.

20 (cf: P.L.2007, c.315, s.12)

21

22 74. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended
23 to read as follows:

24 8. The **【Juvenile】 Youth** Justice Commission shall ensure that
25 prior to the scheduled date of release of a juvenile from a detention
26 facility or a facility in which the juvenile was incarcerated, the
27 appropriate staff at the facility notify the applicable county welfare
28 agency to process the reinstatement of the juvenile in the Medicaid
29 program if the juvenile was enrolled in Medicaid prior to detention
30 or incarceration and continues to meet eligibility requirements for
31 the program.

32 As used in this act, "Medicaid" means the Medicaid program
33 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

34 (cf: P.L.2009, c.329, s.8)

35

36 75. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended
37 to read as follows:

38 5. a. A juvenile detained in, or sentenced to, a State juvenile
39 correctional facility or county juvenile detention center shall not be
40 subject to room restriction unless the juvenile poses an immediate
41 and substantial risk of harm to others or to the security of the
42 facility, and all other less-restrictive options have been exhausted.

43 b. A juvenile may be subject to room restriction only for the
44 minimum time required to address the safety risk and for a period
45 that does not compromise the mental and physical health of the
46 juvenile, but in no case shall a juvenile be held in room restriction
47 for more than eight consecutive waking hours without being
48 released for at least two hours for recreation and exercise.

1 c. A juvenile who is 15 years of age or younger shall not be
2 subject to room restriction for more than two consecutive days. A
3 juvenile who is 16 years of age or older but younger than 18 years
4 of age shall not be subject to room restriction for more than three
5 consecutive days. A juvenile who is 18 years of age or older shall
6 not be subject to room restriction for more than five consecutive
7 days. A juvenile shall not be subject to room restriction for more
8 than 10 total days in a calendar month.

9 d. Juveniles subject to room restriction shall continue to
10 receive health, mental health, and educational services.

11 e. Each State correctional facility or county juvenile detention
12 facility shall document, in aggregate, the use of room restriction,
13 including the dates and duration of each occurrence, the reason for
14 placement in room restriction, and the race, age, and gender of the
15 juvenile placed in room restriction. If any health or mental health
16 clinical evaluations were performed, it shall be affirmatively
17 certified that the results of those evaluations were considered in any
18 decision to place the juvenile in room restriction or to continue
19 room restriction.

20 The aggregate data compiled pursuant to this subsection shall be:

21 (1) made available for public inspection pursuant to P.L.1963,
22 c.73 (C.47:1A-1 et seq.), commonly known as the open public
23 records act; and

24 (2) published on the official Internet website of the **【Juvenile】**
25 Youth Justice Commission.

26 f. This section shall not prohibit the use of single-person
27 rooms or cells for the housing of juveniles in State correctional or
28 county juvenile detention centers.

29 g. This section does not apply to juveniles in court holding
30 facilities or adult facilities.

31 h. Nothing in this section shall be construed to conflict with
32 any law providing greater or additional protections to juveniles.

33 i. For the purposes of this section, "room restriction" shall
34 mean the placement of a juvenile in a State juvenile correctional
35 facility or county juvenile detention center in a locked room or cell,
36 alone or with one other person, for 22 to 24 hours per day. Room
37 restriction shall not include confinement of a juvenile in a single-
38 person room or cell for brief periods of locked-room confinement
39 necessary for institutional operations, including, but not limited to,
40 shift changes, showering, and unit movements.

41 (cf: P.L.2015, c.89, s.5)

42

43 76. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
44 amended to read as follows:

45 18. a. The **【Juvenile】** Youth Justice Commission shall establish
46 a program to collect, record, and analyze data regarding juveniles
47 who were sentenced to a term of incarceration. In furtherance of
48 this program, the commission shall collect the following data:

1 (1) the offense for which the juvenile was incarcerated; the term
2 of incarceration imposed on the juvenile, including a term of
3 incarceration imposed for a violation of parole; the age, gender,
4 race, and ethnicity of the juvenile; the county where the juvenile
5 was adjudicated delinquent; the classification of the juvenile; and
6 whether the juvenile was sentenced to an extended term of
7 incarceration;

8 (2) aggregate data of incidents of violence, suicide, suicide
9 attempts, hospitalizations, and any form of segregation or isolation
10 of a juvenile for all facilities where juveniles are placed; and

11 (3) the amount of time remaining on each sentence of
12 incarceration imposed on a juvenile whose parole was revoked;
13 whether the violation that was the basis for the revocation was
14 technical or based upon a new offense; the age, gender, race, and
15 ethnicity of the juvenile; and the county where the juvenile's parole
16 was revoked by the court.

