

SENATE, No. 2423

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 29, 2024

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Renames Juvenile Justice Commission as Youth Justice Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2024)

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
9 read 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
15 cause shown. The motion shall be accompanied by a written
16 statement of reasons clearly setting forth the facts used in assessing
17 all factors contained in paragraph (3) of subsection c. of this
18 section, together with an explanation as to how evaluation of those
19 facts support waiver for each particular juvenile.

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

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

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

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

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

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

37 (c) first degree robbery;

38 (d) carjacking;

39 (e) aggravated sexual assault;

40 (f) sexual assault;

41 (g) second degree aggravated assault;

42 (h) kidnapping;

43 (i) aggravated arson;

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

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

3 (l) a violation of N.J.S.2C:35-4 (Maintaining and Operating a
4 CDS Production Facility);

5 (m) a violation of section 1 of P.L.1998, c.26 (C.2C:39-4.1)
6 (Weapons Possession while Committing certain CDS Offenses);

7 (n) an attempt or conspiracy to commit any of the crimes
8 enumerated in subparagraphs (a) through (m) of this paragraph; or

9 (o) a crime committed at a time when the juvenile previously
10 had been sentenced and confined in an adult correctional facility.

11 (3) The court may deny a motion by the prosecutor to waive
12 jurisdiction of a juvenile delinquency case if it is clearly convinced
13 that the prosecutor abused his discretion in considering the
14 following factors in deciding whether to seek a waiver:

15 (a) The nature and circumstances of the offense charged;

16 (b) Whether the offense was against a person or property,
17 allocating more weight for crimes against the person;

18 (c) Degree of the juvenile's culpability;

19 (d) Age and maturity of the juvenile;

20 (e) Any classification that the juvenile is eligible for special
21 education to the extent this information is provided to the
22 prosecution by the juvenile or by the court;

23 (f) Degree of criminal sophistication exhibited by the juvenile;

24 (g) Nature and extent of any prior history of delinquency of the
25 juvenile and dispositions imposed for those adjudications;

26 (h) If the juvenile previously served a custodial disposition in a
27 State juvenile facility operated by the **【Juvenile】 Youth** Justice
28 Commission, and the response of the juvenile to the programs
29 provided at the facility to the extent this information is provided to
30 the prosecution by the **【Juvenile】 Youth** Justice Commission;

31 (i) Current or prior involvement of the juvenile with child
32 welfare agencies;

33 (j) Evidence of mental health concerns, substance abuse, or
34 emotional instability of the juvenile to the extent this information is
35 provided to the prosecution by the juvenile or by the court; and

36 (k) If there is an identifiable victim, the input of the victim or
37 victim's family.

38 The Attorney General may develop for dissemination to the
39 county prosecutors those guidelines or directives deemed necessary
40 or appropriate to ensure the uniform application of this section
41 throughout the State.

42 d. An order waiving jurisdiction over a case and referring the
43 case to the appropriate court and prosecuting authority shall specify
44 the alleged act upon which the referral is based and all other
45 delinquent acts charged against the juvenile arising out of or related
46 to the same transaction.

47 e. Testimony of a juvenile at a hearing to determine referral
48 under this section shall not be admissible for any purpose in any

1 subsequent hearing to determine delinquency or guilt of any
2 offense.

3 f. Upon waiver of jurisdiction and referral to the appropriate
4 court and prosecuting authority having jurisdiction:

5 (1) The case shall proceed as if it originated in that court and
6 shall be subject to the sentencing provisions available to that court;
7 provided, however, upon conviction for any offense which is
8 subject to waiver pursuant to paragraph (2) of subsection c. of this
9 section, there shall be a presumption that the juvenile shall serve
10 any custodial sentence imposed in a State juvenile facility operated
11 by the **【Juvenile】 Youth** Justice Commission until the juvenile
12 reaches the age of 21, except that:

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

19 (b) a juvenile who has reached or exceeds the age of 21 may
20 continue to serve a sentence in a State juvenile facility operated by
21 the **【Juvenile】 Youth** Justice Commission in the discretion of the
22 **【Juvenile】 Youth** Justice Commission and if the juvenile so
23 consents; otherwise the juvenile shall serve the remainder of the
24 custodial sentence in a State correctional facility;

25 (2) If a juvenile is not convicted of an offense set forth in
26 paragraph (2) of subsection c. of this section, a conviction for any
27 other offense shall be deemed a juvenile adjudication and be
28 remanded to the Superior Court, Chancery Division, Family Part for
29 disposition, in accordance with the dispositional options available
30 to that court and all records related to the act of delinquency shall
31 be subject to the provisions of section 1 of P.L.1982, c.79
32 (C.2A:4A-60);

33 (3) With the consent of the defense and the prosecutor, at any
34 point in the proceedings subsequent to the decision ordering waiver
35 the court may remand to the Superior Court, Chancery Division,
36 Family Part if it appears that:

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

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

41 g. (1) The **【Juvenile】 Youth** Justice Commission, in consultation
42 with the Attorney General, shall establish a program to collect,
43 record, and analyze data regarding waiver of jurisdiction of a
44 juvenile delinquency case by the Superior Court, Chancery
45 Division, Family Part to an appropriate court and prosecuting
46 authority. In furtherance of this program, the **【Juvenile】 Youth**
47 Justice Commission shall, in cooperation with the Administrative

1 Office of the Courts, Attorney General, and county prosecutors,
2 collect data related to the decision to seek waiver of jurisdiction of
3 a juvenile delinquency case, which shall include but not be limited
4 to data concerning:

5 (a) youth demographics, including age, gender, race, and
6 ethnicity;

7 (b) case characteristics, including the degree of the offense
8 waived, the degree of the offense convicted, and the final court
9 resolution;

10 (c) case processing times; and

11 (d) waiver rates by race and ethnicity.

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

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

21 (cf: P.L.2015, c.89, s.1)

22
23 4. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
24 read as follows:

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

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

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

1 d. No juvenile charged with delinquency shall be transferred to
2 an adult county jail solely by reason of having reached age 18. The
3 following standards shall apply to any juvenile who has been placed
4 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
5 and who violates the conditions of that probation after reaching the
6 age of 18; who has been placed on parole pursuant to the provisions
7 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.)
8 and who violates the conditions of that parole after reaching the age
9 of 18; or who is arrested after reaching the age of 18 on a warrant
10 emanating from the commission of an act of juvenile delinquency:

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

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

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

34 (2) The **【Juvenile】** Youth Justice Commission and the
35 Department of Children and Families, in consultation with the
36 appropriate county administrator of the county facility or shelter,
37 shall assign a maximum population capacity for each juvenile
38 detention facility or shelter based on minimum standards for these
39 facilities.

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

47 (2) Upon making such determination, the commission or
48 department shall notify the governing body of the appropriate

1 county of its decision to impose such a restriction, which
2 notification shall include a written statement specifying the reasons
3 therefor and corrections to be made. If the commission or
4 department shall determine that no appropriate action has been
5 initiated by the administrator of the facility or shelter within 60
6 days following such notification to correct the violations specified
7 in the notification, it shall order that such juvenile detention facility
8 or shelter shall immediately cease to admit juveniles. The county
9 shall be entitled to a hearing where such a restriction is imposed by
10 the commission or department.

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

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

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

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

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

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

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

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

6 b. In arriving at a disposition, the court may also consult with
7 such individuals and agencies as may be appropriate to the
8 juvenile's situation, including the county probation division, the
9 Department of Children and Families, the **【Juvenile】 Youth** Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170), the county youth services commission, school
12 personnel, clergy, law enforcement authorities, family members and
13 other interested and knowledgeable parties. In so doing, the court
14 may convene a predispositional conference to discuss and
15 recommend disposition.

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

34 (2) Any predisposition report prepared pursuant to this section
35 shall include:

36 (a) an analysis of the circumstances attending the commission of
37 the act;

38 (b) the impact of the offense on the community;

39 (c) the offender's history of delinquency or criminality;

40 (d) the offender's family situation;

41 (e) the offender's financial resources;

42 (f) the financial resources of the juvenile's parent or guardian;

43 (g) the information concerning the parent or guardian's exercise
44 of supervision and control relevant to commission of the act; and

45 (h) in any case where the juvenile is charged with an act which
46 if committed by an adult would constitute prostitution in violation
47 of N.J.S.2C:34-1 or any offense which the juvenile alleges is related
48 to the juvenile being a victim of human trafficking, the

1 predisposition report may include any information relevant to the
2 commission of the act.

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

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

7

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

10 24. Disposition of delinquency cases. a. In determining the
11 appropriate disposition for a juvenile adjudicated delinquent the
12 court shall weigh the following factors:

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

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

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

18 (4) Whether the disposition supports family strength,
19 responsibility, and unity and the well-being and physical safety of
20 the juvenile;

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

26 (6) Whether the disposition recognizes and treats the unique
27 physical, psychological, and social characteristics and needs of the
28 child;

29 (7) Whether the disposition contributes to the developmental
30 needs of the child, including the academic and social needs of the
31 child where the child has intellectual disabilities or learning
32 disabilities;

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

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

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

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

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

45 (1) Adjourn formal entry of disposition of the case for a period
46 not to exceed 12 months for the purpose of determining whether the
47 juvenile makes a satisfactory adjustment, and if during the period of

- 1 continuance the juvenile makes such an adjustment, dismiss the
2 complaint;
- 3 (2) Release the juvenile to the supervision of the juvenile's
4 parent or guardian;
- 5 (3) Place the juvenile on probation to the chief probation officer
6 of the county or to any other suitable person who agrees to accept
7 the duty of probation supervision for a period not to exceed three
8 years upon such written conditions as the court deems will aid
9 rehabilitation of the juvenile;
- 10 (4) Transfer custody of the juvenile to any relative or other
11 person determined by the court to be qualified to care for the
12 juvenile;
- 13 (5) Place the juvenile under the care and responsibility of the
14 Department of Children and Families so that the commissioner may
15 designate a division or organizational unit in the department
16 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
17 providing services in or out of the home. Within 14 days, unless for
18 good cause shown, but not later than 30 days, the Department of
19 Children and Families shall submit to the court a service plan,
20 which shall be presumed valid, detailing the specifics of any
21 disposition order. The plan shall be developed within the limits of
22 fiscal and other resources available to the department. If the court
23 determines that the service plan is inappropriate, given existing
24 resources, the department may request a hearing on that
25 determination;
- 26 (6) Place the juvenile under the care and custody of the
27 Commissioner of Children and Families for the purpose of
28 receiving the services of the Division of Children's System of Care
29 of that department, provided that the juvenile has been determined
30 to be eligible for those services under P.L.1965, c.59, s.16
31 (C.30:4-25.4);
- 32 (7) Commit the juvenile, pursuant to applicable laws and the
33 Rules of Court governing civil commitment, to the Department of
34 Children and Families under the responsibility of the Division of
35 Children's System of Care for the purpose of placement in a suitable
36 public or private hospital or other residential facility for the
37 treatment of persons who are mentally ill, on the ground that the
38 juvenile is in need of involuntary commitment;
- 39 (8) (Deleted by amendment, P.L.2019, c.363)
- 40 (9) Order the juvenile to make restitution to a person or entity
41 who has suffered loss resulting from personal injuries or damage to
42 property as a result of the offense for which the juvenile has been
43 adjudicated delinquent. The court may determine the reasonable
44 amount, terms, and conditions of restitution. If the juvenile
45 participated in the offense with other persons, the participants shall
46 be jointly and severally responsible for the payment of restitution.
47 The court shall not require a juvenile to make full or partial
48 restitution if the juvenile reasonably satisfies the court that the

1 juvenile does not have the means to make restitution and could not
2 reasonably acquire the means to pay restitution;

3 (10) Order that the juvenile perform community services under
4 the supervision of a probation division or other agency or individual
5 deemed appropriate by the court. Such services shall be
6 compulsory and reasonable in terms of nature and duration. Such
7 services may be performed without compensation, provided that any
8 money earned by the juvenile from the performance of community
9 services may be applied towards any payment of restitution or fine
10 which the court has ordered the juvenile to pay;

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

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

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

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

30 (15) Order the parent or guardian of the juvenile to participate in
31 appropriate programs or services when the court has found either
32 that such person's omission or conduct was a significant
33 contributing factor towards the commission of the delinquent act,
34 or, under its authority to enforce litigant's rights, that such person's
35 omission or conduct has been a significant contributing factor
36 towards the ineffective implementation of a court order previously
37 entered in relation to the juvenile;

38 (16) (a) Place the juvenile in a nonresidential program operated
39 by a public or private agency, providing intensive services to
40 juveniles for specified hours, which may include education,
41 counseling to the juvenile and the juvenile's family if appropriate,
42 vocational training, employment counseling, work, or other
43 services;

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

1 (17) Instead of or in addition to any disposition made according
2 to this section, the court may postpone, suspend, or revoke for a
3 period not to exceed two years the driver's license, registration
4 certificate, or both of any juvenile who used a motor vehicle in the
5 course of committing an act for which the juvenile was adjudicated
6 delinquent. In imposing this disposition and in deciding the duration
7 of the postponement, suspension, or revocation, the court shall
8 consider the circumstances of the act for which the juvenile was
9 adjudicated delinquent and the potential effect of the loss of driving
10 privileges on the juvenile's ability to be rehabilitated. Any
11 postponement, suspension, or revocation shall be imposed
12 consecutively with any custodial commitment;

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

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

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

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

42 (2) A juvenile shall not be incarcerated in any county detention
43 facility unless the county has entered into an agreement with the
44 **[Juvenile] Youth** Justice Commission concerning the use of the
45 facility for sentenced juveniles. Upon agreement with the county,
46 the **[Juvenile] Youth** Justice Commission shall certify detention
47 facilities which may receive juveniles sentenced pursuant to this
48 subsection and shall specify the capacity of the facility that may be

1 made available to receive such juveniles; provided, however, that in
2 no event shall the number of juveniles incarcerated pursuant to this
3 subsection exceed **【50%】** 50 percent of the maximum capacity of
4 the facility.

5 (3) The court may fix a term of incarceration under this
6 subsection that is in accordance with subsection i. of section 2 of
7 P.L.1982, c.77 (C.2A:4A-21) and:

8 (a) The act for which the juvenile was adjudicated delinquent, if
9 committed by an adult, would have constituted a crime or repetitive
10 disorderly persons offense;

11 (b) Incarceration of the juvenile is consistent with the goals of
12 public safety, accountability, and rehabilitation and the court is
13 clearly convinced that the aggravating factors substantially
14 outweigh the mitigating factors as set forth in section 25 of
15 P.L.1982, c.77 (C.2A:4A-44); and

16 (c) The detention facility has been certified for admission of
17 adjudicated juveniles pursuant to paragraph (2).

18 (4) If as a result of incarceration of adjudicated juveniles
19 pursuant to this subsection, a county is required to transport a
20 predisposition juvenile to a juvenile detention facility in another
21 county, the costs of such transportation shall be borne by the
22 **【Juvenile】** Youth Justice Commission.

23 d. Whenever the court imposes a disposition upon an
24 adjudicated delinquent which requires the juvenile to perform a
25 community service, restitution, or to participate in any other
26 program provided for in this section other than subsection c., the
27 duration of the juvenile's mandatory participation in such
28 alternative programs shall extend for a period consistent with the
29 program goal for the juvenile and shall in no event exceed one year
30 beyond the maximum duration permissible for the delinquent if the
31 juvenile had been committed to a term of incarceration.

32 e. In addition to any disposition the court may impose pursuant
33 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
34 following orders shall be included in dispositions of the
35 adjudications set forth below:

36 (1) An order to perform community service pursuant to
37 paragraph (10) of subsection b. of this section for a period of at
38 least 60 days, if the juvenile has been adjudicated delinquent for an
39 act which, if committed by an adult, would constitute the crime of
40 theft of a motor vehicle, or the crime of unlawful taking of a motor
41 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
42 degree crime of eluding in violation of subsection b. of
43 N.J.S.2C:29-2; and

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

45 (3) An order to perform community service pursuant to
46 paragraph (10) of subsection b. of this section for a period of at
47 least 30 days, if the juvenile has been adjudicated delinquent for an
48 act which, if committed by an adult, would constitute the fourth

1 degree crime of unlawful taking of a motor vehicle in violation of
2 subsection b. of N.J.S.2C:20-10.

