

P.L. 2025, CHAPTER 368, *approved January 20, 2026*
Assembly, No. 5018

1 AN ACT concerning rights of juvenile defendants who elect to be
2 tried as adults, and amending P.L.1982, c.77.

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

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7 1. Section 8 of P.L.1982, c.77 (C.2A:4A-27), is amended to
8 read as follows:

9 8. a. Any juvenile 14 years of age or older charged with
10 delinquency may elect, subject to court approval, to have the case
11 transferred to the appropriate court having jurisdiction. Any
12 juvenile under 14 years of age charged with an offense which, if
13 committed by an adult, would constitute murder under N.J.S.2C:11-
14 3 may elect, subject to court approval, to have the case transferred
15 to the appropriate court having jurisdiction.

16 b. In all cases where such election is sought, the court shall
17 conduct a hearing pursuant to paragraph (2) of subsection b. of
18 section 20 of P.L.1982, c.77 (C.2A:4A-39), to:

19 (1) inform the juvenile of the differences in the maximum
20 sentence or disposition, and the differences in the consequences of
21 magnitude, between the New Jersey Code of Criminal Justice and
22 the New Jersey Code of Juvenile Justice, for the crimes, offenses,
23 and delinquencies charged; and

24 (2) determine that an election under this section is made
25 knowingly, willingly, and voluntarily.

26 c. Upon the granting of an election made under this section and
27 transfer to the appropriate court having jurisdiction:

28 (1) the case shall proceed as if it originated in that court and
29 shall be subject to the sentencing provisions available to that court;
30 provided, however, there shall be a presumption that the juvenile
31 shall serve any custodial sentence imposed in a State juvenile
32 facility operated by the Juvenile Justice Commission until the
33 juvenile reaches the age of 21, except that:

34 (a) a juvenile who has not reached the age of 21 may, in the
35 discretion of the Juvenile Justice Commission, be transferred to the
36 Department of Corrections in accordance with the plan established
37 pursuant to subsection e. of section 7 of P.L.1995, c.284 (C.52:17B-
38 175) and regulations adopted pursuant to that section; and

39 (b) a juvenile who has reached or exceeds the age of 21 may
40 continue to serve a sentence in a State juvenile facility operated by
41 the Juvenile Justice Commission in the discretion of the Juvenile
42 Justice Commission and if the juvenile so consents; otherwise the

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 juvenile shall serve the remainder of the custodial sentence in a
2 State correctional facility;

3 (2) with the consent of the juvenile and the prosecutor, at any
4 point in the proceedings subsequent to the election made pursuant
5 to this section, the court may remand the case to the Superior Court,
6 Chancery Division, Family Part if it appears that:

7 (a) the interests of the public and the best interests of the
8 juvenile require access to programs or procedures uniquely
9 available to that court; and

10 (b) the interests of the public are no longer served by the
11 election.

12 (cf: P.L.1982, c.77, s.8)

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14 2. This act shall take effect immediately.

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17 STATEMENT

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19 This bill provides that juvenile defendants who voluntarily elect to
20 move their cases from the Family Part to the Criminal Part of the
21 Superior Court in order to be tried as adults, pursuant to the waiver
22 process set forth in section 8 of P.L.1982, c.77 (C.2A:4A-27), shall be
23 granted the following procedural rights:

24 - a case would proceed as if it originated in the Criminal Part and
25 be subject to applicable adult sentencing provisions, provided there
26 would be a presumption that a convicted juvenile serve any custodial
27 sentence imposed in a State juvenile facility operated by the Juvenile
28 Justice Commission until reaching 21 years of age, except that: (1) a
29 confined juvenile who has reached 18 years of age and whose
30 continued presence in the juvenile facility threatens the safety of
31 others, including other juvenile offenders, or the ability of the
32 commission to operate juvenile programs at the facility, could be
33 transferred to a State adult correctional facility; and (2) a juvenile who
34 has reached or exceeds 21 years of age could continue to serve a
35 sentence in the State juvenile facility at the discretion of the
36 commission and with the consent of the juvenile; and

37 - at any point during the proceedings of the case, with the consent
38 of the juvenile and prosecutor, the court could remand the case to the
39 Family Part to continue as a juvenile adjudication if it appears that the
40 interests of the public and the best interests of the juvenile require
41 access to programs and procedures uniquely available through the
42 juvenile adjudication process, and the interests of the public are no
43 longer served by the juvenile's original voluntary waiver to the
44 Criminal Part.

45 The above are similar to the procedural rights provided to juvenile
46 defendants who are involuntarily waived by the prosecutor from the
47 Family Part to the Criminal Part. See P.L.2015, c.89, s.1 (C.2A:4A-
48 26.1).

1 Additionally, the bill would require the court to approve the
2 juvenile’s voluntary waiver, which it could do only after conducting a
3 hearing. At the hearing, the court would inform the juvenile of the
4 differences in the maximum sentencing or disposition between adults
5 and juveniles for the offenses charged, and the differences “in the
6 consequences of magnitude” between proceeding under the “New
7 Jersey Code of Juvenile Justice” and the “New Jersey Code of
8 Criminal Justice.” A determination to approve the voluntary waiver
9 would also require that the juvenile’s action be found to be
10 “knowingly, willingly, and voluntarily” made.

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15 Concerns rights of juvenile defendants who elect to be tried as
16 adults.