

(e) Under no circumstances may any Commission employee carry a [personally-owned] **personally owned** firearm into a weapons-prohibited area of any Commission facility, or [into] any area routinely dedicated for use by juveniles, including, but not limited to, areas for sleeping, living, eating, recreation, training, and education. Personally owned firearms shall not be carried or used while [on-duty] **on duty**, except when authorized by the [Director of Investigations] **Chief Investigator**. In those instances, only firearms approved by the Commission may be used by qualified investigators.

#### 13:97-3.10 Unauthorized use of personal weapons while [off-duty] **off duty**

(a) An investigator shall not be authorized to carry an off-duty firearm in the following instances:

1. Where N.J.S.A. 2C:39-7 ([Persons Convicted of] Certain [Crimes] **persons not to have weapons or ammunition**) is applicable;

2. When an investigator has been suspended from duty for any violation by the [Director of Investigations] **Chief Investigator** or a higher official of the Commission;

3.-4. (No change.)

5. Any other situation where the [Director of Investigations] **Chief Investigator**, or designee, may exercise their authority to withdraw off-duty firearms privileges, subject to the review of the Deputy Executive Director[,] or Executive Director.

(b) In any of the instances [in] **at** (a) above, the State of New Jersey, Firearms Unit Weapons Card shall be turned in to the [Director of Investigations] **Chief Investigator**, or designee.

#### 13:97-3.11 Possession of firearms within a casino or casino simulcasting facility

Pursuant to N.J.A.C. [19:45]**13:69D**-1.13, an investigator shall not possess or be permitted to possess a firearm within a casino or casino simulcasting facility.

#### 13:97-3.12 Reporting incidents

(a) When an investigator believes, or has reason to believe, that an authorized off-duty firearm or ammunition is lost, stolen, or is otherwise missing, the investigator shall immediately report this fact to the local law enforcement authorities and to the [Director of Investigations] **Chief Investigator, or designee**.

(b) As soon as practicable, when a State of New Jersey, Firearms Unit Weapons Card, official photo identification card, or badge of the Commission is believed to have been lost or stolen, or is otherwise missing, the investigator shall notify the local law enforcement authorities and [Director of Investigations] **Chief Investigator, or designee**.

(c) Except as outlined [in] **at** N.J.A.C. 13:97-3.6(b)1 [through], **2, and 3**, the investigator shall immediately and without exception report to the local law enforcement authorities and [to Director of Investigations] **the Chief Investigator, or designee**, the occurrence of any of the following:

1. Any incident where the investigator displayed, drew, or fired his or her off-duty firearm; or

2. (No change.)

(d) The next working day after any incident as described in this section, the investigator shall report, in writing, to [Director of Investigations] **the Chief Investigator, or designee**, the incident and identifying particulars of the incident. The [Director of Investigations] **Chief Investigator, or designee**, shall then forward the report for review to the Executive Director, or designee.

(e) The investigator shall, within three days, report to the [Director of Investigations] **Chief Investigator, or designee**, in writing, whenever a registered authorized off-duty firearm has been sold or is no longer in use.

#### 13:97-3.13 Penalties for violation

(a) Investigator actions [which] **that** do not conform to the provisions of this subchapter and any post orders or internal management procedures implemented in connection with this subchapter may result in the following:

1. (No change.)

2. Personal, civil, or criminal liability;

3.-4. (No change.)

(b) (No change.)

## (a)

### JUVENILE JUSTICE COMMISSION

#### Classification Assignment Process for Juveniles

#### Proposed Readoption with Amendments: N.J.A.C. 13:100

#### Proposed Repeal: N.J.A.C. 13:100-2.1A

Authorized By: Executive Board of the Juvenile Justice

Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Daniel S. Hafetz, Attorney General Designee.

Authority: N.J.S.A. 52:17B-170.e(5), (6), (7), (8) (9), (14), (18), (20), (21), and (22); 52:17B-175.e; 52:17B-176; 52:17B-178; and 52:17B-186.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-126.

Submit written comments by January 3, 2025, to:

Christina O. Broderick  
Chief, Legal & Regulatory Affairs  
New Jersey Juvenile Justice Commission  
1001 Spruce Street—Suite 202  
Trenton, New Jersey 08638  
or electronically at: [regulatory.affairs@jjc.nj.gov](mailto:regulatory.affairs@jjc.nj.gov).

The agency proposal follows:

#### Summary

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for the planning, policy development, and provision of services in the juvenile justice system. In carrying out its responsibilities, the Commission seeks to maintain a safe and respectful environment for the youth under its supervision, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth under its care.