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

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

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

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

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

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

18

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

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

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

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

40 The court may order a juvenile to submit to an approved
41 serological test for AIDS or infection with the HIV or any other
42 related virus identified as a probable causative agent of AIDS if in
43 the course of the performance of any other law enforcement duties,
44 a law enforcement officer suffers a prick from a hypodermic needle,
45 provided that there is probable cause to believe that the defendant is
46 an intravenous user of controlled dangerous substances, or had
47 contact with the defendant which involved or was likely to involve
48 the transmission of bodily fluids. The court shall issue such an

1 order only upon the request of the law enforcement officer, victim
2 of the offense or other affected person made at the time of
3 indictment, charge or conviction. If a county prosecutor declines to
4 make such an application within 72 hours of being requested to do
5 so by the law enforcement officer, the law enforcement officer may
6 appeal to the Division of Criminal Justice in the Department of Law
7 and Public Safety for that officer to bring the application. The
8 juvenile shall be ordered by the court to submit to such repeat or
9 confirmatory tests as may be medically necessary.

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

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

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

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

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

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

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

47 25. Incarceration--Aggravating and mitigating factors

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

5 (a) The fact that the nature and circumstances of the act, and the
6 role of the juvenile therein, was committed in an especially heinous,
7 cruel, or depraved manner;

8 (b) The fact that there was grave and serious harm inflicted on
9 the victim and that based upon the juvenile's age or mental capacity
10 the juvenile knew or reasonably should have known that the victim
11 was particularly vulnerable or incapable of resistance due to
12 advanced age, disability, ill-health, or extreme youth, or was for any
13 other reason substantially incapable;

14 (c) The character and attitude of the juvenile indicate that the
15 juvenile is likely to commit another delinquent or criminal act;

16 (d) The juvenile's prior record and the seriousness of any acts
17 for which the juvenile has been adjudicated delinquent;

18 (e) The fact that the juvenile committed the act pursuant to an
19 agreement that the juvenile either pay or be paid for the commission
20 of the act and that the pecuniary incentive was beyond that inherent
21 in the act itself;

22 (f) The fact that the juvenile committed the act against a
23 policeman or other law enforcement officer, correctional employee
24 or fireman, acting in the performance of his duties while in uniform
25 or exhibiting evidence of his authority, or the juvenile committed
26 the act because of the status of the victim as a public servant;

27 (g) The need for deterring the juvenile and others from violating
28 the law;

29 (h) The fact that the juvenile knowingly conspired with others as
30 an organizer, supervisor, or manager to commit continuing criminal
31 activity in concert with two or more persons and the circumstances
32 of the crime show that he has knowingly devoted himself to
33 criminal activity as part of an ongoing business activity;

34 (i) The fact that the juvenile on two separate occasions was
35 adjudged a delinquent on the basis of acts which if committed by an
36 adult would constitute crimes;

37 (j) The impact of the offense on the victim or victims;

38 (k) The impact of the offense on the community; and

39 (l) The threat to the safety of the public or any individual posed
40 by the child.

41 (2) In determining whether incarceration is an appropriate
42 disposition the court shall consider the following mitigating
43 circumstances:

44 (a) The child is under the age of 14;

45 (b) The juvenile's conduct neither caused nor threatened serious
46 harm;

47 (c) The juvenile did not contemplate that the juvenile's conduct
48 would cause or threaten serious harm;

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

1 and commit the juvenile to the custody of the **【Juvenile】 Youth**
2 Justice Commission which shall provide for the juvenile's
3 placement in a suitable juvenile facility pursuant to the conditions
4 set forth in this subsection and for terms not to exceed the
5 maximum terms as provided herein for what would constitute the
6 following crimes if committed by an adult:

- | | | |
|----|--|----------|
| 7 | (a) Murder under 2C:11-3a(1) or (2) | 20 years |
| 8 | (b) Murder under 2C:11-3a(3) | 10 years |
| 9 | (c) Crime of the first degree, except murder | 4 years |
| 10 | (d) Crime of the second degree | 3 years |
| 11 | (e) Crime of the third degree | 2 years |
| 12 | (f) Crime of the fourth degree | 1 year |
| 13 | (g) Disorderly persons offense | 6 months |

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

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

1 condition of parole unless it is determined that the condition is
2 necessary to protect the safety of the juvenile.

3 Any juvenile committed under P.L.1982, c.77 (C.2A:4A-20 et
4 seq.) who is released on parole prior to the expiration of the
5 juvenile's maximum term may be retained under parole supervision
6 for a period not exceeding the unserved portion of the term. The
7 panel established pursuant to subsection b. of this section, the
8 juvenile, the juvenile's attorney, the juvenile's parent or guardian or,
9 with leave of the court any other interested party, may make a
10 motion to the court, with notice to the prosecuting attorney, for the
11 return of the juvenile from a juvenile facility prior to the juvenile's
12 parole and provide for an alternative disposition which would not
13 exceed the duration of the original time to be served in the facility.

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

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

35 (5) The panel established pursuant to subsection b. of this
36 section may impose a term of post-incarceration supervision
37 following the juvenile's release from custody only if it is deemed
38 necessary to effectuate the juvenile's rehabilitation and reintegration
39 into society. Post-incarceration supervision shall not exceed six
40 months, except the term may be extended for an additional six
41 months if the panel established pursuant to subsection b. of this
42 section deems continuation of the post-incarceration supervision
43 necessary to effectuate the juvenile's rehabilitation and reintegration
44 into society. Post-incarceration supervision shall not exceed one
45 year. Post-incarceration supervision shall not be imposed on any
46 juvenile who has completed a period of parole supervision of six
47 months or more. The term of post-incarceration supervision shall
48 commence on the date of the expiration of the juvenile's maximum

1 sentence. During the term of post-incarceration supervision the
2 juvenile shall remain in the community and in the legal custody of
3 the commission. The juvenile shall not be required to enter or
4 complete a residential community release program, residential
5 treatment program, or other out-of-home placement as a condition
6 of post-incarceration supervision. A term of post-incarceration
7 supervision imposed pursuant to this paragraph may be terminated
8 by the panel established pursuant to subsection b. of this section or
9 court if the juvenile has made a satisfactory adjustment in the
10 community while under supervision and if continued supervision is
11 not required.

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

17 (a) information on the treatment, care, and custody of the
18 juvenile;

19 (b) whether the juvenile is receiving the mental health,
20 substance abuse, educational, and other rehabilitative services
21 necessary to promote the juvenile's successful reintegration into the
22 community;

23 (c) any incidents of violence involving the juvenile; and

24 (d) the juvenile's eligibility for parole.

25 Counsel for the juvenile shall have the opportunity to respond to
26 the report required pursuant to this paragraph.

27 The commission shall continue to submit quarterly reports to the
28 court until the juvenile is paroled or released at the expiration of the
29 term of incarceration and shall resume the quarterly reviews if the
30 juvenile is returned to the custody of the commission. The court
31 may conduct a hearing at any time to determine whether
32 commitment with the commission continues to be appropriate
33 pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) and section
34 25 of P.L.1982, c.77 (C.2A:4A-44), and may release the juvenile or
35 otherwise modify the dispositional order. Nothing in this paragraph
36 shall abrogate the court's retention of jurisdiction pursuant to
37 section 26 of P.L.1982, c.77 (C.2A:4A-45).

38 e. If the panel established pursuant to subsection b. of this
39 section determines there is probable cause to believe that the
40 juvenile has seriously or persistently violated the terms and
41 conditions of parole, the commission shall conduct a hearing to
42 determine if the juvenile's parole should be revoked. The juvenile
43 shall be represented by counsel at the hearing. The hearing shall be
44 conducted by a hearing officer who is licensed as an attorney-at-law
45 in this State. The juvenile shall not be incarcerated prior to the
46 hearing unless the panel established pursuant to subsection b. of this
47 section determines by objective and credible evidence that the
48 juvenile poses an immediate and substantial danger to public safety.

1 If the juvenile is incarcerated prior to the hearing, the hearing shall
2 be held within 72 hours of the juvenile's return to custody and a
3 written decision made and transmitted to the juvenile and the
4 juvenile's counsel within 48 hours of the hearing. Upon request of
5 counsel for the juvenile, the hearing officer shall adjourn the
6 hearing for not more than 72 hours. Subsequent adjournments may
7 be granted upon request of the juvenile and good cause shown.

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

11 (1) the juvenile has seriously or persistently violated the
12 conditions of parole;

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

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

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

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

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

37 g. The commission shall promulgate rules and regulations
38 governing the commission's duties and responsibilities concerning
39 parole eligibility, supervision, and revocation.

40 h. The member of the State Parole Board who is designated by
41 the chairman to be on the panel established pursuant to subsection
42 b. of this section shall have experience in juvenile justice or have
43 successfully completed a juvenile justice training program to be
44 established by the chairman. The training program shall be
45 comprised of seven hours of instruction including, but not limited
46 to: emerging scientific knowledge concerning adolescent
47 development, particularly adolescent brain function and how
48 adolescent development relates to incarcerated youth, the influence

1 of peer relationships among adolescents and peer contagion effects,
2 and the effects of juvenile crime on victims.

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

6 (cf: P.L.2019, c.363, s.3)

7

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

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

17 Unless the contract otherwise provides or the commission so
18 directs in order to provide for the secure and orderly operation of
19 the facility, a juvenile placed in a county detention facility pursuant
20 to the provisions of this act shall not be segregated from the
21 juveniles otherwise placed in the county detention facility or
22 excluded from any program or activity offered in that facility.

23 Any contract entered into pursuant to this section shall ensure
24 that educational, vocational, mental health, health and rehabilitative
25 services are provided to the juveniles and that these services are, at
26 minimum, equivalent to those provided to adjudicated juveniles in
27 State-operated facilities.

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

29

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

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

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

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

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

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

47 c. A juvenile who was serving a sentence in a State
48 correctional facility operated by the **【Juvenile】 Youth** Justice

1 Commission during the Public Health Emergency and State of
2 Emergency declared by the Governor in Executive Order 103 of
3 2020 concerning the coronavirus disease 2019 pandemic shall
4 receive public health emergency credits in accordance with section
5 1 of P.L.2020, c.111 (C.30:4-123.100).

6 d. A juvenile scheduled to be released from the custody of the
7 **【Juvenile】 Youth** Justice Commission following an award of public
8 health emergency credits pursuant to section 1 of P.L.2020, c.111
9 (C.30:4-123.100) shall be released on the scheduled release date
10 based on the award of public health emergency credits.

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

21 (2) A juvenile who is released from custody following an award
22 of public health emergency credits pursuant to this section shall be
23 prohibited from making contact with a victim as set forth in section
24 5 of P.L.2020, c.111 (C.30:4-123.103), which prohibition shall
25 remain in force until the time that the juvenile was scheduled to be
26 released prior to the award of public health emergency credits .

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

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

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

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

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

41
42 11. Section 6 of P.L.2020, c.111 (C.2A:4A-44.3) is amended to
43 read as follows:

44 6. a. The Executive Director of the **【Juvenile】 Youth** Justice
45 Commission shall immediately identify any juvenile who is
46 scheduled to be released from the custody of the **【Juvenile】 Youth**
47 Justice Commission within 365 days as a result of the award of

1 public health emergency credits pursuant to section 1 of P.L.2020,
2 c.111 (C.30:4-123.100).

3 b. Notwithstanding any provisions of law to the contrary, the
4 Executive Director of the **【Juvenile】 Youth** Justice Commission
5 shall provide notice to the prosecutor of the county in which the
6 juvenile was adjudicated delinquent or the Attorney General if the
7 matter was prosecuted by the Attorney General. The notice shall
8 include:

9 (1) the name of any juvenile who, due to the expiration of the
10 juvenile's term of commitment, is scheduled to be released from the
11 custody of the **【Juvenile】 Youth** Justice Commission within 365
12 days as a result of the award of public health emergency credits;

13 (2) the date on which the juvenile is scheduled to be released
14 from custody based on the award of public health emergency
15 credits; and

16 (3) the date on which the juvenile was scheduled to be released
17 from custody prior to the award of public health emergency credits.

18 c. The Executive Director of the **【Juvenile】 Youth** Justice
19 Commission shall make available to the public on the Internet
20 website of the **【Juvenile】 Youth** Justice Commission, in both
21 English and Spanish, information concerning:

22 (1) the procedures for filing an application for a restraining
23 order pursuant to the "Prevention of Domestic Violence Act of
24 1991," P.L.1991, c.261 (C.2C:25-17 et seq.);

25 (2) resources for victims of domestic violence; and

26 (3) procedures for filing with the court a petition to dissolve the
27 prohibition established pursuant to section 5 of P.L.2020, c.111
28 (C.30:4-123.103) prohibiting a juvenile from making contact with
29 any victim of the crime for which the juvenile was serving a
30 sentence.

31 (cf: P.L.2020, c.111, s.6)

32

33 12. Section 7 of P.L.2020, c.111 (C.2A:4A-44.4) is amended to
34 read as follows:

35 7. Notwithstanding the provisions of any law to the contrary,
36 upon receipt of notice from the Executive Director of the
37 **【Juvenile】 Youth** Justice Commission that a juvenile is scheduled
38 to be released from the custody of the **【Juvenile】 Youth** Justice
39 Commission within 365 days based on the award of public health
40 emergency credits pursuant to section 1 of P.L.2020, c.111 (C.30:4-
41 123.100), the prosecutor or Attorney General, prior to the juvenile's
42 scheduled release date, may:

43 a. use any reasonable means available to notify any identifiable
44 victim of the crime for which the juvenile is serving a sentence in a
45 State correctional facility operated by the **【Juvenile】 Youth** Justice
46 Commission of the juvenile's scheduled release date;

1 b. notify the identifiable victim that the law prohibits the
2 juvenile from having any contact with the victim unless a petition is
3 filed with the court to dissolve the prohibition in accordance with
4 the procedures established by the court;

5 c. notify the victim of the duration of the prohibition against
6 the juvenile having contact with the victim;

7 d. notify the victim of the penalties imposed for the juvenile's
8 violation of the prohibition against contact;

9 e. provide information to the victim concerning how a petition
10 may be filed with the court to dissolve the prohibition against the
11 juvenile having contact with the victim; and

12 f. provide information to the victim concerning the procedures
13 for filing an application for a restraining order pursuant to the
14 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
15 (C.2C:25-17 et seq.), and resources for victims of domestic
16 violence.

