

subchapter and the committee and its members meet the requirements of this subchapter.

**5. The compliance committee shall exercise the following options when voting: yes, no, or proceed with caution.**

[(g)] (f) (No change in text.)

[(h)] (g) Nothing in this subchapter shall be construed to preclude any casino licensee **or racetrack sports wagering licensee** from utilizing:

1.-2. (No change.)

[(i)] (h) No person shall concurrently serve in **more than one of the following [three] positions of a casino licensee, racetrack sports wagering licensee**, its holding companies, or affiliates:

1. Compliance officer;

2. Member of the compliance committee; [and]

[3. Legal officer.]

**3. General counsel; and**

**4. Chief executive officer or analogous position.**

## SUBCHAPTER 9. EMPLOYMENT REQUIREMENTS

### 13:69C-9.3 Employee reporting and recordkeeping requirements

(a) Each casino licensee **and racetrack sports wagering licensee** shall maintain a complete, accurate, and current record of each employee including, without limitation, the information at (b) below.

(b) Each casino license **and racetrack sports wagering licensee** shall file the following reports with the Division by electronic data transfer on the first calendar day of each month:

1. For each current employee:

i.-ix. (No change.)

[x. For any CHAB employee who does not hold a valid license or registration, whether such employee has been convicted of a disqualifying offense pursuant to N.J.S.A. 5:12-86c;]

**x. For any employee, whether such employee's duties and responsibilities include the handling, service, delivery, purchase, control, or storage of alcoholic beverages;**

2.-4. (No change.)

## SUBCHAPTER 11. CASINO LICENSE AND RACETRACK SPORTS WAGERING LICENSE RETENTION

### 13:69C-11.1 Continuing casino licensure **and continuing racetrack sports wagering licensure**

(a)-(c) (No change.)

(d) The casino licensee shall file two hard copies of the information and documentation [under] **pursuant to (c) above and a computer disk of same with the Division at its Intake Unit, [2nd Floor, 1300 Atlantic Avenue,] Arcade Building, 1325 Tennessee Avenue and the Boardwalk, Atlantic City, New Jersey, ATTN: Casino Licensing Filing.**

(e) (No change.)

**(f) Subsections (a) through (e) above, regarding casino license retention, shall apply, as appropriate, and in the discretion of the Division Director, to the retention of racetrack sports wagering licenses.**

(a)

## JUVENILE JUSTICE COMMISSION

### Office of Investigations

### Proposed Readoption with Amendments: N.J.A.C. 13:97

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. 2A:4A-60, 2C:39-6, 52:17B-170, 52:17B-171, and 52:17B-174.

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

Proposal Number: PRN 2024-127.

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 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 in its care.

The Commission's responsibilities include 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 its Office of Investigations, which ensures the integrity of the Commission, including establishing use of force provisions to ensure the safety and proper treatment of youth committed to the care and custody of the Commission, along with the safety of Commission staff and the public, set forth at N.J.A.C. 13:97, Office of Investigations.

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:97 was scheduled to expire on October 25, 2024. As the Commission filed this notice of proposed readoption with amendments with the Office of Administrative Law prior to that date, this notice of rules proposed for readoption with amendments shall extend the expiration date of N.J.A.C. 13:97 180 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. 13:97 in their entirety, with proposed amendments at N.J.A.C. 13:97-1.2, 1.4(c), 2.2(a) and (c), 2.4(a), and 3.3(a)1. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:97-1 sets forth general provisions, including the chapter's purpose and scope (N.J.A.C. 13:97-1.1); relevant definitions applicable to the chapter (N.J.A.C. 13:97-1.2); oath of office form (N.J.A.C. 13:97-1.3); and confidentiality of information (N.J.A.C. 13:97-1.4). Several minor technical changes, along with the consolidation and updating of definitions at N.J.A.C. 13:97-1.2, and the addition of a provision referencing the Office of Attorney General's Internal Affairs Policy & Procedures regarding confidentiality at N.J.A.C. 13:97-1.4(c), are proposed to this subchapter.