17 b. The commission shall prepare and publish on its Internet
18 website biennial reports summarizing the aggregated data collected,
19 recorded, and analyzed pursuant to subsection a. of this section.

20 c. The commission shall publish on its Internet website the
21 criteria that are used to determine whether a juvenile is granted
22 parole. The commission also shall provide this information to every
23 juvenile who is sentenced to a term of incarceration.

24 (cf: P.L.2019, c.363, s.18)

25

26 77. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
27 read as follows:

28 4. a. The advisory council to the **[Juvenile]** Youth Justice
29 Commission shall consist of the following members:

30 (1) The Commissioner of the Department of Labor and
31 Workforce Development, the Commissioner of the Department of
32 Health **[and Senior Services]**, the Commissioner of the Department
33 of Community Affairs, the Chairperson of the Civil Service
34 Commission, the Public Defender and a county prosecutor selected
35 by and serving at the pleasure of the Governor or a person
36 designated by one of the forenamed officers to serve in that officer's
37 place;

38 (2) Nine members who shall be selected for their knowledge,
39 competence, experience or interest in the juvenile justice system.
40 Appointments shall be made as follows: three by the President of
41 the Senate, no more than two of whom shall be of the same political
42 party; three by the Speaker of the General Assembly, no more than
43 two of whom shall be of the same political party and three by the
44 Governor, no more than two of whom shall be of the same political
45 party.

46 b. The term of office of each public member of the advisory
47 council shall be three years; except that of the first members
48 appointed, one appointed by the Governor, one by the President of

1 the Senate and one by the Speaker of the General Assembly shall be
 2 appointed for a term of one year, one appointed by the Governor,
 3 one by the President of the Senate and one by the Speaker of the
 4 General Assembly shall be appointed for a term of two years and
 5 the remaining three members shall be appointed for a term of three
 6 years. Each member shall serve until a successor has been
 7 appointed and qualified, and vacancies shall be filled in the same
 8 manner as the original appointments for the remainder of the
 9 unexpired term. A member is eligible for reappointment to the
 10 council.

11 c. The Governor shall appoint the chair of the advisory council
 12 from among the members of the council. The chair shall serve at
 13 the pleasure of the Governor during the Governor's term of office
 14 and until the appointment and qualification of the chair's successor.
 15 The members of the council shall elect a vice-chair from among the
 16 members of the council.

17 d. The members of the council shall receive no compensation
 18 for their services.

19 (cf: P.L.2008, c.29, s.110)

20

21 78. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
 22 read as follows:

23 6. a. The **【Juvenile】 Youth** Justice Commission shall employ,
 24 within the limits of available funds, juvenile corrections officers to
 25 staff each State secure juvenile facility and to provide security for
 26 other State juvenile facilities and programs including parole
 27 programs as deemed appropriate and to perform all other duties
 28 related to enforcement of confinement and conditions of release
 29 including execution of warrants and legal process. Juvenile
 30 corrections officers shall be in the competitive division of the career
 31 service established pursuant to N.J.S.11A:3-2, "policemen" within
 32 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
 33 members of the Police and Firemen's Retirement System of New
 34 Jersey established pursuant to section 2 of P.L.1944, c.255
 35 (C.43:16A-2), and shall be "employees" within the meaning of
 36 section 3 of P.L.1941, c.100 (C.34:13A-3).