17 (cf: P.L.2020, c.111, s.7)

18
19 13. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to
20 read as follows:

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

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

27 (1) Any court or probation division;

28 (2) The Attorney General or county prosecutor;

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

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

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

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

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

1 (8) Law enforcement agencies for the purpose of reviewing
2 applications for a permit to purchase a handgun or firearms
3 purchaser identification card;

4 (9) Any potential party in a subsequent civil action for damages
5 related to an act of delinquency committed by a juvenile, including
6 the victim or a member of the victim's immediate family, regardless
7 of whether the action has been filed against the juvenile; provided,
8 however, that records available under this paragraph shall be
9 limited to official court documents, such as complaints, pleadings
10 and orders, and that such records may be disclosed by the recipient
11 only in connection with asserting legal claims or obtaining
12 indemnification on behalf of the victim or the victim's family and
13 otherwise shall be safeguarded from disclosure to other members of
14 the public. Any potential party in a civil action related to the
15 juvenile offense may file a motion with the civil trial judge seeking
16 to have the juvenile's social, medical or psychological records
17 admitted into evidence in a civil proceeding for damages;

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

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

38 (12) Law enforcement agencies with respect to information
39 available on the juvenile central registry maintained by the courts
40 pursuant to subsection g. of this section, including, but not limited
41 to: records of official court documents, such as complaints,
42 pleadings and orders for the purpose of obtaining juvenile arrest
43 information; juvenile disposition information; juvenile pretrial
44 information; and information concerning the probation status of a
45 juvenile; and

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

- 1 b. Records of law enforcement agencies may be disclosed for
2 law enforcement purposes, or for the purpose of reviewing
3 applications for a permit to purchase a handgun or a firearms
4 purchaser identification card to any law enforcement agency of this
5 State, another state or the United States, and the identity of a
6 juvenile under warrant for arrest for commission of an act that
7 would constitute a crime if committed by an adult may be disclosed
8 to the public when necessary to execution of the warrant.
- 9 c. At the time of charge, adjudication or disposition,
10 information as to the identity of a juvenile charged with an offense,
11 the offense charged, the adjudication and disposition shall, upon
12 request, be disclosed to:
- 13 (1) The victim or a member of the victim's immediate family;
14 (2) (Deleted by amendment, P.L.2005, c.165).
15 (3) On a confidential basis, the principal of the school where the
16 juvenile is enrolled for use by the principal and such members of
17 the staff and faculty of the school as the principal deems
18 appropriate for maintaining order, safety or discipline in the school
19 or to planning programs relevant to the juvenile's educational and
20 social development, provided that no record of such information
21 shall be maintained except as authorized by regulation of the
22 Department of Education; or
23 (4) A party in a subsequent legal proceeding involving the
24 juvenile, upon approval by the court.
- 25 d. A law enforcement or prosecuting agency shall, at the time
26 of a charge, adjudication or disposition, send written notice to the
27 principal of the school where the juvenile is enrolled of the identity
28 of the juvenile charged, the offense charged, the adjudication and
29 the disposition if:
- 30 (1) The offense occurred on school property or a school bus,
31 occurred at a school-sponsored function or was committed against
32 an employee or official of the school; or
33 (2) The juvenile was taken into custody as a result of
34 information or evidence provided by school officials; or
35 (3) The offense, if committed by an adult, would constitute a
36 crime, and the offense:
- 37 (a) resulted in death or serious bodily injury or involved an
38 attempt or conspiracy to cause death or serious bodily injury; or
39 (b) involved the unlawful use or possession of a firearm or other
40 weapon; or
41 (c) involved the unlawful manufacture, distribution or
42 possession with intent to distribute a controlled dangerous
43 substance or controlled substance analog; or
44 (d) was committed by a juvenile who acted with a purpose to
45 intimidate an individual or group of individuals because of race,
46 color, religion, sexual orientation or ethnicity; or
47 (e) would be a crime of the first, second, or third degree.

1 Information provided to the principal pursuant to this subsection
2 shall be maintained by the school and shall be treated as
3 confidential but may be made available to such members of the staff
4 and faculty of the school as the principal deems appropriate for
5 maintaining order, safety or discipline in the school or for planning
6 programs relevant to a juvenile's educational and social
7 development.

8 e. Nothing in this section prohibits a law enforcement or
9 prosecuting agency from providing the principal of a school with
10 information identifying one or more juveniles who are under
11 investigation or have been taken into custody for commission of any
12 act that would constitute an offense if committed by an adult when
13 the law enforcement or prosecuting agency determines that the
14 information may be useful to the principal in maintaining order,
15 safety or discipline in the school or in planning programs relevant
16 to the juvenile's educational and social development. Information
17 provided to the principal pursuant to this subsection shall be treated
18 as confidential but may be made available to such members of the
19 staff and faculty of the school as the principal deems appropriate for
20 maintaining order, safety or discipline in the school or for planning
21 programs relevant to the juvenile's educational and social
22 development. No information provided pursuant to this section
23 shall be maintained.

24 f. Information as to the identity of a juvenile adjudicated
25 delinquent, the offense, the adjudication and the disposition shall be
26 disclosed to the public where the offense for which the juvenile has
27 been adjudicated delinquent if committed by an adult, would
28 constitute a crime of the first, second or third degree, or aggravated
29 assault, destruction or damage to property to an extent of more than
30 \$500.00, unless upon application at the time of disposition the
31 juvenile demonstrates a substantial likelihood that specific and
32 extraordinary harm would result from such disclosure in the specific
33 case. Where the court finds that disclosure would be harmful to the
34 juvenile, the reasons therefor shall be stated on the record.

35 g. (1) Nothing in this section shall prohibit the establishment and
36 maintaining of a central registry of the records of law enforcement
37 agencies relating to juveniles for the purpose of exchange between
38 State and local law enforcement agencies and prosecutors of this
39 State, another state, or the United States. These records of law
40 enforcement agencies shall be available on a 24-hour basis.

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

45 h. Whoever, except as provided by law, knowingly discloses,
46 publishes, receives, or makes use of or knowingly permits the
47 unauthorized use of information concerning a particular juvenile
48 derived from records listed in subsection a. or acquired in the

1 course of court proceedings, probation, or police duties, shall, upon
2 conviction thereof, be guilty of a disorderly persons offense.

3 i. Juvenile delinquency proceedings.

4 (1) Except as provided in paragraph (2) of this subsection, the
5 court may, upon application by the juvenile or his parent or
6 guardian, the prosecutor or any other interested party, including the
7 victim or complainant or members of the news media, permit public
8 attendance during any court proceeding at a delinquency case,
9 where it determines that a substantial likelihood that specific harm
10 to the juvenile would not result. The court shall have the authority
11 to limit and control attendance in any manner and to the extent it
12 deems appropriate;

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

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

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

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

39
40 14. N.J.S.2C:4-11 is amended to read as follows:

41 2C:4-11. a. A person shall not be tried for or convicted of an
42 offense if:

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

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

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

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

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

11 b. No court shall have jurisdiction to try and convict a person of
12 an offense if criminal proceedings against him are barred by
13 subsection a. of this section. When it appears that a person charged
14 with the commission of an offense may be of such an age that
15 proceedings may be barred under subsection a. of this section, the
16 court shall hold a hearing thereon, and the burden shall be on such
17 person to establish to the satisfaction of the court that the
18 proceeding is barred upon such grounds. If the court determines
19 that the proceeding is barred, custody of the person charged shall be
20 surrendered to the family court and the case, including all papers
21 and processes relating thereto shall be transferred.

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

23

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

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

30 (2) A person who in another jurisdiction is required to register
31 as a sex offender and (a) is enrolled on a full-time or part-time basis
32 in any public or private educational institution in this State,
33 including any secondary school, trade or professional institution,
34 institution of higher education or other post-secondary school, or
35 (b) is employed or carries on a vocation in this State, on either a
36 full-time or a part-time basis, with or without compensation, for
37 more than 14 consecutive days or for an aggregate period exceeding
38 30 days in a calendar year, shall register in this State as provided in
39 subsections c. and d. of this section.

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

42 b. For the purposes of this act a sex offense shall include the
43 following:

44 (1) Aggravated sexual assault, sexual assault, aggravated
45 criminal sexual contact, kidnapping pursuant to paragraph (2) of
46 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
47 crimes if the court found that the offender's conduct was
48 characterized by a pattern of repetitive, compulsive behavior,

1 regardless of the date of the commission of the offense or the date
2 of conviction;

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

28 (3) A conviction, adjudication of delinquency, or acquittal by
29 reason of insanity for an offense similar to any offense enumerated
30 in paragraph (2) or a sentence on the basis of criteria similar to the
31 criteria set forth in paragraph (1) of this subsection entered or
32 imposed under the laws of the United States, this State, or another
33 state.

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

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

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

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

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

4 (1) A person who is required to register and who is under
5 supervision in the community on probation, parole, furlough, work
6 release, or a similar program, shall register at the time the person is
7 placed under supervision or no later than 120 days after the
8 effective date of this act, whichever is later, in accordance with
9 procedures established by the Department of Corrections, the
10 Department of Human Services, the **【Juvenile】 Youth** Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170) or the Administrative Office of the Courts,
13 whichever is responsible for supervision;

14 (2) A person confined in a correctional or juvenile facility or
15 involuntarily committed who is required to register shall register
16 prior to release in accordance with procedures established by the
17 Department of Corrections, the Department of Human Services or
18 the **【Juvenile】 Youth** Justice Commission and, within 48 hours of
19 release, shall also register with the chief law enforcement officer of
20 the municipality in which the person resides or, if the municipality
21 does not have a local police force, the Superintendent of State
22 Police;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall register with the chief law enforcement officer of
25 the municipality in which the person will reside or, if the
26 municipality does not have a local police force, the Superintendent
27 of State Police within 120 days of the effective date of this act or 10
28 days of first residing in or returning to a municipality in this State,
29 whichever is later;

30 (4) A person required to register on the basis of a conviction
31 prior to the effective date who is not confined or under supervision
32 on the effective date of this act shall register within 120 days of the
33 effective date of this act with the chief law enforcement officer of
34 the municipality in which the person will reside or, if the
35 municipality does not have a local police force, the Superintendent
36 of State Police;

37 (5) A person who in another jurisdiction is required to register
38 as a sex offender and who is enrolled on a full-time or part-time
39 basis in any public or private educational institution in this State,
40 including any secondary school, trade or professional institution,
41 institution of higher education or other post-secondary school shall,
42 within ten days of commencing attendance at such educational
43 institution, register with the chief law enforcement officer of the
44 municipality in which the educational institution is located or, if the
45 municipality does not have a local police force, the Superintendent
46 of State Police;

47 (6) A person who in another jurisdiction is required to register
48 as a sex offender and who is employed or carries on a vocation in

1 this State, on either a full-time or a part-time basis, with or without
2 compensation, for more than 14 consecutive days or for an
3 aggregate period exceeding 30 days in a calendar year, shall, within
4 ten days after commencing such employment or vocation, register
5 with the chief law enforcement officer of the municipality in which
6 the employer is located or where the vocation is carried on, as the
7 case may be, or, if the municipality does not have a local police
8 force, the Superintendent of State Police;

9 (7) In addition to any other registration requirements set forth in
10 this section, a person required to register under this act who is
11 enrolled at, employed by or carries on a vocation at an institution of
12 higher education or other post-secondary school in this State shall,
13 within 10 days after commencing such attendance, employment or
14 vocation, register with the law enforcement unit of the educational
15 institution, if the institution has such a unit.

16 d. (1) Upon a change of address, a person shall notify the law
17 enforcement agency with which the person is registered and shall
18 re-register with the appropriate law enforcement agency no less
19 than 10 days before he intends to first reside at his new address.
20 Upon a change of employment or school enrollment status, a person
21 shall notify the appropriate law enforcement agency no later than
22 five days after any such change. A person who fails to notify the
23 appropriate law enforcement agency of a change of address or status
24 in accordance with this subsection is guilty of a crime of the third
25 degree.

26 (2) A person required to register under this act shall provide the
27 appropriate law enforcement agency with information as to whether
28 the person has routine access to or use of a computer or any other
29 device with Internet capability. A person who fails to notify the
30 appropriate law enforcement agency of such information or of a
31 change in the person's access to or use of a computer or other
32 device with Internet capability or who provides false information
33 concerning the person's access to or use of a computer or any other
34 device with Internet capability is guilty of a crime of the third
35 degree.

36 e. A person required to register under paragraph (1) of
37 subsection b. of this section or under paragraph (3) of subsection b.
38 due to a sentence imposed on the basis of criteria similar to the
39 criteria set forth in paragraph (1) of subsection b. shall verify his
40 address with the appropriate law enforcement agency every 90 days
41 in a manner prescribed by the Attorney General. A person required
42 to register under paragraph (2) of subsection b. of this section or
43 under paragraph (3) of subsection b. on the basis of a conviction for
44 an offense similar to an offense enumerated in paragraph (2) of
45 subsection b. shall verify his address annually in a manner
46 prescribed by the Attorney General. In addition to address
47 information, the person shall provide as part of the verification
48 process any additional information the Attorney General may

1 require. One year after the effective date of this act, the Attorney
2 General shall review, evaluate and, if warranted, modify pursuant to
3 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
4 seq.) the verification requirement. Any person who knowingly
5 provides false information concerning his place of residence or who
6 fails to verify his address with the appropriate law enforcement
7 agency or other entity, as prescribed by the Attorney General in
8 accordance with this subsection, is guilty of a crime of the third
9 degree.

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

17 g. A person required to register under this section who has
18 been convicted of, adjudicated delinquent, or acquitted by reason of
19 insanity for more than one sex offense as defined in subsection b. of
20 this section or who has been convicted of, adjudicated delinquent,
21 or acquitted by reason of insanity for aggravated sexual assault
22 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
23 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
24 eligible under subsection f. of this section to make application to
25 the Superior Court of this State to terminate the registration
26 obligation.

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

28
29 16. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
30 as follows:

31 3. Notice of the obligation to register shall be provided as
32 follows:

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

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

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

7 (4) The Attorney General shall cause notice of the obligation to
8 register to be published in a manner reasonably calculated to reach
9 the general public within 30 days of the effective date of this act.
10 (cf: P.L.1995, c.280, s.19)

11
12 17. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
13 as follows:

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

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

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

34 (2) Date and place of each conviction, adjudication or acquittal
35 by reason of insanity, indictment number, fingerprints, and a brief
36 description of the crime or crimes for which registration is required;
37 and

38 (3) Any other information that the Attorney General deems
39 necessary to assess risk of future commission of a crime, including
40 criminal and corrections records, nonprivileged personnel,
41 treatment, and abuse registry records, and evidentiary genetic
42 markers when available.

43 c. Within three days of receipt of a registration pursuant to
44 subsection c. of section 2 of this act, the registering agency shall
45 forward the statement and any other required information to the
46 prosecutor who shall, as soon as practicable, transmit the form of
47 registration to the Superintendent of State Police, and, if the
48 registrant will reside in a different county, to the prosecutor of the

1 county in which the person will reside. The prosecutor of the
2 county in which the person will reside shall transmit the form of
3 registration to the law enforcement agency responsible for the
4 municipality in which the person will reside and other appropriate
5 law enforcement agencies. The superintendent shall promptly
6 transmit the conviction data and fingerprints to the Federal Bureau
7 of Investigation.

8 d. The Superintendent of State Police shall maintain a central
9 registry of registrations provided pursuant to this act.

10 (cf: P.L.2003, c.34, s.2)

11
12 18. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
13 read as follows:

14 2. Application for Temporary Protective Order.

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

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

26 "Sexual contact" means an intentional touching by the victim or
27 actor, either directly or through clothing, of the victim's or actor's
28 intimate parts for the purpose of degrading or humiliating the victim
29 or sexually arousing or sexually gratifying the actor.

30 "Sexual penetration" means vaginal intercourse, cunnilingus,
31 fellatio or anal intercourse between persons or insertion of the hand,
32 finger or object into the anus or vagina either by the actor or upon
33 the actor's instruction.

34 "Lewdness" means the exposing of the genitals for the purpose
35 of arousing or gratifying the sexual desire of the actor or of any
36 other person.

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

40 "Stalking" means purposefully or knowingly engaging in a
41 course of conduct directed at or toward a person that would cause a
42 reasonable person to fear for the reasonable person's own safety or
43 the safety of a third person, or suffer other emotional distress,
44 because the conduct involves: repeatedly maintaining a visual or
45 physical proximity to a person; directly, indirectly, or through third
46 parties, by any action, method, device, or means, following,
47 monitoring, observing, surveilling, threatening, or communicating
48 to or about a person, or interfering with a person's property;

1 repeatedly committing harassment against a person; or repeatedly
2 conveying, or causing to be conveyed, verbal or written threats or
3 threats conveyed by any other means of communication or threats
4 implied by conduct or a combination thereof directed at or towards
5 a person.

6 "Repeatedly" means on two or more occasions.

7 "Emotional distress" means significant mental suffering or
8 distress.

9 "Cause a reasonable person to fear" means to cause fear which a
10 reasonable victim, similarly situated, would have under the
11 circumstances.

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

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

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

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

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

44 (2) When it is alleged that nonconsensual sexual contact, sexual
45 penetration, or lewdness, or any attempt at such conduct, or stalking
46 or cyber-harassment has been committed against an unemancipated
47 minor by a parent, guardian, or other person having care, custody
48 and control of that child as defined in R.S.9:6-2, an applicant

1 seeking a protective order shall not proceed under the provisions of
2 P.L.2015, c.147 (C.2C:14-13 et al.), but shall report the incident to
3 the Department of Children and Families for appropriate action.