N.J.A.C. 13:97-2 addresses use of force by investigators, including investigator authority (N.J.A.C. 13:97-2.1); use of force (N.J.A.C. 13:97-2.2); non-deadly force (N.J.A.C. 13:97-2.3); deadly force, including when justified and when restricted (N.J.A.C. 13:97-2.4); the use of force while off duty (N.J.A.C. 13:97-2.5); reports (N.J.A.C. 13:97-2.6); use of mechanical restraints (N.J.A.C. 13:97-2.7); use of chemical or natural agents and their storage (N.J.A.C. 13:97-2.8); training (N.J.A.C. 13:97-2.9); penalties for violation (N.J.A.C. 13:97-2.10); and internal management procedures (N.J.A.C. 13:97-2.11). Along with several minor technical changes, other changes proposed to this subchapter include updating the language regarding amount of force at N.J.A.C. 13:97-2.2(a), adding references to the Commission's Use of Force Policy and the Office of the Attorney General's use of force guidance at N.J.A.C. 13:97-2.2(c), and updating the examples of deadly force at N.J.A.C. 13:97-2.4(a).

N.J.A.C. 13:97-3 addresses investigators' use of firearms while on duty and the use of personal firearms while off duty, including authorization to carry firearms on duty (N.J.A.C. 13:97-3.1); training, qualification, and requalification for on-duty firearms (N.J.A.C. 13:97-3.2); on-duty firearms (N.J.A.C. 13:97-3.3); authorization to carry firearms off duty (N.J.A.C. 13:97-3.4); authorized off-duty firearms, ammunition, holsters,

and security (N.J.A.C. 13:97-3.5); off-duty firearms (N.J.A.C. 13:97-3.6); firearms instructors (N.J.A.C. 13:97-3.7); training, qualification, and requalification for off-duty firearms (N.J.A.C. 13:97-3.8); storage of off-duty firearms on Commission property (N.J.A.C. 13:97-3.9); unauthorized use of personal weapons while off duty (N.J.A.C. 13:97-3.10); possession of firearms within a casino or casino simulcasting facility (N.J.A.C. 13:97-3.11); reporting incidents (N.J.A.C. 13:97-3.12); penalties for violation (N.J.A.C. 13:97-3.13); and post orders and procedures (N.J.A.C. 13:97-3.14). Along with several minor technical changes, the Commission proposes to add tactical as a type of approved holster at N.J.A.C. 13:97-3.3(a)1.

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 protecting the rights and safety of the youth in its care, along with its employees. As the agency charged with care and custody of youth adjudicated delinquent, the Commission seeks to ensure the safety of those young people who are assigned to the care and custody of the Commission, along with the Commission's staff and the community. The proposed amendments ensure the continued use of safe practices regarding use of force by investigators. As such, the rules proposed for readoption with amendments 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 are met through the established budget process with funds allocated by the State. The Commission anticipates that the rules proposed for readoption with amendments 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 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 are not anticipated to generate or lose any new or existing jobs.

#### Agriculture Industry Impact

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

#### Regulatory Flexibility Statement

The rules proposed for readoption with amendments 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. Therefore, a regulatory flexibility analysis is not required.

#### Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have no impact on the affordability of housing in New Jersey and will neither increase nor decrease the average cost of housing because the rules concern only standards for Commission investigators.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules proposed for readoption with amendments 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 concern only standards for Commission investigators.

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

The rules proposed for readoption with amendments are not expected to have an impact on pretrial detention, sentencing, probation, or parole policies concerning youth or adults in the State. Decisions related to pretrial detention, sentencing, probation, and parole are outside the scope of N.J.A.C. 13:97, which is limited to standards and practices for the Commission's Office of Investigations. However, because the majority of youth involved in the juvenile justice system in New Jersey are youth of color, by establishing standards regarding use of force by Commission investigators, N.J.A.C. 13:97 ensures that detained youth are treated fairly and safely. It is anticipated that the rules proposed for readoption with amendments will continue the Commission's mission in caring for and protecting young people at a difficult time in their lives.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:97.

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 13:97-1.2 Definitions

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

["Adjudicated juvenile" means a committed juvenile, juvenile parolee or a juvenile probationer as defined in this section.]

...

"Chief Investigator[.]" means the Chief Investigator of the Commission's Office of Investigations, **charged with oversight and management responsibilities for the overall operation and supervision of the Office of Investigations, and** responsible for conducting investigations at the direction of the Executive Director.

...