The Commission's responsibilities include receiving and classifying youth assigned to the Commission's custody and formulating and adopting standards and rules for the efficient conduct of the work of the Commission and its facilities and programs. The Commission has, therefore, developed rules addressing the assignment, reassignment, and transfer of youth to ensure the proper care and treatment of young people committed to the care and custody of the Commission, set forth at N.J.A.C. 13:100, Classification Assignment Process for Juveniles.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:100 was scheduled to expire on October 25, 2024. As the Commission filed this notice of proposed readoption prior to that date, this notice of proposed readoption shall extend the expiration date of N.J.A.C. 13:100 180 days to April 23, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:100 in their entirety, with proposed amendments throughout the chapter to reflect recent statutory amendments to juvenile parole, including the repeal of N.J.A.C. 13:100-2.1A, regarding parole contract agreements, which are no longer applicable based on these statutory changes. Specifically, P.L. 2019, c. 363, effective November 1, 2020, created a new framework for juvenile parole pursuant to the Code of Juvenile Justice at N.J.S.A. 2A:4A-20 et seq., resulting in changes to the Parole Act of 1979 at N.J.S.A. 30:4-123.45 et seq., including removal of the Commission and juveniles from the parole contract agreement requirements at N.J.S.A. 30:4-123.67. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:100-1 sets forth general provisions, including the chapter's purpose to establish uniform procedures governing the assignment, reassignment, and transfer of juveniles (N.J.A.C. 13:100-1.1); the scope of the chapter (N.J.A.C. 13:100-1.2); and relevant definitions applicable to the chapter (N.J.A.C. 13:100-1.3). Several minor technical changes, along with the deletion of "Board," "judicial restriction date," "juvenile parolee," and "parole contract agreement" and the addition of a definition of "classification manager" to reflect recent statutory changes to juvenile parole procedures, are proposed to this subchapter. In addition, the definition of "facility" is proposed for amendment to include training and educating juveniles, and not including central or other administrative or operational offices of the Commission.

N.J.A.C. 13:100-2 addresses the reception and assignment process, including initial reception procedures (N.J.A.C. 13:100-2.1); the establishment and meeting of Classification Committees (N.J.A.C. 13:100-2.2); responsibilities of Classification Committees (N.J.A.C. 13:100-2.3); ineligibility for assignment to non-secure facilities (N.J.A.C. 13:100-2.4); emergency transfer procedures (N.J.A.C. 13:100-2.5); non-emergency transfers (N.J.A.C. 13:100-2.6); juvenile requests for transfer (N.J.A.C. 13:100-2.7); and juvenile classification files (N.J.A.C. 13:100-2.8). Along with several minor technical changes, other changes proposed to this subchapter include the repeal of N.J.A.C. 13:100-2.1A, regarding parole contract agreements due to recent statutory changes to juvenile parole procedures, and the revision of staff titles assigned to certain duties throughout the subchapter. Additionally, the amendments at N.J.A.C. 13:100-2.2 and 2.6, clarify requirements of Classification Committees and set forth documentation requirements for non-emergency transfers, respectively. Finally, at N.J.A.C. 13:100-2.7, the proposed amendment requires that juvenile requests for transfers be forwarded to the Superintendent of the facility and then to the Deputy Executive Director of Operations, or designee, and the required actions at both steps of the process.

As the Commission has provided a 60-day comment period on the notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The Commission is committed to providing programming, support, and opportunities designed to help youth grow and thrive and to become independent, productive, and law-abiding citizens. As the agency charged with care and custody of youth adjudicated delinquent, the Commission seeks to ensure that those young people who are assigned to the care and custody of the Commission are properly evaluated and assigned to the facility that is best for their individual care and growth. The proposed amendments ensure the continued individualized care and consideration of the assignment, reassignment, and transfer of youth placed in Commission facilities. As such, the rules proposed for readoption with amendments and a repeal are expected to enhance the positive social impact the current rules already have on youth assigned to the Commission's care and custody.

#### **Economic Impact**

The costs associated with implementing the rules proposed for readoption with amendments and a repeal are met through the established budget process with funds allocated by the State. The Commission anticipates that the rules proposed for readoption with amendments and a repeal will not have an economic impact on the Commission or any other department or agency of State government.

#### **Federal Standards Statement**

A Federal standards analysis is not otherwise required because the rules proposed for readoption with amendments and a repeal are not adopted pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or a State statute that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The rules proposed for readoption with amendments and a repeal are not anticipated to generate or lose any new or existing jobs.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments and a repeal will have no impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Statement**

The rules proposed for readoption with amendments and a repeal do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments and a repeal only affect juveniles committed to the supervision of the Commission and will have no effect on small businesses. Therefore, a regulatory flexibility analysis is not required.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments and a repeal will have no impact on the affordability of housing in New Jersey and will neither increase nor decrease the average costs of housing because the rules proposed for readoption with amendments and a repeal only affect juveniles committed to the supervision of the Commission.

#### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments and a repeal will have no impact on smart growth and there is an extreme unlikelihood that the rules proposed for readoption with amendments and a repeal would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the rules proposed for readoption with amendments and a repeal only affect juveniles committed to the supervision of the Commission.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The rules proposed for readoption with amendments and a repeal are not expected to have an impact on pretrial detention, sentencing, or probation for youth or adults in the State. Decisions related to pretrial detention, sentencing, and probation are outside the scope of N.J.A.C. 13:100, which is limited to establishing standards for the assignment, reassignment, and transfer of youth assigned to the Commission's care and custody once adjudicated. Additionally, the parole policy addressed within the rules proposed for readoption with amendments is only proposed to align with recent statutory changes. However, by establishing standards for individualized assessment for assignment to Commission facilities, which ensure the young people detained in these facilities are properly cared for, screened, and provided individualized social, educational, mental, and medical services, N.J.A.C. 13:100 ensures that detained youth, most of whom are youth of color, receive this individualized care, which prepares them for a successful transition upon return to the community.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:100.

**Full text** of the proposed amendments and repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **13:100-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

["Board" means the New Jersey State Parole Board.]

...

**"Classification manager" means the staff member, by whatever name or title, charged with oversight of and responsibility for the overall operation and supervision of the Commission's Office of Classification, Intake, and Release.**

...

**"Deputy Executive Director of Operations" means the Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of the Commission's secure and non-secure facilities.**

**"Executive Director" means the Executive Director of the [New Jersey Juvenile Justice] Commission.**

“Facility” means any facility [operated by or contracted with the New Jersey Juvenile Justice] **of the Commission [which] used to house[s], train, or educate juveniles; it does not refer to the central or other administrative or operational offices of the Commission.**

...

“Judicial restriction date” means the date determined under the provisions of N.J.S.A. 2A:4A-44 to be either one-third of a juvenile’s imposed sentence, in the case of an adjudication for conduct that if committed by an adult would be a crime of the first, second, or third degree, or one-fourth of such sentence, in the case of an adjudication for conduct related to all other crimes, in both cases, as calculated going forward from the original date of sentence and as may be reduced by any applicable credits.]

“Juvenile” means both a juvenile who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the [New Jersey Juvenile Justice] Commission, and a juvenile who has been convicted of an offense subject to waiver [under] **pursuant to** the provisions [of] **at** N.J.S.A. 2A:4A-26.1 and sentenced to serve a custodial sentence in a Commission facility, and who is residing in a Commission facility.

“Juvenile parolee” means an adjudicated delinquent who has been released from a Commission facility on parole, and/or post-incarceration supervision, and who is subject to the jurisdiction of the New Jersey State Parole Board.]

...

“Parole contract agreement” means the agreement provided for by P.L. 2009, c. 330 (N.J.S.A. 30:4-123.67) between the Commission, the New Jersey State Parole Board, and a juvenile or juvenile parolee that, if the terms of which are fulfilled by the juvenile or juvenile parolee, would result in a specified reduction of the juvenile parolee’s parole term or the juvenile’s primary parole eligibility date.]

...

“Secure facility” means any [New Jersey Juvenile Justice] Commission facility which houses juveniles and employs custody personnel (N.J.S.A. 52:17B-174) to provide security.

...

## SUBCHAPTER 2. RECEPTION AND ASSIGNMENT PROCESS; PAROLE CONTRACT AGREEMENT]

### 13:100-2.1 Initial reception

(a) (No change.)

(b) Upon admission to an RAF, a juvenile shall be assigned to a [housing unit] **bed** within the facility.

(c) (No change.)

(d) Each juvenile shall be provided with an orientation session as soon as possible, and in any event, within one week of admission to an RAF unless compelling security or safety reasons dictate otherwise, or if to do so would adversely affect the orderly operations of the facility. Topics of orientation sessions shall include, but [shall] not be limited to:

1.-9. (No change.)

(e) During the initial reception process, a detailed social history and medical/dental examination, including a substance abuse evaluation, shall be completed for each juvenile and assessments shall be made with respect to the juvenile’s psychological, educational, and vocational needs. Every juvenile shall be evaluated and assessed by a child study team, and Individual Education Programs, as defined and required [under] **pursuant to** provisions of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., and Section 504 Plans, as defined and provided for [under] **pursuant to** the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., shall be developed or revisited for juveniles identified as having disabilities as defined in those statutes. All results shall be recorded in a comprehensive information format maintained for individual juveniles.