4 c. (1) An applicant may seek a protective order pursuant to
5 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
6 order regardless of whether criminal charges based on the incident
7 were filed and regardless of the disposition of any such charges.

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

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

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

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

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

22
23 19. Section 1 of P.L.2007, c.127 (C.2C:29-10) is amended to
24 read as follows:

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

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

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

31 "Secure juvenile facility" means the New Jersey Training School
32 for Boys, the Juvenile Medium Security Facility, and any other
33 secure juvenile facility managed and operated by the **【Juvenile】**
34 Youth Justice Commission.

35 "State correctional facility" means a State prison or other penal
36 institution.

37 b. A person who possesses or uses an electronic
38 communication device or a battery or device to recharge an
39 electronic communication device while confined to a State
40 correctional facility, secure juvenile facility, county correctional
41 facility, or county juvenile detention facility is guilty of a crime of
42 the third degree.

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

1 facility, county correctional facility, or county juvenile detention
2 facility is guilty of a crime of the third degree.

3 d. An employee or a contract employee of the Department of
4 Corrections, the **【Juvenile】 Youth** Justice Commission, a county
5 correctional facility, or a county juvenile detention facility who
6 knowingly sells, transfers, assigns, provides, or otherwise gives an
7 electronic communication device to a person who is confined in a
8 State correctional facility, secure juvenile facility, county
9 correctional facility, or county juvenile detention facility is guilty of
10 a crime of the second degree.

11 (cf: P.L.2007, c.127, s.1)

12
13 20. Section 4 of P.L.2021, c.25 (C.2C:33-15.1) is amended to
14 read as follows:

15 4. a. (1) The Attorney General shall biannually issue a
16 comprehensive report detailing the number of occurrences and other
17 statistics, without revealing or including any personal identifying
18 information, concerning first, second, third and subsequent
19 violations of paragraph (1) of subsection a. of section 1 of
20 P.L.1979, c.264 (C.2C:33-15) involving the possession or
21 consumption of any alcoholic beverage, marijuana, hashish, or
22 cannabis items by persons under the legal age to purchase alcoholic
23 beverages or cannabis items, the municipal, county or other
24 geographic areas within which first, second, third and subsequent
25 violations occur, and the law enforcement agencies involved in
26 first, second, third and subsequent violations, covering the previous
27 six-month period. The initial report shall be issued by June 30,
28 2021, the second report shall be issued by January 30, 2022, and
29 then the next report issued every six months thereafter. Each report
30 shall also be submitted to the Governor and the Legislature pursuant
31 to section 2 of P.L.1991, c.164 (C.52:14-19.1).

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

1 task force or any staff provided to the task force by the Department
2 of Law and Public Safety pursuant to paragraph (6) of subsection b.
3 of this section to support its work.

4 b. (1) A taskforce shall be established in the Department of Law
5 and Public Safety, comprised of 26 members to review each
6 Attorney General report described in subsection a. of this section,
7 and make recommendations thereon to the Governor and
8 Legislature related to law enforcement activities to address the
9 enforcement of underage possession or consumption of alcoholic
10 beverages, marijuana, hashish, or cannabis items in violation of
11 section 1 of P.L.1979, c.264 (C.2C:33-15), as well as the broader
12 issue of underage possession or consumption of these substances.

13 (2) The membership of the taskforce shall include the following
14 individuals:

15 (a) the Attorney General, or a designee;

16 (b) the Public Defender, or a designee;

17 (c) the Commissioner of the Department of Children and
18 Families, or a designee;

19 (d) the Commissioner of Education, or a designee;

20 (e) a representative from the **【Juvenile】 Youth** Justice
21 Commission, appointed by the Governor;

22 (f) a representative from the Division of Criminal Justice in the
23 Department of Law and Public Safety, appointed by the Governor;

24 (g) the Chair of the Governor's **【Juvenile】 Youth** Justice
25 Delinquency and Prevention Committee;

26 (h) two members appointed by the Governor upon the
27 recommendation of the President of the Senate, at least one of
28 whom shall be a member of the Legislative Black Caucus or
29 Legislative Latino Caucus, determined in coordination with the
30 members recommended by the Speaker of the General Assembly
31 pursuant to subparagraph (i) of this paragraph, so that there is at
32 least one member of each caucus serving as a member of the task
33 force;

34 (i) two members appointed by the Governor

35 upon the recommendation of the Speaker of the General
36 Assembly, at least one of whom shall be a member of the
37 Legislative Black Caucus or Legislative Latino Caucus, determined
38 in coordination with the members recommended by the Senate
39 President pursuant to subparagraph (h) of this paragraph, so that
40 there is at least one member of each caucus serving as a member of
41 the task force;

42 (j) the Administrative Director of the Courts, or a designee;

43 (k) a representative from the New Jersey Institute for Social
44 Justice, appointed by the Governor;

45 (l) a representative from the American Civil Liberties Union of
46 New Jersey, appointed by the Governor;

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

1 (1) Members of the Armed Forces of the United States or of the
2 National Guard while actually on duty, or while traveling between
3 places of duty and carrying authorized weapons in the manner
4 prescribed by the appropriate military authorities;

5 (2) Federal law enforcement officers, and any other federal
6 officers and employees required to carry firearms in the
7 performance of their official duties;

8 (3) Members of the State Police and, under conditions prescribed
9 by the superintendent, members of the Marine Law Enforcement
10 Bureau of the Division of State Police;

11 (4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective
12 or investigator, State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry weapons by the Superintendent of State
18 Police, State park police officer, or State conservation police
19 officer;

20 (5) Except as hereinafter provided, a State correctional police
21 officer, or a prison or jail warden of any penal institution in this
22 State or the warden's deputies, or an employee of the Department of
23 Corrections engaged in the interstate transportation of convicted
24 offenders, while in the performance of the employee's duties, and
25 when required to possess the weapon by a superior officer, or a
26 correctional police officer or keeper of a penal institution in this
27 State at all times while in the State of New Jersey, provided the
28 person annually passes an examination approved by the
29 superintendent testing the person's proficiency in the handling of
30 firearms;

31 (6) A civilian employee of the United States Government under
32 the supervision of the commanding officer of any post, camp,
33 station, base or other military or naval installation located in this
34 State who is required, in the performance of the employee's official
35 duties, to carry firearms, and who is authorized to carry firearms by
36 the commanding officer, while in the actual performance of the
37 employee's official duties;

38 (7) (a) A regularly employed member, including a detective, of
39 the police department of any county or municipality, or of any
40 State, interstate, municipal or county park police force or boulevard
41 police force, at all times while in the State of New Jersey;

42 (b) A special law enforcement officer authorized to carry a
43 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
44 (C.40A:14-146.14);

45 (c) An airport security officer or a special law enforcement
46 officer appointed by the governing body of any county or
47 municipality, except as provided in subparagraph (b) of this
48 paragraph, or by the commission, board or other body having

1 control of a county park or airport or boulevard police force, while
2 engaged in the actual performance of the officer's official duties and
3 when specifically authorized by the governing body to carry
4 weapons;

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

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

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

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

41 (12) A county prosecutor, assistant prosecutor, federal
42 prosecutor, municipal prosecutor, Attorney General, assistant
43 attorney general, deputy attorney general and federal, State, county,
44 or municipal court judge, including a judge of the Tax Court and
45 any other court of limited jurisdiction established, altered, or
46 abolished by law, a judge of the Office of Administrative Law, a
47 judge of the Division of Workers' Compensation at all times while
48 in this State. Prior to being permitted to carry a firearm, a person

1 subject to this paragraph shall take and successfully complete a
2 firearms training course administered by the Police Training
3 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
4 shall annually qualify in the use of a handgun or similar weapon
5 prior to being permitted to carry a firearm. The superintendent may
6 issue identification cards indicating that such a person is permitted
7 to carry a handgun pursuant to this paragraph.

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

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

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

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

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

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

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

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

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

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

46 (7) A municipal humane law enforcement officer, authorized
47 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
48 14.1), or humane law enforcement officer of a county society for

1 the prevention of cruelty to animals authorized pursuant to
2 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
3 in the actual performance of the officer's duties;

4 (8) An employee of a public utilities corporation actually
5 engaged in the transportation of explosives;

6 (9) A railway policeman, except a transit police officer of the
7 New Jersey Transit Police Department, at all times while in the
8 State of New Jersey, provided that the person has passed an
9 approved police academy training program consisting of at least
10 280 hours. The training program shall include, but need not be
11 limited to, the handling of firearms, community relations, and
12 juvenile relations;

13 (10) A campus police officer appointed under P.L.1970, c.211
14 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
15 a firearm, a campus police officer shall take and successfully
16 complete a firearms training course administered by the Police
17 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
18 seq.), and shall annually qualify in the use of a revolver or similar
19 weapon prior to being permitted to carry a firearm;

20 (11) (Deleted by amendment, P.L.2003, c.168).

21 (12) A transit police officer of the New Jersey Transit Police
22 Department, at all times while in the State of New Jersey, provided
23 the officer has satisfied the training requirements of the Police
24 Training Commission, pursuant to subsection c. of section 2 of
25 P.L.1989, c.291 (C.27:25-15.1);

26 (13) A parole officer employed by the State Parole Board at all
27 times. Prior to being permitted to carry a firearm, a parole officer
28 shall take and successfully complete a basic course for regular
29 police officer training administered by the Police Training
30 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
31 shall annually qualify in the use of a revolver or similar weapon
32 prior to being permitted to carry a firearm;

33 (14) A Human Services police officer at all times while in the
34 State of New Jersey, as authorized by the Commissioner of Human
35 Services;

36 (15) A person or employee of any person who, pursuant to and as
37 required by a contract with a governmental entity, supervises or
38 transports persons charged with or convicted of an offense;

39 (16) A housing authority police officer appointed under
40 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
41 State of New Jersey; or

42 (17) A probation officer assigned to the "Probation Officer
43 Community Safety Unit" created by section 2 of P.L.2001, c.362
44 (C.2B:10A-2) while in the actual performance of the probation
45 officer's official duties. Prior to being permitted to carry a firearm,
46 a probation officer shall take and successfully complete a basic
47 course for regular police officer training administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.

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

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

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

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

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

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

1 place of business or residence and another when moving, or
2 between the person's dwelling or place of business and place where
3 the firearms are repaired, for the purpose of repair. For the
4 purposes of this section, a place of business shall be deemed to be a
5 fixed location.

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

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

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

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

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

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

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

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from the
48 aircraft or boat for the purpose of installation or repair of a visual

1 distress signaling device approved by the United States Coast
2 Guard.

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

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

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

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

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

41 (2) Notwithstanding the provisions of paragraph (1) of this
42 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
43 health inspector or investigator operating pursuant to the provisions
44 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
45 inspector from possessing a device which is capable of releasing
46 more than three-quarters of an ounce of a chemical substance, as
47 described in paragraph (1) of this subsection, while in the actual
48 performance of the inspector's or investigator's duties, provided that

1 the device does not exceed the size of those used by law
2 enforcement.

3 j. A person shall qualify for an exemption from the provisions
4 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
5 section, if the person has satisfactorily completed a firearms
6 training course approved by the Police Training Commission.

7 The exempt person shall not possess or carry a firearm until the
8 person has satisfactorily completed a firearms training course and
9 shall annually qualify in the use of a revolver or similar weapon.
10 For purposes of this subsection, a "firearms training course" means
11 a course of instruction in the safe use, maintenance and storage of
12 firearms which is approved by the Police Training Commission.
13 The commission shall approve a firearms training course if the
14 requirements of the course are substantially equivalent to the
15 requirements for firearms training provided by police training
16 courses which are certified under section 6 of P.L.1961, c.56
17 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
18 or (6) of subsection a. of this section shall be exempt from the
19 requirements of this subsection.

20 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent any financial institution, or any duly authorized
22 personnel of the institution, from possessing, carrying or using for
23 the protection of money or property, any device which projects,
24 releases or emits tear gas or other substances intended to produce
25 temporary physical discomfort or temporary identification.

26 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
27 to prevent a law enforcement officer who retired in good standing,
28 including a retirement because of a disability pursuant to section 6
29 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
30 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
31 substantially similar statute governing the disability retirement of
32 federal law enforcement officers, provided the officer was a
33 regularly employed, full-time law enforcement officer for an
34 aggregate of four or more years prior to the officer's disability
35 retirement and further provided that the disability which constituted
36 the basis for the officer's retirement did not involve a certification
37 that the officer was mentally incapacitated for the performance of
38 the officer's usual law enforcement duties and any other available
39 duty in the department which the officer's employer was willing to
40 assign to the officer or does not subject that retired officer to any of
41 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
42 would disqualify the retired officer from possessing or carrying a
43 firearm, who semi-annually qualifies in the use of the handgun the
44 officer is permitted to carry in accordance with the requirements
45 and procedures established by the Attorney General pursuant to
46 subsection j. of this section and pays the actual costs associated
47 with those semi-annual qualifications, who is 75 years of age or
48 younger, and who was regularly employed as a full-time member of

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

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

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

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

43 (b) The date that the retired officer was hired and the date that
44 the officer retired;

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

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

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

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

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

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

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

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

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

1 of Agriculture, and which may immobilize wildlife and produces
2 only temporary physical discomfort through being vaporized or
3 otherwise dispensed in the air for the purpose of repelling bear or
4 other animal attacks or for the aversive conditioning of wildlife.

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

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

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

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

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

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

1 established pursuant to section 2 of P.L.1995, c.284
2 (C.52:17B-170). If the victim makes the request prior to or at the
3 time of indictment, or accusation if the defendant has waived the
4 right to an indictment, the court order shall require the testing be
5 performed within 48 hours. The order shall also require that the
6 results of the test be reported to the offender and to the appropriate
7 Office of Victim-Witness Advocacy.

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

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

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

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

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

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

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

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

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

1 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
2 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
3 penalties imposed pursuant to section 1 of P.L.2009, c.143
4 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
5 P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected
6 as follows:

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

39 (a) A payment of restitution collected by the Department of
40 Corrections pursuant to this paragraph shall be maintained by the
41 department for two years during which the department shall attempt
42 to locate the victim to whom the restitution is owed. If the
43 department has not located the victim and the victim has not come
44 forward to claim the payment within this two-year period, the
45 payment shall be transferred to the Victims of Crime Compensation
46 Office Account to be used in satisfying claims pursuant to the
47 provisions of the "Criminal Injuries Compensation Act of 1971,"
48 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
48 subject to the pleasure of the Governor. The compact administrator

1 is hereby authorized, empowered and directed to co-operate with all
2 departments, agencies and officers of and in the government of this
3 State and its political subdivisions in facilitating the proper
4 administration of the compact or of any supplementary agreement
5 or agreements entered into by this State thereunder.

6 (cf: P.L.1995, c.280, s.23)

7
8 28. Section 1 of P.L.2017, c.293 (C.11A:2-11.1) is amended to
9 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

35
36 29. Section 6 P.L.1979, c.207 (C.18A:7B-2) is amended to read
37 as follows:

38 6. a. For each State-placed child who is resident in a district
39 and in a State facility on the last school day prior to October 16 of
40 the prebudget year, and for each district-placed child who is
41 resident in a district and in a State facility on the last school day
42 prior to October 16 of the budget year, the Commissioner of
43 Education shall deduct from the State aid payable to that district an
44 amount equal to the approved per pupil cost established pursuant to
45 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
46 except that for a child in a county juvenile detention center, no
47 deduction shall be made until Fiscal Year 1999, in which year and
48 thereafter **【50%】 50 percent** of the per pupil cost shall be deducted.

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

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

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

33
34 30. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
35 read as follow:

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

1 for these programs. No such funds shall be used for the renovation
2 or construction of capital facilities, for the maintenance and
3 operation of educational facilities, or for custodial, habilitation or
4 other noneducational costs.