37 b. Except as provided in subsection c. of this section, no person
 38 shall be appointed as a juvenile corrections officer unless that
 39 person:

- 40 (1) Is a citizen of the United States;
- 41 (2) Is able to read, write and speak the English language well
 42 and intelligently;
- 43 (3) Has a high school diploma or its equivalent;
- 44 (4) Is sound in body and of good health;
- 45 (5) Is of good moral character;
- 46 (6) Has not been convicted of any offense which would make
 47 the person unfit to perform the duties of a juvenile corrections
 48 officer;

- 1 (7) Has successfully completed the training course approved by
2 the Police Training Commission and required by section 5 of
3 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
4 provisions of that section; and
- 5 (8) Meets such other qualifications, including education and
6 training, as may be specified by the commission in consultation
7 with the Civil Service Commission.
- 8 c. (1) Pending appointment of a full complement of juvenile
9 corrections officers who meet the requirements of subsection b. of
10 this section, the commission and the Commissioner of Corrections
11 shall arrange through agreement for the assignment of corrections
12 officers necessary to fill the positions transferred pursuant to
13 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
14 assigned to the commission pursuant to such an agreement shall be
15 under the supervision of the commission during the period of
16 assignment as provided by the agreement between the commission
17 and the Commissioner of Corrections. The primary concerns of all
18 agreements governing assignment and supervision shall be public
19 safety and safety within the facilities and programs. No officer
20 assigned pursuant to such an agreement shall, by virtue of such
21 assignment, be considered an employee of the commission or lose
22 or suffer any diminution of any right, power, privilege or benefit to
23 which the employee would otherwise be entitled pursuant to the
24 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
25 Revised Statutes, or Title 43 of the Revised Statutes, including any
26 rights, powers, privileges or benefits as to salary, seniority,
27 promotion, re-employment, retirement, pension or representation
28 for purposes of collective bargaining;
- 29 (2) Notwithstanding the provisions of subsection b. of this
30 section, a corrections officer assigned to the commission pursuant
31 to this section shall not be considered ineligible for the position of
32 juvenile corrections officer solely because the officer does not meet
33 any educational or training requirement the commission may
34 establish and may be appointed as a juvenile corrections officer if
35 the officer applies for such position within 18 months of the
36 effective date of this act. A juvenile corrections officer appointed
37 pursuant to this subsection shall not be deprived of any right or
38 protection provided by Title 11A of the New Jersey Statutes or any
39 pension or retirement system and, notwithstanding any law or
40 regulation to the contrary, shall be eligible to compete for vacant
41 positions within the Department of Corrections with full credit for
42 experience, service and rank earned as an employee of the
43 Department of Corrections and such credit for experience, service
44 and rank earned as an employee of the commission as the
45 Commissioner of Corrections, after consultation with the Civil
46 Service Commission, deems appropriate.
- 47 d. Each juvenile corrections officer shall by virtue of such
48 employment and in addition to any other power or authority, be

1 empowered to act as an officer for the detection, apprehension,
2 arrest and adjudication of offenders against the law and, subject to
3 regulations promulgated by the commission and conditions set forth
4 in N.J.S.2C:39-6, shall have the authority to possess and carry a
5 firearm.

6 (cf: P.L.2008, c.29, s.111)

7

8 79. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to
9 read as follows:

10 8. a. The following are transferred to the **[Juvenile]** Youth
11 Justice Commission:

12 (1) The custody and care of any juvenile adjudicated delinquent
13 and committed or classified to the custody of the Department of
14 Corrections or committed or classified to the custody or care of the
15 Division of Juvenile Services of the Department of Human
16 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
17 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
18 and Executive Order No. 93 of 1993, or serving a term of
19 incarceration in a county detention facility pursuant to section 1 of
20 P.L.1992, c.211 (C.2A:4A-44.1);

21 (2) The New Jersey Training School for Boys created pursuant
22 to R.S.30:1-7 and transferred to the Commissioner of Corrections
23 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
24 Medium Security Facility created pursuant to R.S.30:1-7;

25 (3) All residential and day care facilities and programs
26 established pursuant to the powers delegated to the Division of
27 Juvenile Services, Department of Corrections, by the Commissioner
28 of the Department of Corrections pursuant to his powers contained
29 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
30 committed to participate therein by court order, law, classification,
31 regulation or contract which were subsequently transferred to the
32 Division of Juvenile Services, Department of Human Services by
33 Reorganization Plan No. 001-1993;

