

To: New Jersey Law Revision Commission
From: Samuel M. Silver, Deputy Director
Re: Juvenile Justice – State Home for Boys and Girls as used in N.J.S. 30:4-85
Date: October 10, 2023

MEMORANDUM

Project Summary

In December 1995, the New Jersey Legislature established the Juvenile Justice Commission (JJC).¹ The JJC was created to provide “centralized authority for planning, policy development and service provision in the juvenile justice system....”² Among the JJC’s many responsibilities are the “custody and care of juveniles committed to and otherwise placed under its jurisdiction.”³

On June 28, 1867, the State of New Jersey opened its State Home for Boys.⁴ This facility was established as a home for troubled youth.⁵ The State Home for Boys is now known as the “New Jersey Training School,” or colloquially as “Jamesburg,” and is JJC’s largest facility and houses approximately 200 male juveniles.⁶

There are multiple statutes outside of Title 52 that contain references to the State Home for Boys and the State Home for Girls.⁷ Neither of these designations, however, are utilized by the Juvenile Justice Commission, nor are they referenced or defined in any other statute. Such statutory references appear to be anachronistic.⁸

¹ N.J. STAT. ANN. § 52:17B-169 (West 2023).

² N.J. STAT. ANN. §§ 52:17B-169 – 52:17b-180. DEPT. OF LAW & PUBLIC SAFETY, OFF. OF THE ATT’Y GEN., HISTORY OF THE JJC, https://www.nj.gov/oag/jjc/aboutus_history.html#:~:text=History (last visited July 08, 2023).

³ See N.J. STAT. ANN. § 52:17B-176. DEPT. OF LAW & PUBLIC SAFETY, OFF. OF THE ATT’Y GEN., HISTORY OF THE JJC, https://www.nj.gov/oag/jjc/aboutus_history.html#:~:text=History (last visited July 08, 2023).

⁴ See N.J. STAT. ANN. § 52:17B-176. DEPT. OF LAW & PUBLIC SAFETY, OFF. OF THE ATT’Y GEN., JJC SECURE CARE FACILITIES, <https://www.nj.gov/oag/jjc/secure.htm> (last visited July 08, 2023); Seth Mandel, *Training School memories on display at Lakeview*, centraljersey.com archive (Jan. 26, 2006), <https://archive.centraljersey.com/2006/01/26/training> (last visited July 08, 2023).

⁵ DEPT. OF LAW & PUBLIC SAFETY, OFF. OF THE ATT’Y GEN., JJC SECURE CARE FACILITIES, <https://www.nj.gov/oag/jjc/secure.htm> (last visited July 08, 2023).

⁶ *Id.*

⁷ N.J. STAT. ANN. § 30:4-85 (prohibiting the transfer of persons from the State Home for Boys or the State Home for Girls to State Prison); N.J. STAT. ANN. § 48:12-109 (authorizing certain officers from the State Home for Boys and the State Home for girls free transportation over all railroads operating passenger service in the State); N.J. STAT. ANN. § 30:3-5(2) (Acts Saved from Repeal) (appropriating money via L.1930, c. 202, § 6, p. 961, for the State Home for Boys and the State Home for Girls); and N.J. STAT. ANN. § 30:3-6(1) (Acts Saved from Repeal) (appropriating money via L.1933, c. 377, § 1, p. 1061, for the State Home for Boys and the State Home for Girls).

⁸ N.J. STAT. ANN. § 1:12A-8(a) (mandating that the commission “[c]onduct a continuous examination of the general and permanent statutory law of this state... for the purpose of discovering... anachronisms....”).

Statute Considered

N.J.S. 30:4-85. Transfers between correctional institutions; transfer to State prison; authority of commissioner; contracts with county institutions

Any inmate of any correctional institution as classified in section 30:1-7 of this Title may be transferred to any other such correctional institution by order of the commissioner directing such transfer, either upon the application of the chief executive officer or upon the initiative of the commissioner.

No inmate of the **State Home for Boys** or the **State Home for Girls** shall be transferred to the State Prison.