["Committed juvenile" means an individual 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. For the purpose of this chapter, "committed juvenile" shall only refer to those individuals residing in a New Jersey Juvenile Justice Commission facility.]

"Deadly force" means force that [is intended to cause, or is likely to cause] **an officer uses, with the purpose of causing, or that a reasonable officer knows creates a substantial risk of causing,** death or serious bodily [harm] **injury.**

...

["Director of Investigations" means the Chief Investigator or other Commission staff member, by whatever name or title, charged with oversight and management responsibilities for the overall operation and supervision of Office of Investigations.]

"**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 facilities.

...

"Investigator" means juvenile corrections and parole officers employed in the following titles utilized by the Commission, who have been sworn as peace officers:

1. Chief Investigator, **Parole and Secured Facilities;**
- 2.-5. (No change.)

["Juvenile parolee" means an adjudicated delinquent who is subject to the jurisdiction of the New Jersey State Parole Board, and who has been released on parole, and/or post-incarceration supervision, or any individual released from another State juvenile secure facility who resides in New Jersey under the terms of the Interstate Compact for Juveniles. For the purposes of this chapter, juvenile parolee includes any individual, regardless of age, who is completing a term of parole or post-incarceration supervision pursuant to an adjudication of delinquency.

"Juvenile probationer" means an individual who has been adjudicated delinquent and sentenced by a judge of the Superior Court of New Jersey to a term of probation with the condition that he or she participate in a Commission community-based residential or day program. For the

purpose of this chapter, “juvenile probationer” shall only refer to those individuals enrolled in a Commission program.]

“Juvenile” means an individual, regardless of age, who has been:

1. **Adjudicated delinquent, or convicted of an offense pursuant to the provisions at N.J.S.A. 2A:4A-26.1 and sentenced to a term of incarceration or custodial sentence to be served in the custody of the Commission, and who is residing in or being transferred to a Commission facility;**

2. **Placed on probation by a court and assigned to the jurisdiction of the Commission; or**

3. **Released from the Commission on parole and/or post-incarceration supervision, or released from another state juvenile secure facility, who resides in New Jersey pursuant to the terms of the Interstate Compact for Juveniles, including any individual who is completing a term of parole or post-incarceration supervision pursuant to an adjudication of delinquency.**

...

#### 13:97-1.3 Oath of office form

An oath of office form shall be reproduced from originals that are available by contacting the [Commissions'] **Commission's** Office of Training.

#### 13:97-1.4 Confidentiality of information

(a)-(b) (No change.)

(c) **The confidentiality of internal affairs investigations shall be maintained in accordance with the confidentiality provisions contained in the New Jersey Office of the Attorney General's Internal Affairs Policy & Procedures.**

### SUBCHAPTER 2. USE OF FORCE

#### 13:97-2.1 Investigator authority

(a) Investigators are authorized to use appropriate means to enforce Commission rules, regulations, and related law enforcement objectives. Such means include, but are not limited to:

1. “Constructive authority,” which means authority that does not involve actual physical contact with the individual, but involves the use of the investigator's authority to exert control over the individual. Examples of constructive authority include, but are not limited to, verbal commands, gestures, and warnings; and

2. (No change.)

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

#### 13:97-2.2 Use of force

(a) In any case that an investigator uses force while [on-duty] **on duty**, the investigator shall [only] use [that] **the least amount of** force that is objectively reasonable, [and] necessary, **and proportional to safely achieve the law enforcement objective** under the totality of the circumstances as known by the investigator at the time force is used.

(b) (No change.)

(c) **An investigator must at all times comply with the Commission's Use of Force Policy, and any applicable use of force directives and guidance issued by the New Jersey Office of the Attorney General. To the extent there is a conflict between the Commission's Use of Force Policy and a use of force directive or guidance issued by the Office of the Attorney General, the Office of the Attorney General's applicable directive or guidance is controlling.**

#### 13:97-2.3 Non-deadly force; when justified

(a) An investigator may use non-deadly force against persons only under the following circumstances:

1.-7. (No change.)

8. To enforce law enforcement objectives where expressly permitted by Commission regulations or in situations where the [highest ranking] **highest-ranking** investigator on the scene believes that an individual's failure to comply constitutes an immediate threat to the personal safety of investigators or others.

