

SENATE, No. 1179

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Makes suspension of driving privileges mandatory for persons, including juveniles, who are diverted for drug offenses.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the mandatory suspension of driving privileges
2 for certain persons involved with diversionary programs for drug
3 offenses and amending P.L.1982, c.77, N.J.S.2C:35-16,
4 N.J.S.2C:36A-1, and N.J.S.2C:43-13.

5

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

8

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

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

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

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

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

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

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

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

30 (7) Whether the disposition contributes to the developmental
31 needs of the child, including the academic and social needs of the
32 child where the child has mental retardation or learning 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
38 posed 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
41 subsection e. or f. of this section, the court may order incarceration
42 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
43 or more of the following dispositions:

44 (1) Adjourn formal entry of disposition of the case for a period
45 not to exceed 12 months for the purpose of determining whether the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 juvenile makes a satisfactory adjustment, and if during the period of
2 continuance the juvenile makes such an adjustment, dismiss the
3 complaint; provided that if the court adjourns formal entry of
4 disposition of delinquency for a violation of an offense defined in
5 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
6 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 [but
7 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
8 juveniles adjudicated delinquent] and shall immediately suspend the
9 juvenile's privilege of operating a motorized bicycle or motor
10 vehicle for the period of adjournment of formal entry of disposition.
11 The court adjourning the disposition shall collect the New Jersey
12 driver's license or licenses in accordance with the procedures set
13 forth in N.J.S.2C:35-16;

14 (2) Release the juvenile to the supervision of the juvenile's
15 parent or guardian;

16 (3) Place the juvenile on probation to the chief probation officer
17 of the county or to any other suitable person who agrees to accept
18 the duty of probation supervision for a period not to exceed three
19 years upon such written conditions as the court deems will aid
20 rehabilitation of the juvenile;

21 (4) Transfer custody of the juvenile to any relative or other
22 person determined by the court to be qualified to care for the
23 juvenile;

24 (5) Place the juvenile under the care and responsibility of the
25 Department of Human Services so that the commissioner may
26 designate a division or organizational unit in the department
27 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of
28 providing services in or out of the home. Within 14 days, unless for
29 good cause shown, but not later than 30 days, the Department of
30 Human Services shall submit to the court a service plan, which shall
31 be presumed valid, detailing the specifics of any disposition order.
32 The plan shall be developed within the limits of fiscal and other
33 resources available to the department. If the court determines that
34 the service plan is inappropriate, given existing resources, the
35 department may request a hearing on that determination;

36 (6) Place the juvenile under the care and custody of the
37 Commissioner of Human Services for the purpose of receiving the
38 services of the Division of Developmental Disabilities of that
39 department, provided that the juvenile has been determined to be
40 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

41 (7) Commit the juvenile, pursuant to applicable laws and the
42 Rules of Court governing civil commitment, to the Department of
43 Human Services under the responsibility of the Division of Child
44 Behavioral Health Services for the purpose of placement in a
45 suitable public or private hospital or other residential facility for the
46 treatment of persons who are mentally ill, on the ground that the
47 juvenile is in need of involuntary commitment;

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1 (8) Fine the juvenile an amount not to exceed the maximum
2 provided by law for such a crime or offense if committed by an
3 adult and which is consistent with the juvenile's income or ability to
4 pay and financial responsibility to the juvenile's family, provided
5 that the fine is specially adapted to the rehabilitation of the juvenile
6 or to the deterrence of the type of crime or offense. If the fine is
7 not paid due to financial limitations, the fine may be satisfied by
8 requiring the juvenile to submit to any other appropriate disposition
9 provided for in this section;

10 (9) Order the juvenile to make restitution to a person or entity
11 who has suffered loss resulting from personal injuries or damage to
12 property as a result of the offense for which the juvenile has been
13 adjudicated delinquent. The court may determine the reasonable
14 amount, terms and conditions of restitution. If the juvenile
15 participated in the offense with other persons, the participants shall
16 be jointly and severally responsible for the payment of restitution.
17 The court shall not require a juvenile to make full or partial
18 restitution if the juvenile reasonably satisfies the court that the
19 juvenile does not have the means to make restitution and could not
20 reasonably acquire the means to pay restitution;