Any inmate of the **State Home for Boys** of the age of 15 years may be transferred from such home to the reformatory at Annandale or, if over the age of 16 years, to the reformatory at Bordentown, and any inmate of the State Home for Girls, over the age of 16 years, may be transferred from such home to the women's reformatory at Clinton.

* * * *

N.J.S. 48:12-109. State officials and employees entitled to free transportation

The following persons, during their respective terms of office or employment, shall pass and repass, free of charge, in regular coach service, over all railroads operating such passenger service, in this State within the borders of this State:

The... chief parole officer of the **New Jersey State Home for Boys**, ... parole officer of the **New Jersey State Home for Girls**

N.J.S. 30:3-5(2). Use of Moneys provided for by this act; order of precedence as to institution.

6. The moneys raised by this act shall be devoted exclusively to the acquisition of sites for and the constructing, reconstructing, development, extending and equipping of state charitable, hospital, relief, training, correctional, reformatory and penal institutions and appurtenances thereto, in the order of precedence set forth in this section...

State Home for Boys, Jamesburg -- New dormitory, housing for inmates...
65,000.00...

State Home for Girls, Trenton – Repairs and reconstruction of buildings...
50,000....

N.J.S. 30:3-6(1). Appropriation from state institutional construction fund to state institutions enumerated

1. For the purpose of further carrying into effect the provisions of chapter two hundred and twenty-seven of the laws of one thousand nine hundred and thirty, there is hereby appropriated from the “state institutional construction fund”, for the purposes herein enumerated, the several amounts herein set forth.

State Home for Boys, Jamesburg – Repairs and reconstruction of buildings...
40,000....

State Home for Girls, Trenton – Housing for inmates... 75,000... Repairs and reconstruction of buildings... 40,000....

Background

The State of New Jersey has had a long standing commitment to juvenile justice. In January 1864, Governor Joel Parker advised the Legislature that “[s]ome place other than State Prison should be provided for the incarceration of youth.”⁹ The Governor noted that, “[t]he object of imprisonment is to reform as well as punish.”¹⁰ He reasoned that “the state owes it to the youthful criminal to place him in circumstances that will tend to soften his pliant nature rather than render him more obdurate.”¹¹ That year, the Governor’s remarks were referred to a joint committee of both legislative houses for their consideration.¹²

Over the next six years, the New Jersey Legislature sought to provide facilities for the young men and women convicted of criminal acts. On April 06, 1865, the New Jersey Legislature established the “State Reform School for Juvenile Offenders.”¹³ Five years later, on April 04, 1870, the Legislature created a facility for the young women of New Jersey called the “State Industrial School for Girls.”¹⁴ For the next thirty years, the facilities would operate under these monikers.

In the Legislative session of 1900, the Legislature renamed the institutions for male and female juvenile offenders. The State Reform School for Juvenile Offenders, located at Jamesburg,

⁹ Report of Commissioners on Reform of Juvenile Offenders, *3 (1865) (quoting Gov. Joel Parker’s annual message to the Legislature (Jan. 1864)).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ L.1900, c. 93, § 1, p. 176.

¹⁴ L.1900, c. 190, § 1, p. 481.

would become the “State Home for Boys.”¹⁵ The State Industrial School for Girls would become the “State Home for Girls.”¹⁶ These facilities continued to bear these legislatively ascribed names until the 1970s.

After almost seventy years, the State Home for Boys was renamed once again. In 1970, this facility would become the “Training School for Boys.”¹⁷ Then, on October 01, 1974, after 108 years as all male institution, the Training School for Boys became a coeducational institution.¹⁸ “This consolidation became necessary upon the closing of the Training School for Girls, Trenton.”¹⁹

In 1976, the Legislature established the Department of Corrections (DOC) in the Executive Branch of the State Government.²⁰ To this time, the DOC “provide[s] for the custody, care, discipline, training and treatment of adult offenders committed to State correctional institutions or on parole....”²¹ In addition, the DOC is responsible for “[d]evelop[ing] alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities and programs.”²²

When the DOC was created, it assumed control and supervision of the State’s eight correctional institutions.²³ In addition, the DOC was given authority over “[a]ny State institution and satellite facilities....”²⁴ For almost twenty years the DOC’s authority would include facilities in which juvenile offenders were housed.