34 (4) All furnishings and equipment presently located in the
35 institutions and programs of the Division of Juvenile Services and
36 in the institutions and programs of the Department of Corrections
37 transferred to the commission pursuant to subsections b. and c. of
38 this section, and, except as provided in section 6 of P.L.1995, c.284
39 (C.52:17B-174), all staff assigned to those institutions and
40 programs, including administrative and support staff;

41 (5) All operating and capital funding demarcated for the
42 institutions and programs set forth in this section, including funding
43 from bonds and funding for administrative costs associated with the
44 institutions and programs;

45 (6) All functions, powers, duties and authority of the
46 Commissioner of Corrections, including any transferred to the
47 Commissioner of Human Services pursuant to Reorganization Plan
48 No. 001-1993, with respect to all juvenile detention facilities

1 throughout the State pursuant to section 18 of P.L.1982, c.77
2 (C.2A:4A-37);

3 (7) The powers, duties and responsibilities of the Commissioner
4 of Corrections for establishing standards and monitoring of juvenile
5 detention facilities pursuant to section 18 of P.L.1982, c.77
6 (C.2A:4A-37), transferred to the Commissioner of Human Services
7 by Reorganization Plan No. 001-1993;

8 (8) All existing written agreements made between county
9 governments and the Department of Corrections or the Department
10 of Human Services concerning juvenile detention centers are hereby
11 modified to transfer the responsibilities, duties and obligations
12 specified in these agreements between the county governments and
13 the commission;

14 (9) The Juvenile Detention Monitoring Unit, Department of
15 Corrections, established pursuant to the powers of the
16 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
17 1 et seq.), to fulfill the obligations of the Department of Corrections
18 in monitoring juvenile detention centers throughout the State
19 pursuant to the Federal "Juvenile Justice and Delinquency
20 Prevention Act of 1974," as amended, and pursuant to section 18 of
21 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
22 Department of Human Services by Reorganization Plan No. 001-
23 1993, along with its staff, powers, duties and responsibilities;

24 (10) The legal custody and supervision of each juvenile parolee;
25 the functions, powers, duties and authority of the State Parole Board
26 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
27 regarding juvenile offenders are continued, but the State Parole
28 Board shall file all of its reports and recommendations regarding
29 juveniles with the commission;

30 (11) All funding, programs and positions created or dedicated to
31 provide juvenile parole services by the Bureau of Parole within the
32 Department of Corrections in accordance with an agreement
33 between the Executive Director of the commission and the
34 Commissioner of Corrections in consultation with the State Parole
35 Board when an orderly transfer of the function has been completed
36 including appropriate changes in the reporting requirements,
37 funding, positions, and administrative housing and support;

38 (12) The powers, duties, and responsibilities of the Office of
39 Education created and established in the Departments of
40 Corrections and Human Services pursuant to the "State Facilities
41 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
42 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
43 offenders whose custody is transferred to the commission pursuant
44 to this act is transferred to the Office of Education established in the
45 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
46 178) along with staff, existing and future moneys and other
47 educational resources demarcated for juveniles whose custody is
48 transferred pursuant to this act, including funds collected pursuant

1 to the authority granted in the "State Facilities Education Act of
2 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
3 educational grants and contract funds received for the benefit of
4 juvenile offenders whose custody is transferred pursuant to this act;

5 (13) The powers, duties, and responsibilities of the Bureau of
6 Juvenile Justice, including the Juvenile Justice and Delinquency
7 Prevention Unit, in the Division of Criminal Justice, Department of
8 Law and Public Safety established pursuant to section 4 of
9 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
10 and responsibilities; and

11 (14) All funding appropriated to the Department of Human
12 Services and demarcated for distribution by the department for
13 youth services commission funding.

14 b. Whenever in any law, rule, regulation, order, contract, lease,
15 document, judicial or administrative proceeding or otherwise,
16 reference is made to the Commissioner of the Department of
17 Corrections regarding a juvenile or juvenile offender as defined in
18 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
19 Juvenile Services transferred from the Department of Corrections to
20 the Department of Human Services by Reorganization Plan No.001
21 1993 the same shall mean and refer to the commission.

22 (cf: P.L.1995, c.284, s.8)

23

24 80. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to
25 read as follows:

26 10. There is hereby created and established in the **【Juvenile】**
27 Youth Justice Commission an Office of Education to be headed by a
28 Director of Educational Services who shall supervise the
29 educational programs in all juvenile facilities operated by the
30 **【Juvenile】 Youth** Justice Commission and shall approve, except as
31 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
32 personnel to be hired for such programs.