21 (10) Order that the juvenile perform community services under
22 the supervision of a probation division or other agency or individual
23 deemed appropriate by the court. Such services shall be
24 compulsory and reasonable in terms of nature and duration. Such
25 services may be performed without compensation, provided that any
26 money earned by the juvenile from the performance of community
27 services may be applied towards any payment of restitution or fine
28 which the court has ordered the juvenile to pay;

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

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

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

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

48 (15) Order the parent or guardian of the juvenile to participate in

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1 appropriate programs or services when the court has found either
2 that such person's omission or conduct was a significant
3 contributing factor towards the commission of the delinquent act,
4 or, under its authority to enforce litigant's rights, that such person's
5 omission or conduct has been a significant contributing factor
6 towards the ineffective implementation of a court order previously
7 entered in relation to the juvenile;

8 (16) (a) Place the juvenile in a nonresidential program operated
9 by a public or private agency, providing intensive services to
10 juveniles for specified hours, which may include education,
11 counseling to the juvenile and the juvenile's family if appropriate,
12 vocational training, employment counseling, work or other services;

13 (b) Place the juvenile under the custody of the Juvenile Justice
14 Commission established pursuant to section 2 of P.L.1995, c.284
15 (C.52:17B-170) for placement with any private group home or
16 private residential facility with which the commission has entered
17 into a purchase of service contract;

18 (17) Instead of or in addition to any disposition made according
19 to this section, the court may postpone, suspend, or revoke for a
20 period not to exceed two years the driver's license, registration
21 certificate, or both of any juvenile who used a motor vehicle in the
22 course of committing an act for which the juvenile was adjudicated
23 delinquent. In imposing this disposition and in deciding the duration
24 of the postponement, suspension, or revocation, the court shall
25 consider the severity of the delinquent act and the potential effect of
26 the loss of driving privileges on the juvenile's ability to be
27 rehabilitated. Any postponement, suspension, or revocation shall be
28 imposed consecutively with any custodial commitment;

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

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

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

40 c. (1) Except as otherwise provided in subsections e. and f. of
41 this section, if the county in which the juvenile has been adjudicated
42 delinquent has a juvenile detention facility meeting the physical and
43 program standards established pursuant to this subsection by the
44 Juvenile Justice Commission, the court may, in addition to any of
45 the dispositions not involving placement out of the home
46 enumerated in this section, incarcerate the juvenile in the youth
47 detention facility in that county for a term not to exceed 60
48 consecutive days. Counties which do not operate their own juvenile

1 detention facilities may contract for the use of approved
2 commitment programs with counties with which they have
3 established agreements for the use of pre-disposition juvenile
4 detention facilities. The Juvenile Justice Commission shall
5 promulgate such rules and regulations from time to time as deemed
6 necessary to establish minimum physical facility and program
7 standards for the use of juvenile detention facilities pursuant to this
8 subsection.

9 (2) No juvenile may be incarcerated in any county detention
10 facility unless the county has entered into an agreement with the
11 Juvenile Justice Commission concerning the use of the facility for
12 sentenced juveniles. Upon agreement with the county, the Juvenile
13 Justice Commission shall certify detention facilities which may
14 receive juveniles sentenced pursuant to this subsection and shall
15 specify the capacity of the facility that may be made available to
16 receive such juveniles; provided, however, that in no event shall the
17 number of juveniles incarcerated pursuant to this subsection exceed
18 50% of the maximum capacity of the facility.

19 (3) The court may fix a term of incarceration under this
20 subsection where:

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

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

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

31 (4) If as a result of incarceration of adjudicated juveniles
32 pursuant to this subsection, a county is required to transport a
33 predisposition juvenile to a juvenile detention facility in another
34 county, the costs of such transportation shall be borne by the
35 Juvenile Justice Commission.

36 d. Whenever the court imposes a disposition upon an
37 adjudicated delinquent which requires the juvenile to perform a
38 community service, restitution, or to participate in any other
39 program provided for in this section other than subsection c., the
40 duration of the juvenile's mandatory participation in such
41 alternative programs shall extend for a period consistent with the
42 program goal for the juvenile and shall in no event exceed one year
43 beyond the maximum duration permissible for the delinquent if the
44 juvenile had been committed to a term of incarceration.

