SYNOPSIS

Creates Juvenile Transfer Task Force.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on May 6, 2010, with amendments.
A973 [1R] JOHNSON, COUTINHO

AN ACT establishing the Juvenile Transfer Task Force.

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

1. The Legislature finds and declares:
   a. A recent study conducted by the Centers for Disease Control and Prevention task force examined the issue of whether laws or policies that govern the transfer of juvenile offenders to the adult criminal justice system effectively deter youth from committing crimes. The study found that juveniles transferred to the adult criminal justice system are 34 percent more likely to be re-arrested for violent or other crimes. The study also found that strengthening transfer policies is harmful to juveniles because it may result in increased pretrial violence, victimization of juveniles in adult facilities, and elevated suicide rates for juveniles incarcerated in adult facilities. The task force concluded that transferring juveniles to the adult criminal justice system increases risks for the juveniles without significantly increasing public safety. As a result of its findings, the task force recommended against laws or policies facilitating the transfer of juveniles from the juvenile justice system to the adult judicial system for the purpose of reducing violence;
   b. Other studies have questioned whether juveniles are developmentally competent to make the legal decisions required in adult criminal court proceedings. One of these studies found that many juveniles were impaired in capacities that affected their competence to stand trial as are seriously mentally ill adults who would likely be considered incompetent. Moreover, studies indicate that maturity may affect the performance of juveniles as defendants even beyond their competency, because adolescents are more likely to comply with authority figures, less likely to recognize the risks inherent in the choices they face, and less likely to consider the long-term consequences of their legal decisions; and
   c. Therefore, it is in the public interest for the State to establish a task force to study and make recommendations concerning the statutes that permit juveniles to be tried as adults in the criminal justice system.

2. There is established the Juvenile Transfer Task Force. The purpose of the task force shall be to study, evaluate, and develop recommendations concerning the transfer of juveniles from the juvenile justice system to the adult criminal justice system.

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.
Matter enclosed in superscript numerals has been adopted as follows:
1Assembly ALP committee amendments adopted May 6, 2010.
3. a. The task force shall consist of 10 members as follows:

   (1) The Chief Justice of the Supreme Court or a designee who may be a judge or retired judge of the Superior Court with experience in juvenile delinquency matters, the Administrative Director of the Courts or a designee, the Attorney General or a designee, the President of New Jersey Prosecutors Association or a designee, the Executive Director of the Juvenile Justice Commission or a designee, the New Jersey Public Defender or a designee, and the Commissioner of Corrections or a designee, who shall serve ex-officio; and

   (2) Four public members, two of whom shall be appointed by the President of the Senate and who shall not be of the same political party, and two of whom shall be appointed by the Speaker of the Assembly and who shall not be of the same political party. The public members shall have, by experience or training, demonstrated expertise in juvenile justice, law enforcement, crime prevention, victim advocacy or social sciences.

b. Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.

4. The task force shall organize as soon as practicable following the appointment of its members and shall select a chairperson and vice-chairperson from among the members. The chairperson shall appoint a secretary who need not be a member of the task force.

5. The public members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.

6. The task force shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

7. The task force may meet and hold hearings at the places it designates during the sessions or recesses of the Legislature.

8. The task force shall report its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), along with any legislative bills that it desires to recommend for adoption by the Legislature, no later than 12 months after the organizational meeting of the task force.
9. This act shall take effect immediately and shall expire upon the issuance of the task force report.