33 The director shall hold the appropriate certificate issued by the
34 State Board of Examiners and shall be qualified by training and
35 experience for his position and shall be appointed by the executive
36 director with the approval of the executive board. The director shall
37 serve at the pleasure of the executive board.

38 The director shall establish primary, secondary, and vocational
39 programs which meet the educational needs of school age persons
40 for whom the commission is responsible. Appropriate credit and
41 certification shall be given for the successful completion of such
42 programs.

43 (cf: P.L.1995, c.284, s.10)

44

45 81. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to
46 read as follows:

1 1. a. A State/Community Partnership Grant Program is
2 established within the **【Juvenile】 Youth** Justice Commission
3 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
4 to support, through grants allocated to county youth services
5 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
6 180), facilities, sanctions and services for juveniles adjudicated or
7 charged as delinquent and programs for prevention of juvenile
8 delinquency. This program is established in order to:

9 (1) Encourage development of sanctions and services for
10 juveniles adjudicated and charged as delinquent and programs for
11 prevention of juvenile delinquency that protect the public, ensure
12 accountability and foster rehabilitation;

13 (2) Increase the range of sanctions for juveniles adjudicated
14 delinquent;

15 (3) Reduce overcrowding in State juvenile institutions and other
16 facilities to ensure adequate bedspace for serious, violent and
17 repetitive offenders;

18 (4) Reduce overcrowding in county detention facilities;

19 (5) Provide greater access to community-based sanctions and
20 services for minority and female offenders;

21 (6) Expand programs designed to prevent juvenile delinquency;
22 and

23 (7) Promote public safety by reducing recidivism.

24 b. The **【Juvenile】 Youth** Justice Commission shall administer
25 the State/Community Partnership Grant Program and shall:

26 (1) Establish criteria and procedures for grant applications and
27 disbursement by regulation;

28 (2) Determine how best to allocate Partnership funds;

29 (3) Set standards and procedures for eligibility, operation,
30 supervision and evaluation;

31 (4) Advise and assist county youth services commissions in
32 preparation of county plans and grant applications;

33 (5) Award grants;

34 (6) Set standards for and determine eligibility for continued
35 Partnership funding;

36 (7) Collect and provide information about community-based
37 services and sanctions; and

38 (8) Monitor and evaluate implementation of county plans and
39 the provision of services, sanctions and programs provided pursuant
40 to this act.

41 (cf: P.L.1995, c.283, s.1)

42
43 82. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
44 read as follows:

45 1. a. In order to qualify for award of State/Community
46 Partnership Grant funds established pursuant to P.L.1995, c.283
47 (C.52:17B-179) a county shall:

- 1 (1) Establish a county youth services commission in accordance
2 with regulations promulgated by the **【Juvenile】 Youth** Justice
3 Commission established pursuant to section 2 of P.L.1995, c.284
4 (C.52:17B-170);
- 5 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
6 approval of a triennial comprehensive plan for services and
7 sanctions for juveniles adjudicated or charged as delinquent and
8 programs for the prevention of juvenile delinquency which:
- 9 (a) are designed to promote the goals of P.L.1995, c.283
10 (C.52:17B-179);
- 11 (b) provide recommendations for funding of programs, sanctions
12 and services that enhance and expand the range of sanctions and
13 services for juveniles adjudicated or charged as delinquent and
14 programs designed to prevent delinquency;
- 15 (c) make services available in geographical locations within the
16 county where juveniles in need reside; and
- 17 (d) provide for distribution of State/Community Partnership
18 Grant funds by the county in accordance with contracts or
19 agreements executed by the appropriate county officials in
20 accordance with applicable law.
- 21 b. The **【Juvenile】 Youth** Justice Commission shall establish by
22 regulation:
- 23 (1) Specific guidelines as to membership of a county youth
24 services commission;
- 25 (2) Specific requirements for the administration of the
26 State/Community Partnership Grant funds awarded by the county.
- 27 c. Notwithstanding the provisions of subsection a. of this
28 section, the county governing body may elect, upon annual written
29 request approved by the executive director, to designate a
30 commission, council or agency to assume the responsibilities of a
31 county youth services commission in that county. Approval of such
32 a request shall be contingent upon the governing body
33 demonstrating that the membership of the designated entity is
34 sufficiently representative of persons and agencies interested in the
35 juvenile justice system to permit the entity to perform the duties and
36 responsibilities of a county youth services commission, that the
37 members of the designated entity are otherwise qualified to perform
38 the duties and responsibilities of members of a county youth
39 services commission, and that the designated entity has the
40 authority and responsibility to carry out the duties and
41 responsibilities of a county youth services commission.
- 42 d. A county youth services commission shall:
- 43 (1) Recommend to the governing body of the county the
44 approval or disapproval of contracts with local government or
45 private agencies that desire participation in the State/Community
46 Partnership Grant Program;

