

SENATE, No. 357

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator VINCENT J. POLISTINA

District 2 (Atlantic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee with technical review.



(Sponsorship Updated As Of: 3/14/2024)

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

3

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

6

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

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 (2) with the consent of the juvenile and the prosecutor, at any
2 point in the proceedings subsequent to the election made pursuant
3 to this section, the court may remand the case to the Superior Court,
4 Chancery Division, Family Part if it appears that:
5 (a) the interests of the public and the best interests of the
6 juvenile require access to programs or procedures uniquely
7 available to that court; and
8 (b) the interests of the public are no longer served by the
9 election.
10 (cf: P.L.1982, c.77, s.8)
11
12 2. This act shall take effect immediately.