

CHAPTER 368

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

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

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

C.2A:4A-27 Referral to other court at election of juvenile.

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

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

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

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

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

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

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

(b) a juvenile who has reached or exceeds the age of 21 may continue to serve a sentence in a State juvenile facility operated by the Juvenile Justice Commission in the discretion of the Juvenile Justice Commission and if the juvenile so consents, otherwise the juvenile shall serve the remainder of the custodial sentence in a State correctional facility;

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

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

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

2. This act shall take effect immediately.

Approved January 20, 2026.