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

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

10
11 31. Section 9 of P.L.1979, c.207 (C.18A:7B-5) is amended to
12 read as follows:

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

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

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

39
40 32. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
41 read as follows:

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

46 b. The administrative review process shall include the
47 following sequence:

1 (1) A conference with teaching staff members or child study
2 team personnel;

3 (2) A conference with the Director of Educational Services of
4 the Department of Human Services, the Department of Children and
5 Families, the Department of Corrections, or the **【Juvenile】 Youth**
6 Justice Commission, whichever is appropriate;

7 (3) A hearing by the Commissioner of Education pursuant to
8 law and regulation.

9 c. The due process rights available to children, parents and
10 guardians in the public schools on matters of educational
11 classification or educational program shall be available to children,
12 parents and guardians in State facilities.

13 d. The placement of a child in a particular State facility shall
14 not be subject to an administrative review or hearing pursuant to
15 this section.

16 (cf: P.L.2006, c.47, s.83)

17

18 33. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
19 read as follows:

20 19. For school funding purposes, the Commissioner of
21 Education shall determine district of residence as follows:

22 a. (1) In the case of a child placed in a resource family home
23 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
24 the district of residence shall be the district in which the resource
25 family parents reside. If such a child in a resource family home is
26 subsequently placed in a State facility or by a State agency, the
27 district of residence of the child shall then be determined as if no
28 such resource family placement had occurred.

29 (2) In the case of a child placed in a resource family home on or
30 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
31 district of residence shall be the present district of residence of the
32 parent or guardian with whom the child lived prior to the most
33 recent placement in a resource family home.

34 b. The district of residence for children who are in residential
35 State facilities, or who have been placed by State agencies in group
36 homes, skill development homes, private schools or out-of-State
37 facilities, shall be the present district of residence of the parent or
38 guardian with whom the child lived prior to his most recent
39 admission to a State facility or most recent placement by a State
40 agency.

41 c. The district of residence for children whose parent or
42 guardian temporarily moves from one school district to another as
43 the result of being homeless shall be the district in which the parent
44 or guardian last resided prior to becoming homeless. For the
45 purpose of this amendatory and supplementary act, "homeless" shall
46 mean an individual who temporarily lacks a fixed, regular and
47 adequate residence.

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

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

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

31
32 34. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
33 read as follows:

34 20. Beginning in the school year 1997-98, the Commissioner of
35 Education shall annually report to the Legislature, describing the
36 condition of educational programs in State facilities, the efforts of
37 the Departments of Corrections, Children and Families, and Human
38 Services and the **【Juvenile】 Youth** Justice Commission in meeting
39 the standards of a thorough and efficient education in these
40 facilities, the steps underway to correct any deficiencies in their
41 educational programs, and the progress of the educational programs
42 in New Jersey State facilities in comparison with those in the state
43 facilities of other states. At that time the commissioner shall
44 recommend to the Legislature any necessary or desirable changes or
45 modifications in P.L.1979, c.207 (C.18A:7B-1 et al.).

46 (cf: P.L.2006, c.47, s.86)

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

3 1. Notwithstanding any provision of law to the contrary, in the
4 case of a student enrolled in an educational program in a county
5 juvenile detention center that meets the standards for a thorough
6 and efficient education developed by the Office of Education in the
7 **【Juvenile】 Youth** Justice Commission, in consultation with the
8 Commissioner of Education, pursuant to section 9 of P.L. 1979,
9 c.207 (C.18A:7B-5), who subsequently enrolls in a public school
10 district, the district shall accept all days of attendance and courses
11 studied by the student at the county juvenile detention center and
12 apply them toward district requirements for elementary, middle, or
13 high school graduation.
14 (cf: P.L.2005, c.265, s.1)

15
16 36. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
17 read as follows:

18 24. Annually by December 15, the Department of Corrections,
19 the Department of Human Services, the Department of Children and
20 Families and the **【Juvenile】 Youth** Justice Commission shall each
21 submit to the commissioner for approval, with respect to the
22 facilities under their operational or supervisory authority, a budget
23 for educational programs as set forth in section 8 of P.L.1979, c.207
24 (C.18A:7B-4) for the subsequent year, together with enrollments
25 and per pupil costs. For the purposes of calculating a per pupil cost,
26 enrollment shall be based on the number of pupils in the State
27 facility on the last school day prior to October 16 of the prebudget
28 year. In the subsequent year, pursuant to P.L.1979, c.207
29 (C.18A:7B-1 et seq.) for students resident in a district, approved per
30 pupil amounts shall be deducted from each school district's State aid
31 and remitted to the appropriate agency, except that for county
32 juvenile detention centers, no deduction shall be made until Fiscal
33 Year 1999; in that year and thereafter, **【50%】 50 percent** of
34 approved per pupil amounts shall be deducted and remitted to the
35 **【Juvenile】 Youth** Justice Commission.
36 (cf: P.L.2006, c.47, s.89)

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

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

42 "At-risk pupils" means those resident pupils from households
43 with a household income at or below the most recent federal
44 poverty guidelines available on October 15 of the prebudget year
45 multiplied by 1.85;

46 "Base per pupil amount" means the cost per elementary pupil of
47 delivering the core curriculum content standards and extracurricular

1 and cocurricular activities necessary for a thorough and efficient
2 education;

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

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

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

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

11 "Commissioner" means the Commissioner of Education;

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

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

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

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

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

37 "District income" means the aggregate income of the residents of
38 the taxing district or taxing districts, based upon data provided by
39 the Division of Taxation in the New Jersey Department of the
40 Treasury and contained on the New Jersey State Income Tax forms
41 for the calendar year ending two years prior to the prebudget year.
42 The commissioner may supplement data contained on the State
43 Income Tax forms with data available from other State or federal
44 agencies in order to better correlate the data to that collected on the
45 federal census. With respect to regional districts and their
46 constituent districts, however, the district income as described
47 above shall be allocated among the regional and constituent districts
48 in proportion to the number of pupils resident in each of them;

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

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

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

21 "General special education services pupil" means a pupil
22 receiving specific services pursuant to chapter 46 of Title 18A of
23 the New Jersey Statutes;

24 "Geographic cost adjustment" means an adjustment that reflects
25 county differences in the cost of providing educational services that
26 are outside the control of the district;

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

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

33 "Prebudget year" means the school fiscal year preceding the year
34 in which the school budget is implemented;

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

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

41 "Resident enrollment" means the number of pupils other than
42 preschool pupils, post-graduate pupils, and post-secondary
43 vocational pupils who, on the last school day prior to October 16 of
44 the current school year, are residents of the district and are enrolled
45 in: (1) the public schools of the district, excluding evening schools,
46 (2) another school district, other than a county vocational school
47 district in the same county on a full-time basis, or a State college
48 demonstration school or private school to which the district of

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

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

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

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

41 "Tax levy growth limitation" means the permitted annual
42 increase in the adjusted tax levy for a school district as calculated
43 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
44 18A:7F-39).

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

46
47 38. N.J.S.18A:47-4 is amended to read as follows:

1 18A:47-4. Such special school shall receive, restrain, and
2 instruct dependent delinquent children, and children under the age
3 of 16 years, committed to such school by the Superior Court,
4 Chancery Division, Family Part pursuant to the "New Jersey Code
5 of **【Juvenile】 Youth** Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

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

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

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

19
20 39. Section 2 of P.L.2005, c.157 (C.18A:71B-88) is amended to
21 read as follows:

22 2. The Legislature finds and declares that:

23 a. A qualified and stable work force in public facilities and
24 nonprofit social services agencies is essential to ensure the
25 provision of quality services to persons in need of services,
26 including persons with mental illness, developmental disabilities or
27 other disabilities, persons in need of substance abuse treatment and
28 juveniles under the custody and care of the **【Juvenile】 Youth**
29 Justice Commission;

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

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

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

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

1 f. The establishment by this State of a loan redemption
2 program for direct care professionals employed in public facilities
3 and nonprofit agencies that contract with the Department of Human
4 Services and the **【Juvenile】 Youth** Justice Commission is essential
5 to address the need for the continued provision of high-quality
6 services by these skilled and knowledgeable professionals.
7 (cf: P.L.2005, c.157, s.2)

8
9 40. Section 3 of P.L.2005, c.157 (C.18A:71B-89) is amended to
10 read as follows:

11 3. As used in this act:

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

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

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

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

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

39 "Program" means the Social Services Student Loan Redemption
40 Program established pursuant to this act.

41 "Program participant" means a person who meets the
42 requirements of the program.

43 "Qualified facility" means:

44 a. a facility operated by the Department of Human Services
45 that provides direct care services to persons served by the
46 department;

47 b. a county psychiatric hospital;

1 c. a facility operated by the **【Juvenile】 Youth** Justice
2 Commission;

3 d. a veterans' memorial home operated by the Department of
4 Military and Veterans' Affairs; and

5 e. a nonprofit agency in the State that contracts with the
6 Department of Human Services or the **【Juvenile】 Youth** Justice
7 Commission to provide direct care services to persons served by the
8 department or commission.

9 (cf: P.L.2005, c.157, s.3)

10
11 41. Section 4 of P.L.2005, c.157 (C.18A:71B-90) is amended to
12 read as follows:

13 4. There is established the Social Services Student Loan
14 Redemption Program within the Higher Education Student
15 Assistance Authority.

16 The purpose of the program is to address the current and
17 projected critical shortage of direct care professionals in the State
18 by providing an incentive for persons to engage in employment at
19 certain public facilities, and nonprofit social services agencies
20 under contract with the Department of Human Services or the
21 **【Juvenile】 Youth** Justice Commission, so as to ensure that State
22 residents who are in need of direct care services at these facilities
23 and agencies have sufficient, qualified professional staff in order to
24 provide the needed services.

25 The program shall provide loan redemption to finance the
26 undergraduate or graduate study of program participants in
27 exchange for full-time employment as a direct care professional at a
28 qualified facility following completion of an approved course of
29 study.

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

31
32 42. Section 10 of P.L.2005, c.157 (C.18A:71B-96) is amended
33 to read as follows:

34 10. The Higher Education Student Assistance Authority, in
35 consultation with the Commissioner of Human Services and the
36 executive director of the **【Juvenile】 Youth** Justice Commission,
37 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
38 (C.52:14B-1 et seq.) shall adopt rules and regulations necessary to
39 implement the provisions of this act, including eligibility criteria for
40 the program, procedures for determining the amount of the loan
41 redemption award, and the types of direct care professional
42 positions that qualify for the program.

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

44
45 43 Section 10 of P.L.2009, c.329 (C.30:4-6.2) is amended to
46 read as follows:

47 10. a. To assist and advise in issues pertaining to prisoner
48 reentry, there is established in the Department of Corrections an

1 advisory commission to be known as the "Prisoner Reentry
2 Commission." The purpose of the commission shall be to review,
3 study, and offer solutions to problems facing prisoners re-entering
4 society, including, but not limited to determining whether:

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

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

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

13 (4) Sources of funding intended for the same populations and
14 communities could be tapped, coordinated and leveraged
15 effectively.

16 b. In addition, the commission shall:

17 (1) Evaluate and provide recommendations for special issues
18 concerning juvenile reentry;

19 (2) Evaluate and make recommendations concerning current law
20 on juvenile waiver; and

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

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

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

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

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

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

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

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

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

39 (h) Two members of the Senate, to be appointed by the
40 President of the Senate, who shall each be of different political
41 parties;

42 (i) Two members of the General Assembly, to be appointed by
43 the Speaker of the General Assembly, who shall each be of different
44 political parties;

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

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

1 (l) The Executive Director of the Housing and Mortgage
2 Finance Agency or his designee, who shall serve ex officio;
3 (m) The New Jersey Public Defender or his designee, who shall
4 serve ex officio;
5 (n) One representative from the New Jersey Institute for Social
6 Justice; and
7 (o) Two public members, who by experience or training have
8 expertise in issues facing former prisoners, to be appointed by the
9 Governor.

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

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

21 (4) A member of the commission may be removed for good
22 cause.

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

30 e. The commission shall annually submit a report to the
31 Governor and the Legislature pursuant to section 2 of P.L.1991,
32 c.164 (C.52:14-19.1) along with any recommendations it deems
33 appropriate, including any legislative proposals it may wish to
34 make.
35 (cf: P.L.2009, c.329, s.10)

36

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

39 3. As used in this act:

40 "Agency with jurisdiction" means the agency which releases
41 upon lawful order or authority a person who is serving a sentence or
42 term of confinement, or is otherwise being detained or maintained
43 in custody. This term includes the Department of Corrections or a
44 county correctional facility, the **【Juvenile】** Youth Justice
45 Commission or a county juvenile detention facility, and the
46 Department of Human Services. "Attorney General" means the
47 Attorney General or a county prosecutor to whom the Attorney
48 General has delegated authority under this act.

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

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

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

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

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

25 "Sexually violent offense" means:

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

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

38 "Sexually violent predator" means a person who has been
39 convicted, adjudicated delinquent or found not guilty by reason of
40 insanity for commission of a sexually violent offense, or has been
41 charged with a sexually violent offense but found to be incompetent
42 to stand trial, and suffers from a mental abnormality or personality
43 disorder that makes the person likely to engage in acts of sexual
44 violence if not confined in a secure facility for control, care and
45 treatment.

46 "Treatment team" means the individuals, agencies or firms which
47 provide treatment, supervision or other services at a facility

1 designated for the custody, care and treatment of sexually violent
2 predators.

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

4

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

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

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

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

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

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

38 c. Notice required by subsection b. shall be given no less than
39 90 days before the date on which the inmate's maximum term is
40 scheduled to expire.

41 d. When such notice is given, the board, the **【Juvenile】 Youth**
42 Justice Commission or the commissioner shall provide the Attorney
43 General and county prosecutor with all information relevant to a
44 determination of whether the inmate may be "in need of involuntary
45 commitment" or may be a "sexually violent predator", including,
46 without regard to classification as confidential pursuant to
47 regulations of the board, of the Department of Corrections or the

1 **【Juvenile】 Youth** Justice Commission, any preparole report,
2 psychological and medical records, any statement of the reasons for
3 denial of parole and, if applicable, a statement of the reasons for the
4 determination that the inmate may be "in need of involuntary
5 commitment" or may be a "sexually violent predator".

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

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

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

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

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

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

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

46 i. Any person acting in good faith who has provided
47 information relevant to an inmate's need of involuntary commitment
48 or as to whether the inmate is a sexually violent predator or has

1 taken good faith steps to assess an inmate's need of involuntary
2 commitment or whether the inmate is a sexually violent predator is
3 immune from civil and criminal liability.

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

5
6 46. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to
7 read as follows:

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

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

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

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

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

39 c. Notice required by subsection b. shall be given no less than
40 90 days before the date on which the inmate's maximum term is
41 scheduled to expire.

42 d. When such notice is given, the board, the **[Juvenile]** Youth
43 Justice Commission or the commissioner shall provide the Attorney
44 General and county prosecutor with all information relevant to a
45 determination of whether the inmate may be "in need of involuntary
46 commitment" or may be a "sexually violent predator", including,
47 without regard to classification as confidential pursuant to
48 regulations of the board, of the Department of Corrections or the

1 **【Juvenile】 Youth** Justice Commission, any preparole report,
2 psychological and medical records, any statement of the reasons for
3 denial of parole and, if applicable, a statement of the reasons for the
4 determination that the inmate may be "in need of involuntary
5 commitment" or may be a "sexually violent predator".

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

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

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

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

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

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

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

46 i. Any person acting in good faith who has provided
47 information relevant to an inmate's need of involuntary commitment
48 or as to whether the inmate is a sexually violent predator or has

1 taken good faith steps to assess an inmate's need of involuntary
2 commitment or whether the inmate is a sexually violent predator is
3 immune from civil and criminal liability.

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

5
6 47. Section 3 of P.L.2009, c.329 (C.30:4-91.15) is amended to
7 read as follows:

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

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

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

39 d. The commissioner shall annually prepare and transmit to the
40 Governor and the Legislature, pursuant to section 2 of P.L.1991,
41 c.164 (C.52:14-19.1), a summary of the recommendations set forth
42 in the reports prepared pursuant to subsection c. of this section,
43 along with any recommendations the department, **【Juvenile】** Youth
44 Justice Commission or the State Parole Board may have for
45 legislation to improve the effectiveness of the State's reentry
46 initiatives and programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

41

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

44 5. a. An inmate who is released from the custody of the
45 Commissioner of Corrections or a juvenile who is released from the
46 custody of the **【Juvenile】 Youth** Justice Commission following an
47 award of public health emergency credits pursuant to section 1 of
48 P.L.2020, c.111 (C.30:4-123.100), from the date of release until the

1 date the inmate or juvenile, as the case may be, was scheduled to be
2 released prior to the award of public health emergency credits, shall
3 be prohibited from purposely or knowingly making contact with any
4 victim of the crime for which the inmate or juvenile was serving a
5 sentence.