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

#### 13:97-2.4 Deadly force; when justified and when restricted

(a) Deadly force includes, but is not limited to, the use of firearms and other lethal weapons, **and potentially lethal actions including, but not limited to, applying a chokehold or as set forth in the Attorney General guidance documents.**

(b)-(k) (No change.)

#### 13:97-2.5 Use of force while [off-duty] **off duty**

(a) (No change.)

(b) Investigators, while [off-duty] **off duty**, should not become involved with routine law enforcement duties that are under the jurisdiction of local law enforcement agencies. When an investigator observes what he or she believes to be a violation of the law, he or she should take note of the vehicle description, license plate numbers, identifying characteristics of persons involved, and other relevant information, and report such information to the local law enforcement agency having jurisdiction and to the [Director of Investigations] **Chief Investigator**. Investigators should avoid stopping or detaining vehicles or persons.

(c)-(d) (No change.)

#### 13:97-2.6 Reports

(a) An investigator shall immediately contact the [Director of Investigations] **Chief Investigator**, or designee, and shall complete [a JJ-001 Form, Incident] **an Investigation** Report when he or she participated in, or witnessed, any incident in which:

1. (No change.)

2. Physical force, mechanical force, or deadly force is used;

3. (No change.)

4. Such a report is required by the [Director of Investigations] **Chief Investigator**.

(b) The [JJ-001 Form, Incident] **Investigation** Report shall include the following information:

1.-7. (No change.)

(c) The [Director of Investigations] **Chief Investigator** shall forward all reports to the Executive Director, or designee.

#### 13:97-2.7 Use of mechanical restraints

(a) Mechanical restraints may be used in the following instances:

1. (No change.)

2. When the individual's history, disciplinary record, behavior, or present emotional state indicates a likelihood that bodily injury to any person, damage to property, or escape by the juvenile may occur; or

3. (No change.)

(b) Mechanical restraints shall not be used as punishment or in any way that causes undue physical discomfort, inflicts physical pain, or restricts the blood circulation or breathing of the juvenile.

(c)-(d) (No change.)

#### 13:97-2.9 Training

(a) Training in **the** proper methods, [and] techniques, [of using force] and [in the] legal aspects of using force shall be provided as part of the Police Training Commission's approved Basic Course for Investigators or equivalent **course**.

(b) Investigators shall receive semi-annual training in **the** proper methods and techniques of using force and in the lawful and appropriate use of force. In addition to semi-annual training, retraining may be repeated, as needed.

#### 13:97-2.10 Penalties for violation

(a) Office of Investigations staff action that does not conform to the provisions of this subchapter and 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.)

SUBCHAPTER 3. USE OF FIREARMS WHILE [ON-DUTY] **ON DUTY** AND USE OF PERSONAL FIREARMS WHILE [OFF-DUTY] **OFF DUTY**

13:97-3.1 Investigators authorized to carry firearms while [on-duty] **on duty**

(a) Prior to being permitted to carry a firearm [on-duty] **on duty**, investigators shall:

1.-3. (No change.)

13:97-3.2 On-duty firearms training, qualification, and requalification  
(a)-(b) (No change.)

(c) Only those investigators who achieve and maintain the required level of proficiency during range qualification and requalification shall be authorized to possess firearms while [on-duty] **on duty**.

(d) Once an investigator has qualified on his or her [Commission approved] **Commission-approved** firearm, the investigator shall receive the official State of New Jersey, Firearms Unit Weapons Card. Investigators shall be required to carry the weapons card, [the] official badge, and photo identification card of the Commission while [on-duty] **on duty**.

(e) The [Director of Investigations] **Chief Investigator**, or designee, shall be responsible for preparing and maintaining a current list of each investigator authorized to carry a firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. The master list shall be maintained by the [Director of Investigations] **Chief Investigator**, or designee, to indicate the investigator's firearm qualification date (new or expired), and the investigator's issued firearm, model name and number, and serial number of the firearm.

13:97-3.3 On-duty firearm

(a) The authorized on-duty firearm shall be the responsibility of the investigator at all times.

1. Only shoulder, **tactical**, and waist holsters **issued by the Commission** shall be used for on-duty firearms. A holster must hold the firearm firmly when inverted and have no internal clips.

2.-3. (No change.)

(b) (No change.)