(f) An admissions summary for each juvenile shall be developed from a compilation of the information identified [in] **at** (e) above, and all other available relevant sources, including, **but not limited to**, the [Pre-disposition] **Pre-Disposition** Report, police investigation files, automated case tracking systems, and records of prior involvement with law enforcement and correctional authorities. Information provided shall include, but not be limited to, the juvenile’s:

1.-7. (No change.)

(g) The needs of the juvenile shall be determined by reviewing the results of the assessments [in] **at** (e) and (f) above. The issues to be considered when identifying a juvenile’s needs shall include, but need not be limited to, the juvenile’s:

1. (No change.)

2. Social, emotional, and psychological profile;

3.-7. (No change.)

(h) (No change.)

### [13:100-2.1A Parole contract agreement

(a) All committed juveniles incarcerated in Commission facilities who have not yet reached their judicial restriction date, and all juvenile parolees, are authorized and shall be encouraged to apply for a parole contract agreement, as provided for under the provisions of P.L. 2009, c. 330 (N.J.S.A. 30:4-123.67).

(b) During the assessment process provided for in N.J.A.C. 13:100-2.1(e), social services staff shall:

1. Explain to the juvenile the opportunities and obligations presented under a parole contract agreement;

2. Encourage the juvenile to make an application for a parole contract agreement; and

3. Offer to the juvenile assistance in completing and filing all necessary and incidental paperwork.

(c) Under the provisions of N.J.S.A. 30:4-123.67(c), upon approval of the juvenile’s or juvenile parolee’s application for a parole contract agreement, the Board shall specify components necessary for the agreement. Upon acceptance of the agreement by the Commission, the Board, and the juvenile or juvenile parolee, the Board shall reduce the agreement to writing and monitor compliance with the parole contract agreement at least once every 12 months.]

### 13:100-2.2 Classification Committees

(a) A separate Classification Committee shall be established for male and for female juveniles, each of which shall be chaired by the **Deputy Executive** Director of Operations or designee. Additional members shall be appointed by the Executive Director, or designee, and shall [be drawn from both secure and non-secure operating units of the Commission] **possess direct experience in facility safety, programming, and treatment.**

(b) (No change.)

### 13:100-2.3 Responsibilities of Classification Committees

(a) Classification Committees shall be responsible for determining the classification, initial assignment, and transfer of juveniles to, between, and from Commission facilities. Assignments and transfers contemplated herein include, but are not necessarily limited to those:

1.-3. (No change.)

(b) (No change.)

(c) Subsequent reassignment and transfer of a juvenile through a Classification Committee shall be based upon:

1.-3. (No change.)

4. The safety and security of the juvenile, other juveniles, staff, and the public; and

5. (No change.)

### 13:100-2.5 Emergency transfer procedures

(a) A request for an emergency transfer of a juvenile may be made by the Superintendent, **or designee**, and shall be directed to the **Deputy Executive** Director of Operations, or designee, in such form and with such supporting documentation as the **Deputy Executive** Director of Operations shall require.

(b) As soon as feasible, the **Deputy Executive** Director of Operations, or designee, shall review a request and approve or reject the transfer of the juvenile, in writing, setting forth the reasons for approval or rejection. If approved, the requesting facility shall notify the receiving facility in order to make the arrangements necessary to effectuate the transfer.

(c) The [Superintendent of the receiving facility] **Classification Manager, or designee**, shall schedule the transferred juvenile for review by the next meeting of the relevant Classification Committee.

## 13:100-2.6 Non-emergency transfers

A staff recommendation for a non-emergency transfer of a juvenile shall be referred to the [appropriate Classification Committee, which] **Deputy Executive Director of Operations, or designee, who shall make a decision [on] regarding the appropriateness of the [recommendation at its next scheduled meeting] transfer. That decision, including the rationale for the decision, will be documented at the next meeting of the appropriate Classification Committee.**

## 13:100-2.7 Juvenile requests for transfer

(a) A juvenile has the right to make a request for transfer to another Commission facility. All such requests shall be, in writing, and submitted to a social worker. The written request shall include the juvenile's name, current facility, the name of the facility the juvenile is seeking to transfer to, and the reason for the transfer request. The social worker shall forward the juvenile's written request to [other personnel, as appropriate, and to

the appropriate Classification Committee for further consideration] **the Superintendent of the facility, or designee, who shall make a decision regarding the appropriateness of the transfer. The Superintendent's decision, including the rationale for the decision, shall then be forwarded to the Deputy Executive Director of Operations, or designee, for review and final approval.**

(b)-(c) (No change.)

## 13:100-2.8 Juvenile classification files

Juvenile classification files shall be maintained [at each facility with respect to the juveniles housed therein, or at such other location as may be determined] by the [Executive Director. An electronic back-up file shall be maintained at the Commission's] Office of Classification, **Intake, and Release, and in the JIMS.**

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