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

1 (1) An order of incarceration for a term of the duration
2 authorized pursuant to this section or section 25 of P.L.1982, c.77
3 (C.2A:4A-44) or an order to perform community service pursuant to
4 paragraph (10) of subsection b. of this section for a period of at
5 least 60 days, if the juvenile has been adjudicated delinquent for an
6 act which, if committed by an adult, would constitute the crime of
7 theft of a motor vehicle, or the crime of unlawful taking of a motor
8 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
9 degree crime of eluding in violation of subsection b. of
10 N.J.S.2C:29-2;

11 (2) An order of incarceration for a term of the duration
12 authorized pursuant to this section or section 25 of P.L.1982, c.77
13 (C.2A:4A-44) which shall include a minimum term of 60 days
14 during which the juvenile shall be ineligible for parole, if the
15 juvenile has been adjudicated delinquent for an act which, if
16 committed by an adult, would constitute the crime of aggravated
17 assault in violation of paragraph (6) of subsection b. of
18 N.J.S.2C:12-1, the second degree crime of eluding in violation of
19 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
20 in which the juvenile has previously been adjudicated delinquent for
21 an act, which if committed by an adult, would constitute unlawful
22 taking of a motor vehicle or theft of a motor vehicle;

23 (3) An order to perform community service pursuant to
24 paragraph (10) of subsection b. of this section for a period of at
25 least 30 days, if the juvenile has been adjudicated delinquent for an
26 act which, if committed by an adult, would constitute the fourth
27 degree crime of unlawful taking of a motor vehicle in violation of
28 subsection b. of N.J.S.2C:20-10;

29 (4) An order of incarceration for a term of the duration
30 authorized pursuant to this section or section 25 of P.L.1982, c.77
31 (C.2A:4A-44) which shall include a minimum term of 30 days
32 during which the juvenile shall be ineligible for parole, if the
33 juvenile has been adjudicated delinquent for an act which, if
34 committed by an adult, would constitute the crime of unlawful
35 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
36 degree crime of eluding in violation of subsection b. of
37 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
38 delinquent for an act which, if committed by an adult, would
39 constitute either theft of a motor vehicle, the unlawful taking of a
40 motor vehicle or eluding.

41 f. (1) The minimum terms of incarceration required pursuant to
42 subsection e. of this section shall be imposed regardless of the
43 weight or balance of factors set forth in this section or in section 25
44 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
45 those factors shall determine the length of the term of incarceration
46 appropriate, if any, beyond any mandatory minimum term required
47 pursuant to subsection e. of this section.

48 (2) When a court in a county that does not have a juvenile

1 detention facility or a contractual relationship permitting
2 incarceration pursuant to subsection c. of this section is required to
3 impose a term of incarceration pursuant to subsection e. of this
4 section, the court may, subject to limitations on commitment to
5 State correctional facilities of juveniles who are under the age of 11
6 or developmentally disabled, set a term of incarceration consistent
7 with subsection c. which shall be served in a State correctional
8 facility. When a juvenile who because of age or developmental
9 disability cannot be committed to a State correctional facility or
10 cannot be incarcerated in a county facility, the court shall order a
11 disposition appropriate as an alternative to any incarceration
12 required pursuant to subsection e.

13 (3) For purposes of subsection e. of this section, in the event
14 that a "boot camp" program for juvenile offenders should be
15 developed and is available, a term of commitment to such a
16 program shall be considered a term of incarceration.

17 g. Whenever the court imposes a disposition upon an
18 adjudicated delinquent which requires the juvenile to perform a
19 community service, restitution, or to participate in any other
20 program provided for in this section, the order shall include
21 provisions which provide balanced attention to the protection of the
22 community, accountability for offenses committed, fostering
23 interaction and dialogue between the offender, victim and
24 community and the development of competencies to enable the
25 child to become a responsible and productive member of the
26 community.

27 (cf: P.L. 2004, c.130, s.6)

28

29 2. N.J.S.2C:35-16 is amended to read as follows:

30 2C:35-16. Mandatory Forfeiture or Postponement of Driving
31 Privileges.