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

12 b. A violation of subsection a. of this section shall be a crime
13 of the fourth degree.

14 c. (1) A petition may be filed with the court to dissolve the
15 prohibition established pursuant to the provisions of this section
16 prohibiting an inmate or juvenile, as the case may be, from making
17 contact with the victim in accordance with procedures established
18 by the court.

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

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

28
29 50. Section 12 of 1970, c.300 (C.30:4-157.2) is amended to read
30 as follows:

31 12. The warrant of commitment to the custody of the **[Juvenile]**
32 Youth Justice Commission established pursuant to section 2 of
33 P.L.1995, c.284 (C.52:17B-170) shall set forth the names of the
34 parents or guardians if they can be ascertained and the juvenile's
35 place of residence. The court shall order transmitted to the
36 commission, by the officer serving the order of commitment a copy
37 of the complaint, a copy of any probation reports, pre-disposition
38 reports, education records, county detention center records, or other
39 records which the county may have concerning the past
40 delinquencies of the juvenile and other information concerning any
41 mental or physical condition which the court deems to be of
42 importance in the rehabilitation of the juvenile or the maintenance
43 of discipline, order and safety in the facility or the operation of the
44 facility or its programs. Such records shall be used for the
45 information and guidance of the facility and the commission but
46 shall not be public records. Such warrants and records shall be
47 forwarded to the commission on, or prior to, the date of the

1 juvenile's admission into the facility.
2 (cf: P.L.1995, c.280, s.49)
3

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

6 30:4-157.4. Whenever a juvenile shall be committed to the
7 custody of the **【Juvenile】 Youth** Justice Commission established
8 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), it shall be
9 the duty of the court, at the time of the examination, to make
10 inquiry as to the ability of the parent or guardian to pay the
11 expenses of the commitment proceedings and the board of the
12 juvenile, and it shall endorse on the warrant of commitment a
13 statement of its finding in that regard.

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

24 (cf: P.L.1995, c.280, s.50)
25

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

28 30:4-157.7. No juvenile in custody of the **【Juvenile】 Youth**
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170) shall be indentured or bound out to service.
31 (cf: P.L.1995, c.280, s.52)
32

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

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

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

46 (1) denying, cancelling, limiting or refusing to issue or renew a
47 contract on the basis of a covered person's or prospective covered
48 person's gender identity or expression, or for the reason that the

1 covered person or prospective covered person is a transgender
2 person;

3 (2) demanding or requiring a payment or premium that is based
4 in whole or in part on a covered person's or prospective covered
5 person's gender identity or expression, or for the reason that the
6 covered person or prospective covered person is a transgender
7 person;

8 (3) designating a covered person's or prospective covered
9 person's gender identity or expression, or the fact that a covered
10 person or prospective covered person is a transgender person, as a
11 preexisting condition for which coverage will be denied or limited;
12 or

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

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

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

26 c. For the purposes of this section:

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

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

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

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

37 d. Nothing in this section shall preclude a State or local entity
38 contracting for services pursuant to this section from performing
39 utilization review, including periodic review of the medical
40 necessity of a particular service.

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

42

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

45 3. As used in this act:

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

1 "Juvenile offender" means a person under the age of 18 who has
2 been adjudicated delinquent for an act which, if committed by an
3 adult, would constitute a crime of the third or fourth degree,
4 excluding an adjudication for any act which would constitute a
5 crime under chapter 14 of Title 2C of the New Jersey Statutes.

6 (cf: P.L.1997, c.81, s.3)
7

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

10 4. There is established in the Department of Children and
11 Families the New Jersey Youth Suicide Prevention Advisory
12 Council.

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

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

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

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

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

43 (4) three public members appointed by the Speaker of the
44 General Assembly, no more than two of whom are members of the
45 same political party, one of whom has knowledge of and interest in
46 the prevention of youth suicide and the provision of education about
47 suicide to high-risk populations, including religious, racial, ethnic

1 or sexual minorities, one of whom is a pediatrician, and one of
2 whom is a school-based counselor.

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

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

12 e. The council shall organize as soon as practicable following
13 the appointment of its members and shall select a chairperson and
14 vice-chairperson from among the members. The chairperson shall
15 appoint a secretary who need not be a member of the council.

16 f. The public members shall serve without compensation, but
17 shall be reimbursed for necessary expenses incurred in the
18 performance of their duties and within the limits of funds available
19 to the council.

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

24 h. The Department of Children and Families shall provide staff
25 support to the council.

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

27

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

30 9. The commission shall:

31 a. Issue the New Jersey Unified Workforce Investment Plan
32 pursuant to the provisions of the Workforce Investment Act of
33 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.) and section 10 of
34 P.L.1989, c.293 (C.34:15C-7);

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

39 c. Act to ensure the full participation of Workforce Investment
40 Boards in the planning and supervision of local workforce
41 investment systems. The commission shall be responsible to
42 oversee and develop appropriate standards to ensure Workforce
43 Investment Board compliance with State and federal law, the State
44 plan, and other relevant requirements regarding membership,
45 staffing, meetings, and functions;

46 d. Foster and coordinate initiatives of the Department of
47 Education and Commission on Higher Education to enhance the

1 contributions of public schools and institutions of higher education
2 to the implementation of the State workforce investment policy;

3 e. Examine federal and State laws and regulations to assess
4 whether those laws and regulations present barriers to achieving any
5 of the goals of this act. The commission shall, from time to time as
6 it deems appropriate, issue to the Governor and the Legislature
7 reports on its findings, including recommendations for changes in
8 State or federal laws or regulations concerning workforce
9 investment programs or services, including, when appropriate,
10 recommendations to merge other State advisory structures and
11 functions into the commission;

12 f. Perform the duties assigned to a State Workforce Investment
13 Board pursuant to subsection (d) of section 111 of the Workforce
14 Investment Act of 1998, Pub.L.105-220 (29 U.S.C. s.2821);

15 g. Have the authority to enter into agreements with the head of
16 each State department or commission which administers or funds
17 education, employment or training programs, including, but not
18 limited to, the Departments of Labor and Workforce Development,
19 Community Affairs, Education, and Human Services and the
20 Commission on Higher Education, the New Jersey Economic
21 Development Authority, and the **【Juvenile】 Youth** Justice
22 Commission, which agreements are for the purpose of assigning
23 planning, policy guidance and oversight functions to each
24 Workforce Investment Board with respect to any workforce
25 investment program funded or administered by the State department
26 or commission within the Workforce Investment Board's respective
27 labor market area or local area, as the case may be; and

28 h. Establish guidelines to be used by the Workforce Investment
29 Boards in performing the planning, policy guidance, and oversight
30 functions assigned to the boards under any agreement reached by
31 the commission with a department or commission pursuant to
32 subsection g. of this section. The commission shall approve all
33 local Workforce Investment Board plans that meet the criteria
34 established by the commission for the establishment of One-Stop
35 systems. The Department of Labor and Workforce Development
36 shall approve the operational portion of the plans for programs
37 administered by the department.

38 The commission shall have access to all files and records of
39 other State agencies and may require any officer or employee
40 therein to provide such information as it may deem necessary in the
41 performance of its functions.

42 Nothing in P.L.2005, c.354 (C.34:15C-7.1 et al.) shall be
43 construed as affecting the authority of the State Treasurer to review
44 and approve training programs for State employees pursuant to
45 N.J.S.11A:6-25.

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

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

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

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

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

1 terms of two years. A vacancy in the membership, occurring other
2 than by expiration of a term, shall be filled in the same manner as
3 the original appointment, but for the unexpired term only. The
4 members shall serve without compensation, but the council may,
5 within the limits of funds appropriated or otherwise made available
6 to it, reimburse members for actual expenses necessarily incurred in
7 the discharge of their official duties.

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

13 The council may employ, prescribe the duties and fix and pay the
14 compensation of such persons it may deem necessary to carry out
15 the duties of the council within the limits of available
16 appropriations.

17 It shall be the duty of the council to:

18 (1) Develop a master plan to increase employment opportunities
19 for disadvantaged youth;

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

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

24 (4) Develop proposals for innovative efforts to assist
25 economically disadvantaged youth to enroll in and successfully
26 complete employment programs;

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

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

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

41 The Commissioner of Labor and Workforce Development, in
42 consultation with the State Employment and Training Commission
43 and the council, may promulgate rules and regulations necessary to
44 effectuate the purposes of P.L.2001, c.446 (C.34:15F-12 et seq.).

45 (cf: P.L.2007, c.189, s.1)

46
47 58. Section 2 P.L.2001, c.446 (C.34:15F-13) is amended to read
48 as follows:

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

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

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

27
28 59. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
29 read as follows:

30 1. As used in this act:

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

38 "Law enforcement officer" or "officer" means any person who is
39 employed as a permanent full-time member of any State, county, or
40 municipal law enforcement agency, department, or division of those
41 governments who is statutorily empowered to act for the detection,
42 investigation, arrest, conviction, detention, or rehabilitation of
43 persons violating the criminal laws of this State and statutorily
44 required to successfully complete a training course approved by, or
45 certified as being substantially equivalent to such an approved
46 course, by the Police Training Commission pursuant to P.L.1961,
47 c.56 (C.52:17B-66 et seq.).

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

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

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

9
10 60. Section 19 of P.L.1991, c.329 (C.52:4B-8.1) is amended to
11 read as follow:

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

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

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

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

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

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

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

38 d. The Victims of Crime Compensation Agency shall report
39 annually to the Governor, the Attorney General, the Administrative
40 Director of the Administrative Office of the Courts, the
41 Commissioner of the Department of Corrections, the **【Juvenile】**
42 Youth Justice Commission and the Legislature on the development,
43 implementation, improvement and effectiveness of the uniform
44 system and on moneys received, deposited and identified as
45 receivable.

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

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

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

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

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

14 (3) recognize and involve the families of the youth and the
15 communities in which the youth live;

16 (4) include age-appropriate curriculum;

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

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

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

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

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

33 (10) train teams in effective methods for working with youth
34 from special populations, including in behavior management,
35 adolescent psychology, and familiarization with the juvenile justice
36 system;

37 (11) train teams in designing a curriculum or involving a trained
38 curriculum specialist;

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

45 (13) require program staff to clearly define program goals and
46 intended outcomes in evaluating an arts program, and to monitor
47 and document program implementation and the service-delivery
48 process;

1 (14) utilize "process evaluations," which examine program
2 implementation and service delivery, to describe and refine a
3 program, measuring the impact on youth and identifying ways to
4 improve a program;

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

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

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

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

19 The council shall make periodic revisions to the guide as
20 necessary.

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

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

37 (cf: P.L.2019, c.115, s.1)

38
39 62. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
40 read as follows:

41 2. As used in this act:

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

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

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

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

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

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

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

38 "Licensing committee" means the committee established by the
39 Police Training Commission to perform duties with respect to law
40 enforcement officer licensing as set forth in subsection c. of section
41 9 of P.L.2022, c.65 (C.52:17B-71a).

42 "Municipality" shall mean a city of any class, township, borough,
43 village, or any other type of municipality in this State which, within
44 its jurisdiction, has or shall have a law enforcement unit as defined
45 in this act.

46 "National Decertification Index" shall mean the national registry
47 of law enforcement officer decertification or license revocations

1 maintained by the International Association of Directors of Law
2 Enforcement Standards and Training, or a successor database.

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

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

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

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

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

23

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

26 1. The Legislature finds and declares:

27 a. The public safety requires reform of the juvenile justice
28 system;

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

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

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

46 e. The division of responsibility for the juvenile justice
47 population and the limitations on resources available to meet ever-
48 increasing demands for services provided by the Departments of

- 1 Human Services and Corrections have prevented the departments
2 from maximizing efforts to meet the special needs of the juvenile
3 justice population;
- 4 f. The juvenile justice system lacks services and sanctions
5 short of incarceration, particularly in urban areas and for that
6 reason, many juveniles are not held accountable until they have
7 committed a series of increasingly serious criminal acts;
- 8 g. The special needs of juveniles can be addressed through
9 services and sanctions provided at the county and local level;
- 10 h. The need to protect the public from criminal acts by juvenile
11 offenders requires a comprehensive program and concerted action
12 of governmental agencies and private organizations at the State,
13 county and local level that permit effective response and avoid
14 waste of scarce resources;
- 15 i. (1) The comprehensive program should provide a range of
16 services and sanctions for juveniles sufficient to protect the public
17 through prevention; early intervention; and a range of meaningful
18 sanctions that ensure accountability, provide training, education,
19 treatment and, when necessary, confinement followed by
20 community supervision that is adequate to protect the public and
21 promote successful reintegration into the community;
- 22 (2) Consistent with the need to protect the public, services and
23 sanctions for juveniles shall provide balanced attention to the
24 protection of the community, the imposition of accountability for
25 offenses committed, fostering interaction and dialogue between the
26 offender, victim and community and the development of
27 competencies to enable juvenile offenders to become responsible
28 and productive members of the community.
- 29 j. The most efficient and effective use of available resources
30 requires fixing responsibility for the comprehensive program in a
31 single State agency and providing incentives to encourage the
32 development and provision of appropriate services and sanctions at
33 the county and local level; and
- 34 k. It is, therefore, necessary to establish a **【Juvenile】 Youth**
35 Justice Commission responsible for operating State services and
36 sanctions for juveniles involved in the juvenile justice system and
37 responsible for developing a Statewide plan for effective provision
38 of juvenile justice services and sanctions at the State, county and
39 local level; to establish a State/Community Partnership Grant
40 Program through which the State will provide incentives to county
41 and local governments to encourage the provision of services and
42 sanctions for juveniles adjudicated or charged as delinquent and
43 programs for the prevention of juvenile delinquency, and to
44 establish county youth services commissions responsible for
45 planning and implementing the Partnership at the local level.
46 (cf: P.L.2001, c.408, s.7.)

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

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

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

17 c. The executive director shall be appointed by the Governor
18 with the advice and consent of the Senate and shall serve at the
19 pleasure of the Governor during the Governor's term of office and
20 until a successor is appointed and qualified.

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

1 e. The commission shall have the following powers, duties and
2 responsibilities:

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

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

15 (b) Juvenile corrections officers;

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

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

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

26 (5) To contract for the services of professional and technical
27 personnel and consultants as necessary to fulfill the statutory
28 responsibilities of the commission;

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

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

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

46 (9) To manage and operate all State juvenile facilities or
47 juvenile programs for juveniles adjudicated delinquent which shall
48 include facilities and programs transferred to the commission

1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
2 established or contracted for in the future by the commission;

3 (10) To prepare a State **【Juvenile】 Youth** Justice Master Plan
4 every third year which identifies facilities, sanctions and services
5 available for juveniles adjudicated or charged as delinquent and
6 juvenile delinquency prevention programs and which identifies
7 additional needs based upon the extent and nature of juvenile
8 delinquency and the adequacy and effectiveness of available
9 facilities, services, sanctions and programs;

10 (11) To approve plans for each county submitted by the county
11 youth services commission pursuant to P.L.1995, c.282
12 (C.52:17B-180);

13 (12) To administer the State/Community Partnership Grant
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);

15 (13) To accept from any governmental department or agency,
16 public or private body or any other source, grants or contributions
17 to be used in exercising its power, and in meeting its duties and
18 responsibilities;

19 (14) To formulate and adopt standards and rules for the efficient
20 conduct of the work of the commission, the facilities, services,
21 sanctions and programs within its jurisdiction, and its officers and
22 employees;

23 (15) To provide for the development of the facilities, services,
24 sanctions and programs within its jurisdiction and to promote the
25 integration of State, county and local facilities, sanctions, services
26 and programs, including probation and parole;

27 (16) To institute, or cause to be instituted, such legal proceedings
28 or processes as may be necessary to enforce properly and give
29 effect to any of its powers or duties including the authority to
30 compel by subpoena, subject to the sanction for contempt of
31 subpoena issued by a court, attendance and production of records;

32 (17) To provide for the timely and efficient collection and
33 analysis of data regarding the juvenile justice system to insure the
34 continuing review and evaluation of services, policies and
35 procedures;

36 (18) To receive and classify juveniles committed to the custody
37 of the commission;

38 (19) To determine whether an incarcerated juvenile is eligible for
39 parole and to supervise compliance with conditions of parole;

40 (20) To establish appropriate dispositions of juveniles for whom
41 parole has been revoked;

42 (21) To perform such other functions as may be prescribed by
43 law; and

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

47 f. Whenever the term “Juvenile Justice Commission” occurs or
48 any reference is made thereto in any law, contract or document, the

1 same shall be deemed to mean or refer to the “Youth Justice
2 Commission” established and designated therein.