On December 15, 1995, the New Jersey Legislature created the Juvenile Justice Commission in, but not of, the Department of Law and Public Safety.²⁵ Among the functions, powers, duties and authority of the commission is the “supervision and management of each secure juvenile facility....”²⁶ The Legislature transferred to the JJC “the custody and care of any juvenile adjudicated delinquent and committed... to the Department of corrections....”²⁷ In addition,

¹⁵ L.1900, c. 93, § 1, p. 176.

¹⁶ L.1900, c. 190, § 1, p. 481.

¹⁷ NJSL Staff, *The Advance and the New Jersey State Reform School* (Feb. 3, 2023) (<https://www.njstatelib.org/the-advance-and-the-new-jersey-state-reform-school/>) (last visited Jul. 09, 2023).

¹⁸ 1974 TRAINING SCHOOL, ANN. REP. 1.

¹⁹ *Id.*

²⁰ N.J. STAT. ANN. § 30:1B-2 (West 2023). *See* N.J. STAT. ANN. § 30:1B-8 (West 2023) (transferring control of State Correctional Institutions from the Department of Institutions and Agencies to the Department of Corrections including “[a]ny State institution and satellite facilities....”).

²¹ *Id.*

²² N.J. STAT. ANN. § 30:1B-2(a)(2).

²³ *See* N.J. STAT. ANN. § 30:1B-8 (West 2023) (New Jersey State Prison, East Jersey State Prison, Bayside State Prison, Garden State Reception and Youth Correctional Facility; Albert C. Wagner Youth Correctional Facility; Edna Mahan Correctional Facility for Women; William H. Fauver Correctional Facility; and Adult Diagnostic and Treatment Center, Avenel).

²⁴ *Id.*

²⁵ N.J. STAT. ANN. § 52:17B-170(a).

²⁶ N.J. STAT. ANN. § 52:17B-171(b)(1).

²⁷ N.J. STAT. ANN. § 52:17B-176(a)(1).

N.J.S. 52:17B-176 specifically transferred authority over the New Jersey Training School for Boys, to the JJC.²⁸

To this time, the JJC operates three secure facilities.²⁹ These facilities include the Juvenile Medium Security Facility, the Female Secure Care and Intake Facility, and the New Jersey Training School – Jamesburg.³⁰

Preliminary Outreach

In gathering preliminary information on this subject, Staff had the opportunity to speak with counsel to the JJC.³¹ Christina Broderick, Chief of Legal and Regulatory Affairs, confirmed that references to the State Home for Boys and State Home for Girls, are not appropriate because these terms are no longer used by the JJC.³²

Pending Bills

There are no bills pending that seek to amend the language of N.J.S. 30:4-85; N.J.S. 48:12-109; N.J.S. 30:3-5(2); N.J.S. 30:3-6(1) to remove references to the New Jersey Home for Boys and the New Jersey Home for Girls.

Conclusion

Staff seeks authorization to conduct additional research and outreach to determine the viability of the terms State Home for Boys and State Home for Girls in N.J.S. 30:4-85; N.J.S. 48:12-109; N.J.S. 30:3-5(2); and N.J.S. 30:3-6(1).

²⁸ N.J. STAT. ANN. § 52:17B-176(a)(2).

²⁹ State of N.J., Dep't of Law and Public Safety, Juvenile Justice Comm'n Facilities, Secure Facilities, <https://www.njoag.gov/about/divisions-and-offices/juvenile-justice-commission-home/juvenile-justice-commission-facilities/> (last visited Jul. 19, 2023).

³⁰ *Id.*

³¹ Telephone Conference with Christina Broderick, Chief of Legal and Regulatory Affairs at the New Jersey Juvenile Justice Commission (Jul. 13, 2023).

³² *Id.*