32 In addition to any disposition authorized by this title, the
33 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
34 other statute indicating the dispositions that can be ordered for an
35 adjudication of delinquency, and notwithstanding the provisions of
36 subsection c. of N.J.S.2C:43-2 every person convicted of or
37 adjudicated delinquent for a violation of any offense defined in this
38 chapter or chapter 36 of this title shall forthwith forfeit his right to
39 operate a motor vehicle over the highways of this State for a period
40 to be fixed by the court at not less than six months or more than two
41 years which shall commence on the day the sentence is imposed. In
42 the case of any person who at the time of the imposition of sentence
43 is less than 17 years of age, the period of the suspension of driving
44 privileges authorized herein, including a suspension of the privilege
45 of operating a motorized bicycle, shall commence on the day the
46 sentence is imposed and shall run for a period as fixed by the court
47 of not less than six months or more than two years after the day the
48 person reaches the age of 17 years. If the driving privilege of any

1 person is under revocation, suspension, or postponement for a
2 violation of any provision of this title or Title 39 of the Revised
3 Statutes at the time of any conviction or adjudication of
4 delinquency for a violation of any offense defined in this chapter or
5 chapter 36 of this title, the revocation, suspension, or postponement
6 period imposed herein shall commence as of the date of termination
7 of the existing revocation, suspension, or postponement.

8 The court before whom any person is convicted of or adjudicated
9 delinquent for a violation of any offense defined in this chapter or
10 chapter 36 of this title shall collect forthwith the New Jersey
11 driver's license or licenses of the person and forward such license or
12 licenses to the Director of the Division of Motor Vehicles along
13 with a report indicating the first and last day of the suspension or
14 postponement period imposed by the court pursuant to this section.
15 If the court is for any reason unable to collect the license or licenses
16 of the person, the court shall cause a report of the conviction or
17 adjudication of delinquency to be filed with the Director. That
18 report shall include the complete name, address, date of birth, eye
19 color, and sex of the person and shall indicate the first and last day
20 of the suspension or postponement period imposed by the court
21 pursuant to this section. The court shall inform the person orally
22 and in writing that if the person is convicted of personally operating
23 a motor vehicle during the period of license suspension or
24 postponement imposed pursuant to this section, the person shall,
25 upon conviction, be subject to the penalties set forth in R.S.39:3-40.
26 A person shall be required to acknowledge receipt of the written
27 notice in writing. Failure to receive a written notice or failure to
28 acknowledge in writing the receipt of a written notice shall not be a
29 defense to a subsequent charge of a violation of R.S.39:3-40. If the
30 person is the holder of a driver's license from another jurisdiction,
31 the court shall not collect the license but shall notify forthwith the
32 Director who shall notify the appropriate officials in the licensing
33 jurisdiction. The court shall, however, in accordance with the
34 provisions of this section, revoke the person's non-resident driving
35 privilege in this State.

36 [In addition to any other condition imposed, a court may in its
37 discretion suspend, revoke or postpone in accordance with the
38 provisions of this section the driving privileges of a person admitted
39 to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12
40 without a plea of guilty or finding of guilt] The court shall suspend
41 the driving privileges of a person admitted to supervisory treatment
42 pursuant to N.J.S.2C:36A-1 or N.J.S.2C:43-12 during the first six
43 months of supervisory treatment.

44 (cf: P.L.1988, c.44, s.7)

45

46 3. N.J.S.2C:36A-1 is amended to read as follows:

47 2C:36A-1. Conditional discharge for certain first offenses;

1 expunging of records. a. Whenever any person who has not
2 previously been convicted of any offense under section 20 of
3 P.L.1970, c.226 (C.24:21-20), or a disorderly persons or petty
4 disorderly persons offense defined in chapter 35 or 36 of this title
5 or, subsequent to the effective date of this title, under any law of the
6 United States, this State or any other state relating to marijuana, or
7 stimulant, depressant, or hallucinogenic drugs, is charged with or
8 convicted of any disorderly persons offense or petty disorderly
9 persons offense under chapter 35 or 36 of this title, the court upon
10 notice to the prosecutor and subject to subsection c. of this section,
11 may on motion of the defendant or the court:

12 (1) Suspend further proceedings and with the consent of the
13 person after reference to the State Bureau of Identification criminal
14 history record information files, place him under supervisory
15 treatment upon such reasonable terms and conditions as it may
16 require including the mandatory condition of suspension of driving
17 privileges during the first six months of supervisory treatment; or

18 (2) After plea of guilty or finding of guilty, and without entering
19 a judgment of conviction, and with the consent of the person after
20 proper reference to the State Bureau of Identification criminal
21 history record information files, place him on supervisory treatment
22 upon reasonable terms and conditions as it may require, or as
23 otherwise provided by law.