- 1 (2) Monitor the operations of programs receiving
2 State/Community Partnership Grant funds with reference to
3 compliance with standards, policies and rules established by the
4 **【Juvenile】 Youth** Justice Commission;
- 5 (3) Monitor and evaluate the impact of the programs receiving
6 State/Community Partnership Grant funds, including the nature of
7 the offender or at risk populations served by the funded programs,
8 and prepare a written report with relevant documentation, on an
9 annual basis, to be submitted to the **【Juvenile】 Youth** Justice
10 Commission as part of the commission's triennial plan and annual
11 update; and
- 12 (4) Perform such other duties as may be established by the
13 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
14 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
15 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
16 (C.52:17B-179) which creates the State/Community Partnership
17 Grant Program.
- 18 e. No county may use funds received pursuant to this section to
19 supplant or replace existing funds or other resources from federal,
20 State or county government for existing juvenile justice-related
21 programs or for purposes of capital construction or renovation.
- 22 f. If a county elects not to participate in the State/Community
23 Partnership Grant Program, the commission is authorized to allocate
24 and expend that county's share of Partnership funding in a manner
25 consistent with the commission's Juvenile Justice Master Plan.
26 (cf: P.L.2005, c.164, s.2)
27
- 28 83. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to
29 read as follows:
- 30 3. As used in this act:
- 31 a. "Commission" means the **【Juvenile】 Youth** Justice
32 Commission in, but not of, the Department of Law and Public
33 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
34 seq.).
- 35 b. "Commissioner" means the Commissioner of the Department
36 of Corrections.
- 37 c. "Juvenile offender" means a person at least 14 years old at the
38 time of disposition who has been adjudicated delinquent for an act
39 which, if committed by an adult, would constitute a crime,
40 excluding an adjudication for any act which would constitute a
41 crime of the first degree or a crime under chapter 14 of Title 2C of
42 the New Jersey Statutes.
- 43 d. "Youthful offender" means a person between 18 and 30 years
44 of age who has been convicted of a crime, excluding any person
45 convicted of:
- 46 (1) a crime of the first degree;

1 (2) a crime under chapter 14 of Title 2C of the New Jersey
2 Statutes;

3 (3) a crime which requires the imposition of a mandatory term
4 of imprisonment without eligibility for parole, unless the person has
5 less than one year of the mandatory portion of the sentence
6 remaining; or

7 (4) a crime of the second degree under any of the following:
8 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
9 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
10 purpose of using it unlawfully against the person of another.

11 (cf: P.L.1997, c.55, s.1)

12

13 84. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to
14 read as follows:

15 45. a. There is established in, but not of, the Department of
16 Community Affairs an Urban Coordinating Council.

17 b. The Urban Coordinating Council shall be comprised of the
18 Governor, the chief officer of each department of the executive
19 branch, and the executive directors of the New Jersey
20 Redevelopment Authority, the New Jersey Economic Development
21 Authority, the Casino Reinvestment Development Authority, the
22 State Planning Commission, the New Jersey Housing and Mortgage
23 Finance Agency, the **【Juvenile】** Youth Justice Commission and the
24 Commission on Higher Education. The council shall be chaired by
25 the Governor. Members of the council may be represented on the
26 council by their designees.

27 (cf: P.L.1996, c.62, s.45)

28

29 85. This act shall take effect immediately.