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

4
5 65. Section 1 of P.L.2007, c.315 (C.52:17B-171.1) is amended
6 to read as follows:

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

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

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

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

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

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

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

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

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

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

42
43 67. Section 3 of P.L.2007, c.315 (C.52:17B-171.3) is amended
44 to read as follows:

45 3. Between 24 and 48 hours following admission to a county
46 juvenile detention facility, a juvenile shall undergo mental health
47 screening using a mental health screening tool designated by the
48 **【Juvenile】 Youth** Justice Commission and in accordance with the

1 facility's written policies required by section 1 of this act. If the
2 screening tool indicates that a referral for additional screening or
3 mental health services is appropriate, that referral shall occur as
4 soon as possible. If the screening indicates a warning or caution,
5 the juvenile shall be placed on, and remain under, increased
6 supervision until it is determined by a mental health clinician that a
7 heightened level of supervision is no longer needed to ensure the
8 safety of the juvenile.

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

10
11 68. Section 6 of P.L.2007, c.315 (C.52:17B-171.5) is amended
12 to read as follows:

13 6. No person shall perform a suicide risk screening pursuant to
14 section 2 of this act or a mental health screening pursuant to section
15 3 of this act unless that person has been certified by the **[Juvenile]**
16 Youth Justice Commission as qualified to perform such screening.

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

18
19 69. Section 7 of P.L.2007, c.315 (C.52:17B-171.6) is amended
20 to read as follows:

21 7. The **[Juvenile]** Youth Justice Commission, in conjunction
22 with the Department of Children and Families, shall establish and
23 maintain a confidential Statewide database of the suicide risk
24 screenings required by section 2 of this act and the mental health
25 screenings required by section 3 of this act to be used exclusively
26 by persons performing suicide risk and mental health screenings.

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

28
29 70. Section 8 of P.L.2007, c.315 (C.52:17B-171.7) is amended
30 to read as follows:

31 8. a. The **[Juvenile]** Youth Justice Commission shall monitor the
32 number of suicides that occur at each county juvenile detention
33 facility.

34 b. Upon an initial suicide at a facility, the commission shall
35 conduct an evaluation of the facility's compliance with the
36 provisions of this act, an accountability assessment and an action
37 report.

38 c. If a second suicide occurs within seven years of the initial
39 suicide, the **[Juvenile]** Youth Justice Commission shall, within 30
40 days, and with the approval of the Attorney General, evaluate the
41 facility for compliance with the provisions of this act. A facility
42 shall not admit additional juveniles until the Attorney General has
43 certified that the facility is in compliance with the provisions of this
44 act.

45 d. If a third or subsequent suicide occurs within seven years of
46 an initial suicide, the facility shall be immediately closed and shall
47 not reopen until the Governor determines that it shall reopen. A
48 task force comprised of the following seven members shall assist

1 the Governor in making this determination: the Executive Director
2 of the **【Juvenile】 Youth** Justice Commission, or a designee; the
3 Attorney General, or a designee; the Child Advocate, or a designee;
4 the Commissioner of Children and Families, or a designee; one
5 public member; a director of a county juvenile detention facility,
6 but not of the county facility being evaluated; and a member of the
7 board of chosen freeholders of the county within which the facility
8 being evaluated is located.

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

10
11 71. Section 9 of P.L.2007, c.315 (C.52:17B-171.8) is amended
12 to read as follows:

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

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

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

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

22
23 72. Section 10 of P.L.2007, c.315 (C.52:17B-171.9) is amended
24 to read as follows:

25 10. The **【Juvenile】 Youth** Justice Commission shall, in
26 conjunction with the Police Training Commission and mental health
27 experts, develop a training curriculum for juvenile detention
28 officers and youth workers focusing on the mental health needs of
29 the juvenile detention population.

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

31
32 73. Section 11 of P.L.2007, c.315 (C.52:17B-171.10) is
33 amended to read as follows:

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

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

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

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

45 d. a summary of the diagnoses for juveniles who have received
46 treatment.

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

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

3 12. The **【Juvenile】** Youth Justice Commission, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.) shall adopt rules and regulations necessary to implement the
6 provisions of this act, which may include:

7 a. penalties for continued violations of the manual of standards
8 applicable to county detention centers; and

9 b. a graduated system of intermediate fines and penalties for
10 violations of the provisions of the act.

11 (cf: P.L.2007, c.315, s.12)

12

13 75. Section 8 of P.L.2009, c.329 (C.52:17B-171.12) is amended
14 to read as follows:

15 8. The **【Juvenile】** Youth Justice Commission shall ensure that
16 prior to the scheduled date of release of a juvenile from a detention
17 facility or a facility in which the juvenile was incarcerated, the
18 appropriate staff at the facility notify the applicable county welfare
19 agency to process the reinstatement of the juvenile in the Medicaid
20 program if the juvenile was enrolled in Medicaid prior to detention
21 or incarceration and continues to meet eligibility requirements for
22 the program.

23 As used in this act, "Medicaid" means the Medicaid program
24 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

25 (cf: P.L.2009, c.329, s.8)

26

27 76. Section 5 of P.L.2015, c.89 (C.52:17B-171.13) is amended
28 to read as follows:

29 5. a. A juvenile detained in, or sentenced to, a State juvenile
30 correctional facility or county juvenile detention center shall not be
31 subject to room restriction unless the juvenile poses an immediate
32 and substantial risk of harm to others or to the security of the
33 facility, and all other less-restrictive options have been exhausted.

34 b. A juvenile may be subject to room restriction only for the
35 minimum time required to address the safety risk and for a period
36 that does not compromise the mental and physical health of the
37 juvenile, but in no case shall a juvenile be held in room restriction
38 for more than eight consecutive waking hours without being
39 released for at least two hours for recreation and exercise.

40 c. A juvenile who is 15 years of age or younger shall not be
41 subject to room restriction for more than two consecutive days. A
42 juvenile who is 16 years of age or older but younger than 18 years
43 of age shall not be subject to room restriction for more than three
44 consecutive days. A juvenile who is 18 years of age or older shall
45 not be subject to room restriction for more than five consecutive
46 days. A juvenile shall not be subject to room restriction for more
47 than 10 total days in a calendar month.

1 d. Juveniles subject to room restriction shall continue to
2 receive health, mental health, and educational services.

3 e. Each State correctional facility or county juvenile detention
4 facility shall document, in aggregate, the use of room restriction,
5 including the dates and duration of each occurrence, the reason for
6 placement in room restriction, and the race, age, and gender of the
7 juvenile placed in room restriction. If any health or mental health
8 clinical evaluations were performed, it shall be affirmatively
9 certified that the results of those evaluations were considered in any
10 decision to place the juvenile in room restriction or to continue
11 room restriction.

12 The aggregate data compiled pursuant to this subsection shall be:

13 (1) made available for public inspection pursuant to P.L.1963,
14 c.73 (C.47:1A-1 et seq.), commonly known as the open public
15 records act; and

16 (2) published on the official Internet website of the **【Juvenile】**
17 Youth Justice Commission.

18 f. This section shall not prohibit the use of single-person
19 rooms or cells for the housing of juveniles in State correctional or
20 county juvenile detention centers.

21 g. This section does not apply to juveniles in court holding
22 facilities or adult facilities.

23 h. Nothing in this section shall be construed to conflict with
24 any law providing greater or additional protections to juveniles.

25 i. For the purposes of this section, "room restriction" shall
26 mean the placement of a juvenile in a State juvenile correctional
27 facility or county juvenile detention center in a locked room or cell,
28 alone or with one other person, for 22 to 24 hours per day. Room
29 restriction shall not include confinement of a juvenile in a single-
30 person room or cell for brief periods of locked-room confinement
31 necessary for institutional operations, including, but not limited to,
32 shift changes, showering, and unit movements.

33 (cf: P.L.2015, c.89, s.5)
34

35 77. Section 18 of P.L.2019, c.363 (C.52:17B-171.14) is
36 amended to read as follows:

37 18. a. The **【Juvenile】** Youth Justice Commission shall establish a
38 program to collect, record, and analyze data regarding juveniles
39 who were sentenced to a term of incarceration. In furtherance of
40 this program, the commission shall collect the following data:

41 (1) the offense for which the juvenile was incarcerated; the term
42 of incarceration imposed on the juvenile, including a term of
43 incarceration imposed for a violation of parole; the age, gender,
44 race, and ethnicity of the juvenile; the county where the juvenile
45 was adjudicated delinquent; the classification of the juvenile; and
46 whether the juvenile was sentenced to an extended term of
47 incarceration;

1 (2) aggregate data of incidents of violence, suicide, suicide
2 attempts, hospitalizations, and any form of segregation or isolation
3 of a juvenile for all facilities where juveniles are placed; and

4 (3) the amount of time remaining on each sentence of
5 incarceration imposed on a juvenile whose parole was revoked;
6 whether the violation that was the basis for the revocation was
7 technical or based upon a new offense; the age, gender, race, and
8 ethnicity of the juvenile; and the county where the juvenile's parole
9 was revoked by the court.

10 b. The commission shall prepare and publish on its Internet
11 website biennial reports summarizing the aggregated data collected,
12 recorded, and analyzed pursuant to subsection a. of this section.

13 c. The commission shall publish on its Internet website the
14 criteria that are used to determine whether a juvenile is granted
15 parole. The commission also shall provide this information to every
16 juvenile who is sentenced to a term of incarceration.

17 (cf: P.L.2019, c.363, s.18)

18
19 78. Section 4 of P.L.1995, c.284 (C.52:17B-172) is amended to
20 read as follows:

21 4. a. The advisory council to the **【Juvenile】 Youth** Justice
22 Commission shall consist of the following members:

23 (1) The Commissioner of the Department of Labor and
24 Workforce Development, the Commissioner of the Department of
25 Health **【and Senior Services】**, the Commissioner of the Department
26 of Community Affairs, the Chairperson of the Civil Service
27 Commission, the Public Defender and a county prosecutor selected
28 by and serving at the pleasure of the Governor or a person
29 designated by one of the forenamed officers to serve in that officer's
30 place;

31 (2) Nine members who shall be selected for their knowledge,
32 competence, experience or interest in the juvenile justice system.
33 Appointments shall be made as follows: three by the President of
34 the Senate, no more than two of whom shall be of the same political
35 party; three by the Speaker of the General Assembly, no more than
36 two of whom shall be of the same political party and three by the
37 Governor, no more than two of whom shall be of the same political
38 party.

39 b. The term of office of each public member of the advisory
40 council shall be three years; except that of the first members
41 appointed, one appointed by the Governor, one by the President of
42 the Senate and one by the Speaker of the General Assembly shall be
43 appointed for a term of one year, one appointed by the Governor,
44 one by the President of the Senate and one by the Speaker of the
45 General Assembly shall be appointed for a term of two years and
46 the remaining three members shall be appointed for a term of three
47 years. Each member shall serve until a successor has been
48 appointed and qualified, and vacancies shall be filled in the same

1 manner as the original appointments for the remainder of the
2 unexpired term. A member is eligible for reappointment to the
3 council.

4 c. The Governor shall appoint the chair of the advisory council
5 from among the members of the council. The chair shall serve at
6 the pleasure of the Governor during the Governor's term of office
7 and until the appointment and qualification of the chair's successor.
8 The members of the council shall elect a vice-chair from among the
9 members of the council.

10 d. The members of the council shall receive no compensation
11 for their services.

12 (cf: P.L.2008, c.29, s.110)

13

14 79. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
15 read as follows:

16 6. a. The **【Juvenile】** Youth Justice Commission shall employ,
17 within the limits of available funds, juvenile corrections officers to
18 staff each State secure juvenile facility and to provide security for
19 other State juvenile facilities and programs including parole
20 programs as deemed appropriate and to perform all other duties
21 related to enforcement of confinement and conditions of release
22 including execution of warrants and legal process. Juvenile
23 corrections officers shall be in the competitive division of the career
24 service established pursuant to N.J.S.11A:3-2, "policemen" within
25 the meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and
26 members of the Police and Firemen's Retirement System of New
27 Jersey established pursuant to section 2 of P.L.1944, c.255
28 (C.43:16A-2), and shall be "employees" within the meaning of
29 section 3 of P.L.1941, c.100 (C.34:13A-3).

30 b. Except as provided in subsection c. of this section, no person
31 shall be appointed as a juvenile corrections officer unless that
32 person:

33 (1) Is a citizen of the United States;

34 (2) Is able to read, write and speak the English language well
35 and intelligently;

36 (3) Has a high school diploma or its equivalent;

37 (4) Is sound in body and of good health;

38 (5) Is of good moral character;

39 (6) Has not been convicted of any offense which would make
40 the person unfit to perform the duties of a juvenile corrections
41 officer;

42 (7) Has successfully completed the training course approved by
43 the Police Training Commission and required by section 5 of
44 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
45 provisions of that section; and

46 (8) Meets such other qualifications, including education and
47 training, as may be specified by the commission in consultation
48 with the Civil Service Commission.

1 c. (1) Pending appointment of a full complement of juvenile
2 corrections officers who meet the requirements of subsection b. of
3 this section, the commission and the Commissioner of Corrections
4 shall arrange through agreement for the assignment of corrections
5 officers necessary to fill the positions transferred pursuant to
6 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
7 assigned to the commission pursuant to such an agreement shall be
8 under the supervision of the commission during the period of
9 assignment as provided by the agreement between the commission
10 and the Commissioner of Corrections. The primary concerns of all
11 agreements governing assignment and supervision shall be public
12 safety and safety within the facilities and programs. No officer
13 assigned pursuant to such an agreement shall, by virtue of such
14 assignment, be considered an employee of the commission or lose
15 or suffer any diminution of any right, power, privilege or benefit to
16 which the employee would otherwise be entitled pursuant to the
17 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
18 Revised Statutes, or Title 43 of the Revised Statutes, including any
19 rights, powers, privileges or benefits as to salary, seniority,
20 promotion, re-employment, retirement, pension or representation
21 for purposes of collective bargaining;

22 (2) Notwithstanding the provisions of subsection b. of this
23 section, a corrections officer assigned to the commission pursuant
24 to this section shall not be considered ineligible for the position of
25 juvenile corrections officer solely because the officer does not meet
26 any educational or training requirement the commission may
27 establish and may be appointed as a juvenile corrections officer if
28 the officer applies for such position within 18 months of the
29 effective date of this act. A juvenile corrections officer appointed
30 pursuant to this subsection shall not be deprived of any right or
31 protection provided by Title 11A of the New Jersey Statutes or any
32 pension or retirement system and, notwithstanding any law or
33 regulation to the contrary, shall be eligible to compete for vacant
34 positions within the Department of Corrections with full credit for
35 experience, service and rank earned as an employee of the
36 Department of Corrections and such credit for experience, service
37 and rank earned as an employee of the commission as the
38 Commissioner of Corrections, after consultation with the Civil
39 Service Commission, deems appropriate.

40 d. Each juvenile corrections officer shall by virtue of such
41 employment and in addition to any other power or authority, be
42 empowered to act as an officer for the detection, apprehension,
43 arrest and adjudication of offenders against the law and, subject to
44 regulations promulgated by the commission and conditions set forth
45 in N.J.S.2C:39-6, shall have the authority to possess and carry a
46 firearm.