24 b. In no event shall the court require as a term or condition of
25 supervisory treatment under this section, referral to any residential
26 treatment facility for a period exceeding the maximum period of
27 confinement prescribed by law for the offense for which the
28 individual has been charged or convicted, nor shall any term of
29 supervisory treatment imposed under this subsection exceed a
30 period of three years. If a person is placed under supervisory
31 treatment under this section after a plea of guilty or finding of guilt,
32 the court as a term and condition of supervisory treatment shall
33 suspend the person's driving privileges for a period to be fixed by
34 the court at not less than six months or more than two years. In the
35 case of a person who at the time of placement under supervisory
36 treatment under this section is less than 17 years of age, the period
37 of suspension of driving privileges authorized herein, including a
38 suspension of the privilege of operating a motorized bicycle, shall
39 commence on the day the person is placed on supervisory treatment
40 and shall run for a period as fixed by the court of not less than six
41 months or more than two years after the day the person reaches the
42 age of 17 years.

43 If the driving privilege of a person is under revocation,
44 suspension, or postponement for a violation of this title or Title 39
45 of the Revised Statutes at the time of the person's placement on
46 supervisory treatment under this section, the revocation, suspension
47 or postponement period imposed herein shall commence as of the
48 date of the termination of the existing revocation, suspension or

1 postponement. The court which places a person on supervisory
2 treatment under this section shall collect and forward the person's
3 driver's license to the Division of Motor Vehicles and file an
4 appropriate report with the division in accordance with the
5 procedure set forth in N.J.S.2C:35-16. The court shall also inform
6 the person of the penalties for operating a motor vehicle during the
7 period of license suspension or postponement as required in
8 N.J.S.2C:35-16.

9 Upon violation of a term or condition of supervisory treatment
10 the court may enter a judgment of conviction and proceed as
11 otherwise provided, or where there has been no plea of guilty or
12 finding of guilty, resume proceedings. Upon fulfillment of the
13 terms and conditions of supervisory treatment the court shall
14 terminate the supervisory treatment and dismiss the proceedings
15 against him. Termination of supervisory treatment and dismissal
16 under this section shall be without court adjudication of guilt and
17 shall not be deemed a conviction for purposes of disqualifications
18 or disabilities, if any, imposed by law upon conviction of a crime or
19 disorderly persons offense but shall be reported by the clerk of the
20 court to the State Bureau of Identification criminal history record
21 information files. Termination of supervisory treatment and
22 dismissal under this section may occur only once with respect to
23 any person. Imposition of supervisory treatment under this section
24 shall not be deemed a conviction for the purposes of determining
25 whether a second or subsequent offense has occurred under section
26 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
27 any law of this State.

28 c. Proceedings under this section shall not be available to any
29 defendant unless the court in its discretion concludes that:

30 (1) The defendant's continued presence in the community, or in
31 a civil treatment center or program, will not pose a danger to the
32 community; or

33 (2) That the terms and conditions of supervisory treatment will
34 be adequate to protect the public and will benefit the defendant by
35 serving to correct any dependence on or use of controlled
36 substances which he may manifest; and

37 (3) The person has not previously received supervisory
38 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
39 N.J.S.2C:43-12, or the provisions of this chapter.

40 d. A person seeking conditional discharge pursuant to this
41 section shall pay to the court a fee of \$75.00. The court shall
42 forward all money collected under this subsection to the treasurer of
43 the county in which the court is located. This money shall be used
44 to defray the cost of juror compensation within that county. A
45 person may apply for a waiver of this fee, by reason of poverty,
46 pursuant to the Rules Governing the Courts of the State of New
47 Jersey. Of the moneys collected under this subsection, \$30.00 of
48 each fee shall be deposited in the temporary reserve fund created by

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12

1 section 25 of P.L.1993, c.275. After December 31, 1994, the

1 \$75.00 fee shall be paid to the court, for use by the State.
2 (cf: P.L.1993, c.275, s.14)

3

4 4. N.J.S.2C:43-13 is amended to read as follows:

5 2C:43-13. Supervisory Treatment Procedure a. Agreement. The
6 terms and duration of the supervisory treatment shall be set forth in
7 writing, signed by the prosecutor and agreed to and signed by the
8 participant. One of the terms shall be the mandatory suspension of
9 driving privileges during the first six months of supervisory
10 treatment. Payment of the assessment required by section 2 of
11 P.L.1979, c.396 (C.2C:43-3.1) shall be included as a term of the
12 agreement. If the participant is represented by counsel, defense
13 counsel shall also sign the agreement. Each order of supervisory
14 treatment shall be filed with the county clerk.

