

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5018

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5018.

This bill requires that juvenile defendants who voluntarily elect to be tried as adults have the same procedural rights as juvenile defendants who are involuntarily waived by the prosecutor from the Family Part to the Criminal Part of the Superior Court.

Under current law, in cases in which a prosecutor seeks to have a juvenile tried as an adult, the juvenile still retains some of the rights afforded by the New Jersey Code of Juvenile Justice, such as the right to be housed in a juvenile facility if convicted and sentenced to imprisonment, the right to seek remand of the case back to the Family Part if it is in the interests of justice, and, except for certain violent crimes, the right to have the case remanded back to the Family Part for sentencing after conviction. In practice, a juvenile may voluntarily choose to be tried as an adult as part of a plea agreement, or if the juvenile insists on a trial by jury. However, it is not clear whether current law allows a juvenile who voluntarily chooses to be tried as an adult to retain those same rights provided to juveniles who are involuntarily waived.

In addition to clarifying the rights of juvenile defendants, this bill requires the court to determine that an election by a juvenile to be tried as an adult is made knowingly, willingly, and voluntarily, given the differential treatment under the law between juveniles adjudicated delinquent and adults convicted of crimes. As part of making that determination, the court would be required to conduct a hearing during which the juvenile would be informed of the differences in sentencing or disposition between adults and juveniles for the offenses charged.