(c) An investigator, if required to carry a firearm while [on-duty] **on duty**, shall carry his or her on-duty firearm, together with [Commission approved] **Commission-approved** chemical or natural agent spray, on his or her person at all times unless otherwise instructed by a superior. The firearm shall:

1. (No change.)

2. Not be left in a motor vehicle except when necessary, such as when an investigator must remove his or her on-duty firearm and another authorized staff member is unavailable to take custody of the firearm. When necessary, a firearm may be stored in a [Commissioner approved] **Commission-approved** vehicle lock box.

(d) The investigator entering any facility of the Commission shall either temporarily transfer custody of his or her firearm to an authorized staff member, store his or her firearm at the main secure facility or at a [Commission authorized] **Commission-authorized** weapons storage unit, or secure it in a [Commission approved] **Commission-approved** vehicle lock box.

1. (No change.)

(e) When an authorized firearm or ammunition is believed to have been lost or stolen, or is otherwise missing, the investigator shall immediately report this fact to the local law enforcement authorities and to the [Director of Operations] **Chief Investigator**.

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

(g) Pursuant to N.J.S.A. 2C:58-15, an investigator who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the investigator's control shall:

1. (No change.)

2. Secure the firearm with a [Commission approved] **Commissioner-approved** trigger locking device.

13:97-3.4 Personnel authorized to carry firearms while [off-duty] **off duty**

(a) Firearms may be carried [off-duty] **off duty** by investigators who:

1.-3. (No change.)

13:97-3.5 Authorized off-duty firearms, ammunition, holsters, and security

(a)-(b) (No change.)

(c) Trigger locking devices that are approved by the Commission shall be used[,] in accordance with this section and the operating instructions and standards provided by the manufacturers of the trigger locking devices.

(d) Only off-duty firearm makes and models approved and authorized by the Commission may be carried while [off-duty] **off duty**.

(e) (No change.)

(f) Only shoulder, waist, and ankle holsters shall be used for off-duty use. A holster must hold the firearm firmly when inverted and have no internal clips. An off-duty firearm shall be carried in the approved holster on the body. No purse holsters or holstered firearms in purses are approved.

(g)-(h) (No change.)

(i) The investigator shall be responsible for assuming the cost of the off-duty firearm, ammunition, **and** holster[s] and for maintaining his or her firearm in a safe, secure, and serviceable condition.

(j) Pursuant to N.J.S.A. 2C:58-15, an investigator who knows or reasonably should know that a minor or unauthorized adult is likely to gain access to a loaded firearm at a premises under the investigator's control shall:

1. (No change.)

2. Secure the off-duty firearm with a [Commission approved] **Commission-approved** trigger locking device.

13:97-3.8 Off-duty firearms training, qualification, and requalification  
(a) All personnel authorized by the Commission to carry firearms [off-duty] **off duty** must be initially trained and shall qualify in the use and handling of approved off-duty firearms.

(b) (No change.)

(c) Only those investigators who achieve and maintain the required level of proficiency during range qualification and requalification shall be authorized to carry firearms while [off-duty] **off duty**.

(d) Once an individual has qualified on his or her approved personal off-duty firearm, he or she shall receive the official State of New Jersey, Firearms Unit Weapons Card. The off-duty firearm he or she carries must be identified on the off-duty weapons card. Authorized personnel shall be required to carry their off-duty weapons card, [the] official badge, and photo identification card of the Commission at all times while carrying their off-duty firearm.

(e) The [Director of Investigations] **Chief Investigator**, or designee, shall be responsible for preparing and maintaining a current master list of each investigator authorized to carry an off-duty firearm, from a Commission-wide master list provided for that purpose by the Commission's Office of Training.

1. (No change.)

2. Each time the investigator registers a firearm, the [Director of Investigations,] **Chief Investigator**, or designee, is responsible for comparing the firearms qualification date, firearm model name and number, and firearm serial number contained on the master list against the State of New Jersey, Firearms Unit Weapons Card accompanying the personal firearm.

(f) Should a personal firearm become unusable, stolen, or unserviceable and the investigator selects a personal off-duty firearm different from the one originally qualified for use, he or she must requalify on the different firearm before it can be used. This qualification may be completed prior to the next semi-annual qualification period.

(g) (No change.)

13:97-3.9 Storage of off-duty firearms while on Commission property

(a)-(d) (No change.)

(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.