15 b. Charges. During a period of supervisory treatment the charge
16 or charges on which the participant is undergoing supervisory
17 treatment shall be held in an inactive status pending termination of
18 the supervisory treatment pursuant to subsection d. or e. of this
19 section.

20 c. Period of treatment. Supervisory treatment may be for such
21 period, as determined by the designated judge or the assignment
22 judge, not to exceed three years, provided, however, that the period
23 of supervisory treatment may be shortened or terminated as the
24 program director may determine with the consent of the prosecutor
25 and the approval of the court.

26 d. Dismissal. Upon completion of supervisory treatment, and
27 with the consent of the prosecutor, the complaint, indictment or
28 accusation against the participant may be dismissed with prejudice.

29 e. Violation of conditions. Upon violation of the conditions of
30 supervisory treatment, the court shall determine, after summary
31 hearing, whether said violation warrants the participant's dismissal
32 from the supervisory treatment program or modification of the
33 conditions of continued participation in that or another supervisory
34 treatment program. Upon dismissal of the participant from the
35 supervisory treatment program, the charges against the participant
36 may be reactivated and the prosecutor may proceed as though no
37 supervisory treatment had been commenced.

38 f. Evidence. No statement or other disclosure by a participant
39 undergoing supervisory treatment made or disclosed to the person
40 designated to provide such supervisory treatment shall be disclosed,
41 at any time, to the prosecutor in connection with the charge or
42 charges against the participant, nor shall any such statement or
43 disclosure be admitted as evidence in any civil or criminal
44 proceeding against the participant. Nothing provided herein,
45 however, shall prevent the person providing supervisory treatment
46 from informing the prosecutor, or the court, upon request or
47 otherwise as to whether or not the participant is satisfactorily
48 responding to supervisory treatment.

1 g. Delay. No participant agreeing to undergo supervisory
2 treatment shall be permitted to complain of a lack of speedy trial for
3 any delay caused by the commencement of supervisory treatment.

4 A person applying for admission to a program of supervisory
5 treatment shall pay to the court a fee of \$75.00. The court shall
6 forward all money collected under this subsection to the treasurer of
7 the county in which the court is located. This money shall be used
8 to defray the cost of juror compensation within that county. A
9 person may apply for a waiver of this fee, by reason of poverty,
10 pursuant to the Rules Governing the Courts of the State of New
11 Jersey. Of the moneys collected under this subsection, \$30.00 of
12 each application fee shall be deposited in the temporary reserve
13 fund created by section 25 of P.L.1993, c.275. After December 31,
14 1994, the \$75.00 fee shall be paid to the court, for use by the State.
15 (cf: P.L.1993, c.275, s.15)

16

17 5. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill removes the statutory language which made permissive
23 certain suspensions or postponements of driving privileges for drug-
24 related offenses. The bill requires that juveniles for whom a formal
25 entry of adjudication is postponed for a drug-related offense shall
26 be subject to a mandatory suspension of driving privileges during
27 this period of adjournment. Previously, the statute permitted the
28 court to waive imposition of the suspension or postponement. This
29 provision would now make the suspension run concurrently with the
30 period of adjournment. It does not trigger postponement.

31 The bill also removes the court's discretion to avoid imposing the
32 suspension or postponement for persons admitted to supervisory
33 treatment or persons admitted to pretrial intervention. The
34 suspension of driving privileges during a period of supervisory
35 treatment would be a term and condition of the treatment. The
36 suspension would run concurrently with the period of treatment for
37 the first six months of treatment.

38 The sponsor believes that these measures are necessary to ensure
39 that the loss of driving privileges remains a strong deterrent to
40 persons involved or considering involvement with drugs.
41 Particularly for juveniles, the possibility of losing this privilege
42 may exert a strong deterrent effect.