47 (cf: P.L.2008, c.29, s.111)

1 80. Section 8 of P.L.1995, c.284 (C.52:17B-176) is amended to
2 read as follows:

3 8. a. The following are transferred to the **【Juvenile】 Youth**
4 Justice Commission:

5 (1) The custody and care of any juvenile adjudicated delinquent
6 and committed or classified to the custody of the Department of
7 Corrections or committed or classified to the custody or care of the
8 Division of Juvenile Services of the Department of Human
9 Services, pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43) as
10 modified by Reorganization Plan No. 001-1993, P.L.1993, c.283,
11 and Executive Order No. 93 of 1993, or serving a term of
12 incarceration in a county detention facility pursuant to section 1 of
13 P.L.1992, c.211 (C.2A:4A-44.1);

14 (2) The New Jersey Training School for Boys created pursuant
15 to R.S.30:1-7 and transferred to the Commissioner of Corrections
16 pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8) and the Juvenile
17 Medium Security Facility created pursuant to R.S.30:1-7;

18 (3) All residential and day care facilities and programs
19 established pursuant to the powers delegated to the Division of
20 Juvenile Services, Department of Corrections, by the Commissioner
21 of the Department of Corrections pursuant to his powers contained
22 in P.L.1976, c.98 (C.30:1B-1 et seq.), along with all those youth
23 committed to participate therein by court order, law, classification,
24 regulation or contract which were subsequently transferred to the
25 Division of Juvenile Services, Department of Human Services by
26 Reorganization Plan No. 001-1993;

27 (4) All furnishings and equipment presently located in the
28 institutions and programs of the Division of Juvenile Services and
29 in the institutions and programs of the Department of Corrections
30 transferred to the commission pursuant to subsections b. and c. of
31 this section, and, except as provided in section 6 of P.L.1995, c.284
32 (C.52:17B-174), all staff assigned to those institutions and
33 programs, including administrative and support staff;

34 (5) All operating and capital funding demarcated for the
35 institutions and programs set forth in this section, including funding
36 from bonds and funding for administrative costs associated with the
37 institutions and programs;

38 (6) All functions, powers, duties and authority of the
39 Commissioner of Corrections, including any transferred to the
40 Commissioner of Human Services pursuant to Reorganization Plan
41 No. 001-1993, with respect to all juvenile detention facilities
42 throughout the State pursuant to section 18 of P.L.1982, c.77
43 (C.2A:4A-37);

44 (7) The powers, duties and responsibilities of the Commissioner
45 of Corrections for establishing standards and monitoring of juvenile
46 detention facilities pursuant to section 18 of P.L.1982, c.77
47 (C.2A:4A-37), transferred to the Commissioner of Human Services
48 by Reorganization Plan No. 001-1993;

1 (8) All existing written agreements made between county
2 governments and the Department of Corrections or the Department
3 of Human Services concerning juvenile detention centers are hereby
4 modified to transfer the responsibilities, duties and obligations
5 specified in these agreements between the county governments and
6 the commission;

7 (9) The Juvenile Detention Monitoring Unit, Department of
8 Corrections, established pursuant to the powers of the
9 Commissioner of Corrections pursuant to P.L.1976, c.98 (C.30:1B-
10 1 et seq.), to fulfill the obligations of the Department of Corrections
11 in monitoring juvenile detention centers throughout the State
12 pursuant to the Federal "Juvenile Justice and Delinquency
13 Prevention Act of 1974," as amended, and pursuant to section 18 of
14 P.L.1982, c.77 (C.2A:4A-37), which was transferred to the
15 Department of Human Services by Reorganization Plan No. 001-
16 1993, along with its staff, powers, duties and responsibilities;

17 (10) The legal custody and supervision of each juvenile parolee;
18 the functions, powers, duties and authority of the State Parole Board
19 established pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.),
20 regarding juvenile offenders are continued, but the State Parole
21 Board shall file all of its reports and recommendations regarding
22 juveniles with the commission;

23 (11) All funding, programs and positions created or dedicated to
24 provide juvenile parole services by the Bureau of Parole within the
25 Department of Corrections in accordance with an agreement
26 between the Executive Director of the commission and the
27 Commissioner of Corrections in consultation with the State Parole
28 Board when an orderly transfer of the function has been completed
29 including appropriate changes in the reporting requirements,
30 funding, positions, and administrative housing and support;

31 (12) The powers, duties, and responsibilities of the Office of
32 Education created and established in the Departments of
33 Corrections and Human Services pursuant to the "State Facilities
34 Education Act of 1979," sections 12 and 13 of P.L.1979, c.207
35 (C.18A:7B-8 and 18A:7B-9) for the education of those juvenile
36 offenders whose custody is transferred to the commission pursuant
37 to this act is transferred to the Office of Education established in the
38 commission pursuant to section 10 of P.L.1995, c.284 (C.52:17B-
39 178) along with staff, existing and future moneys and other
40 educational resources demarcated for juveniles whose custody is
41 transferred pursuant to this act, including funds collected pursuant
42 to the authority granted in the "State Facilities Education Act of
43 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.), federal and State
44 educational grants and contract funds received for the benefit of
45 juvenile offenders whose custody is transferred pursuant to this act;

46 (13) The powers, duties, and responsibilities of the Bureau of
47 Juvenile Justice, including the Juvenile Justice and Delinquency
48 Prevention Unit, in the Division of Criminal Justice, Department of

1 Law and Public Safety established pursuant to section 4 of
2 P.L.1948, c.439 (C.52:17B-4), along with its staff, powers, duties
3 and responsibilities; and

4 (14) All funding appropriated to the Department of Human
5 Services and demarcated for distribution by the department for
6 youth services commission funding.

7 b. Whenever in any law, rule, regulation, order, contract, lease,
8 document, judicial or administrative proceeding or otherwise,
9 reference is made to the Commissioner of the Department of
10 Corrections regarding a juvenile or juvenile offender as defined in
11 P.L.1982, c.77 (C.2A:4A-20 et seq.), or is made to the Division of
12 Juvenile Services transferred from the Department of Corrections to
13 the Department of Human Services by Reorganization Plan
14 No.001-1993 the same shall mean and refer to the commission.
15 (cf: P.L.1995, c.284, s.8)

16
17 81. Section 10 of P.L.1995, c.284 (C.52:17B-178) is amended to
18 read as follows:

19 10. There is hereby created and established in the **【Juvenile】**
20 Youth Justice Commission an Office of Education to be headed by a
21 Director of Educational Services who shall supervise the
22 educational programs in all juvenile facilities operated by the
23 **【Juvenile】** Youth Justice Commission and shall approve, except as
24 provided in section 9 of P.L.1995, c.284 (C.52:17B-177) all
25 personnel to be hired for such programs.

26 The director shall hold the appropriate certificate issued by the
27 State Board of Examiners and shall be qualified by training and
28 experience for his position and shall be appointed by the executive
29 director with the approval of the executive board. The director shall
30 serve at the pleasure of the executive board.

31 The director shall establish primary, secondary, and vocational
32 programs which meet the educational needs of school age persons
33 for whom the commission is responsible. Appropriate credit and
34 certification shall be given for the successful completion of such
35 programs.

36 (cf: P.L.1995, c.284, s.10)

37
38 82. Section 1 of P.L.1995, c.283 (C.52:17B-179) is amended to
39 read as follows:

40 1. a. A State/Community Partnership Grant Program is
41 established within the **【Juvenile】** Youth Justice Commission
42 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
43 to support, through grants allocated to county youth services
44 commissions established pursuant to P.L.1995, c.282 (C.52:17B-
45 180), facilities, sanctions and services for juveniles adjudicated or
46 charged as delinquent and programs for prevention of juvenile
47 delinquency. This program is established in order to:

- 1 (1) Encourage development of sanctions and services for
- 2 juveniles adjudicated and charged as delinquent and programs for
- 3 prevention of juvenile delinquency that protect the public, ensure
- 4 accountability and foster rehabilitation;
- 5 (2) Increase the range of sanctions for juveniles adjudicated
- 6 delinquent;
- 7 (3) Reduce overcrowding in State juvenile institutions and other
- 8 facilities to ensure adequate bedspace for serious, violent and
- 9 repetitive offenders;
- 10 (4) Reduce overcrowding in county detention facilities;
- 11 (5) Provide greater access to community-based sanctions and
- 12 services for minority and female offenders;
- 13 (6) Expand programs designed to prevent juvenile delinquency;
- 14 and
- 15 (7) Promote public safety by reducing recidivism.
- 16 b. The **【Juvenile】 Youth** Justice Commission shall administer
- 17 the State/Community Partnership Grant Program and shall:
- 18 (1) Establish criteria and procedures for grant applications and
- 19 disbursement by regulation;
- 20 (2) Determine how best to allocate Partnership funds;
- 21 (3) Set standards and procedures for eligibility, operation,
- 22 supervision and evaluation;
- 23 (4) Advise and assist county youth services commissions in
- 24 preparation of county plans and grant applications;
- 25 (5) Award grants;
- 26 (6) Set standards for and determine eligibility for continued
- 27 Partnership funding;
- 28 (7) Collect and provide information about community-based
- 29 services and sanctions; and
- 30 (8) Monitor and evaluate implementation of county plans and
- 31 the provision of services, sanctions and programs provided pursuant
- 32 to this act.
- 33 (cf: P.L.1995, c.283, s.1)
- 34
- 35 83. Section 1 of P.L.1995, c.282 (C.52:17B-180) is amended to
- 36 read as follows:
- 37 1. a. In order to qualify for award of State/Community
- 38 Partnership Grant funds established pursuant to P.L.1995, c.283
- 39 (C.52:17B-179) a county shall:
- 40 (1) Establish a county youth services commission in accordance
- 41 with regulations promulgated by the **【Juvenile】 Youth** Justice
- 42 Commission established pursuant to section 2 of P.L.1995, c.284
- 43 (C.52:17B-170);
- 44 (2) Submit and obtain **【Juvenile】 Youth** Justice Commission
- 45 approval of a triennial comprehensive plan for services and
- 46 sanctions for juveniles adjudicated or charged as delinquent and
- 47 programs for the prevention of juvenile delinquency which:

- 1 (a) are designed to promote the goals of P.L.1995, c.283
2 (C.52:17B-179);
- 3 (b) provide recommendations for funding of programs, sanctions
4 and services that enhance and expand the range of sanctions and
5 services for juveniles adjudicated or charged as delinquent and
6 programs designed to prevent delinquency;
- 7 (c) make services available in geographical locations within the
8 county where juveniles in need reside; and
- 9 (d) provide for distribution of State/Community Partnership
10 Grant funds by the county in accordance with contracts or
11 agreements executed by the appropriate county officials in
12 accordance with applicable law.
- 13 b. The **【Juvenile】 Youth** Justice Commission shall establish by
14 regulation:
- 15 (1) Specific guidelines as to membership of a county youth
16 services commission;
- 17 (2) Specific requirements for the administration of the
18 State/Community Partnership Grant funds awarded by the county.
- 19 c. Notwithstanding the provisions of subsection a. of this
20 section, the county governing body may elect, upon annual written
21 request approved by the executive director, to designate a
22 commission, council or agency to assume the responsibilities of a
23 county youth services commission in that county. Approval of such
24 a request shall be contingent upon the governing body
25 demonstrating that the membership of the designated entity is
26 sufficiently representative of persons and agencies interested in the
27 juvenile justice system to permit the entity to perform the duties and
28 responsibilities of a county youth services commission, that the
29 members of the designated entity are otherwise qualified to perform
30 the duties and responsibilities of members of a county youth
31 services commission, and that the designated entity has the
32 authority and responsibility to carry out the duties and
33 responsibilities of a county youth services commission.
- 34 d. A county youth services commission shall:
- 35 (1) Recommend to the governing body of the county the
36 approval or disapproval of contracts with local government or
37 private agencies that desire participation in the State/Community
38 Partnership Grant Program;
- 39 (2) Monitor the operations of programs receiving
40 State/Community Partnership Grant funds with reference to
41 compliance with standards, policies and rules established by the
42 **【Juvenile】 Youth** Justice Commission;
- 43 (3) Monitor and evaluate the impact of the programs receiving
44 State/Community Partnership Grant funds, including the nature of
45 the offender or at risk populations served by the funded programs,
46 and prepare a written report with relevant documentation, on an
47 annual basis, to be submitted to the **【Juvenile】 Youth** Justice

1 Commission as part of the commission's triennial plan and annual
2 update; and

3 (4) Perform such other duties as may be established by the
4 **【Juvenile】 Youth** Justice Commission to achieve the purposes of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) which creates the
6 **【Juvenile】 Youth** Justice Commission and P.L.1995, c.283
7 (C.52:17B-179) which creates the State/Community Partnership
8 Grant Program.

9 e. No county may use funds received pursuant to this section to
10 supplant or replace existing funds or other resources from federal,
11 State or county government for existing juvenile justice-related
12 programs or for purposes of capital construction or renovation.

13 f. If a county elects not to participate in the State/Community
14 Partnership Grant Program, the commission is authorized to allocate
15 and expend that county's share of Partnership funding in a manner
16 consistent with the commission's Juvenile Justice Master Plan.
17 (cf: P.L.2005, c.164, s.2)

18
19 84. Section 3 of P.L.1995, c.330 (C.52:17B-183) is amended to
20 read as follows:

21 3. As used in this act:

22 a. "Commission" means the **【Juvenile】 Youth** Justice
23 Commission in, but not of, the Department of Law and Public
24 Safety established pursuant to P.L.1995, c.284 (C.52:17B-169 et
25 seq.).

26 b. "Commissioner" means the Commissioner of the Department
27 of Corrections.

28 c. "Juvenile offender" means a person at least 14 years old at the
29 time of disposition who has been adjudicated delinquent for an act
30 which, if committed by an adult, would constitute a crime,
31 excluding an adjudication for any act which would constitute a
32 crime of the first degree or a crime under chapter 14 of Title 2C of
33 the New Jersey Statutes.

34 d. "Youthful offender" means a person between 18 and 30 years
35 of age who has been convicted of a crime, excluding any person
36 convicted of:

37 (1) a crime of the first degree;

38 (2) a crime under chapter 14 of Title 2C of the New Jersey
39 Statutes;

40 (3) a crime which requires the imposition of a mandatory term
41 of imprisonment without eligibility for parole, unless the person has
42 less than one year of the mandatory portion of the sentence
43 remaining; or

44 (4) a crime of the second degree under any of the following:
45 N.J.S.2C:11-4, N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:15-1,
46 N.J.S.2C:18-2 or N.J.S.2C:39-4 for possession of a weapon with the
47 purpose of using it unlawfully against the person of another.

48 (cf: P.L.1997, c.55, s.1)

1 85. Section 45 of P.L.1996, c.62 (C.55:19-60) is amended to
2 read as follows:

3 45. a. There is established in, but not of, the Department of
4 Community Affairs an Urban Coordinating Council.

5 b. The Urban Coordinating Council shall be comprised of the
6 Governor, the chief officer of each department of the executive
7 branch, and the executive directors of the New Jersey
8 Redevelopment Authority, the New Jersey Economic Development
9 Authority, the Casino Reinvestment Development Authority, the
10 State Planning Commission, the New Jersey Housing and Mortgage
11 Finance Agency, the **[Juvenile]** Youth Justice Commission and the
12 Commission on Higher Education. The council shall be chaired by
13 the Governor. Members of the council may be represented on the
14 council by their designees.

15 (cf: P.L.1996, c.62, s.45)

16

17 86. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill renames the Juvenile Justice Commission as the Youth
23 Justice Commission. The bill also updates statutory references
24 from the “New Jersey Code of Juvenile Justice” to the “New Jersey
25 Code of Youth Justice.”

26 It is the sponsor’s intent to rename the commission in an effort to
27 better reflect the commission’s mission to assist and rehabilitate
28 court-involved youth and provide programs, support, and
29 opportunities designed to help youth grow, thrive, and become
30 independent, productive, and law-abiding citizens.