

“Social justice should be the underlying goal of all humanity.”  
-Alan V. Lowenstein, Institute Founder



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**do social justice.**

TESTIMONY OF ASHANTI JONES  
NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE  
IN OPPOSITION TO A5610/S3954  
NEW JERSEY SENATE BUDGET AND APPROPRIATIONS COMMITTEE  
DECEMBER 14, 2023

Good afternoon, Chair Greenstein, Vice-Chair Sacco, and members of the Senate Law and Public Safety Committee.

Thank you for the opportunity to present this testimony opposed to A5610/S3954, bills that increase penalties for the possession or consumption of alcohol by youth.

My name is Ashanti Jones, and I am a Policy Analyst at the New Jersey Institute for Social Justice (the “Institute”). The Institute’s advocacy empowers people of color by building reparative systems that create wealth, transform justice, and harness democratic power – from the ground up – in New Jersey.

The Institute opposes A5610/S3954 because (1) these bills will introduce more youth into the criminal justice system and exacerbate New Jersey’s stark racial disparities; (2) they run counter to various statutes which did not impose or eliminated certain fines for youth and (3) this legislation is being considered without the data and recommendations from the task force on youth substance usage and possession required by N.J.S.A. 2C:33-15.1 (b)(1).<sup>1</sup>

**1. These bills will harm youth and could introduce more youth into the juvenile justice system and exacerbate New Jersey’s stark racial disparities.**

S3954 will authorize the issuing of summons which may subsequently subject youth to financial penalties. Research shows that juvenile fines and fees perpetuate cycles of poverty and undermine the financial and emotional well-being of youth and their families.<sup>2</sup> They disproportionately harm Black, Indigenous, Latinx, and low-income families.<sup>3</sup> The United States Department of Justice issued guidance last month detailing that when imposed without regard for discriminatory impact or ability to pay, these fines and fees can exacerbate many of the longstanding, systemic inequities that undermine the

goal for equity in the juvenile justice system.<sup>4</sup> This guidance further discusses the future implications of fines and fees for youth including higher recidivism and school dropout rates, which were the basis of S3319, which was signed into law in 2021.

Permitting summons for youth introduces those youth into the justice system and has the potential to exacerbate New Jersey's already staggering racial disparities. New Jersey already has a 28.6 to 1 Black/White racial disparity in youth commitments, the worst racial disparity rate in the country.<sup>5</sup> Passing S3954 in light of this data can only deepen the State's racial disparities. Instead of increasing opportunities for police and court involvement through financial penalties, New Jersey must consider developmentally appropriate and culturally responsive alternatives. These alternatives can include restorative justice and diversion programs, informal school-based resources, and developmentally appropriate substance use programs.<sup>6</sup>

**2. A5610/S3954 runs counter to various statutes which did not impose or eliminated certain fines for youth.**

The Legislature has correctly and has repeatedly recognized that fines for youth are not needed such as in A5342 which restricted the possession and consumption of cannabis products by individuals under a certain age but did not impose fines on minors.<sup>7</sup>

This recognition continued in S3319, passed and signed into law in 2022, which functionally eliminated the collection of financial penalties for minors in juvenile delinquency cases.<sup>8</sup> This legislation paired with the above-mentioned research demonstrates that fines are incompatible with justice and nothing more than a burden for low-income families.

**3. A5610/S3954 is being considered without the data and recommendations from the task force required by A5342.**

The introduction of A5610/S3954 raises concerns as it proceeds without the essential insights and guidance mandated by A5342.<sup>9</sup> A5342 required the creation of a task force of 26, Governor-appointment members, tasked with gathering data, conducting research, and providing recommendations related to substance use by minors. This task force was never created and never produced recommendations. The lack of input from the mandated task force undermines the legitimacy and effectiveness of S3954. Without the benefit of comprehensive data, analysis, and recommendations from the designated experts, there might be gaps in understanding the implications, potential consequences, and viable alternatives to fines for minors.

## **Conclusion**

A5610/S3954 will harm youth, placing undue burden on low-income families, and exacerbate existing racial disparities within the juvenile justice system. Additionally, this legislation significantly weakens established laws safeguarding youths from fines. This bill advances without heeding the mandate of convening the task force outlined in A5342. By proceeding without the

insights and guidance of this task force—comprised of experts—on how to appropriately address minor possession of cannabis and alcohol, S3954 blindly imposes penalties on young individuals.

We strongly urge this committee to not release this bill. Thank you for your consideration.

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<sup>1</sup> N.J.STAT.ANN. § 2C:33-15.1(b)(1) (West 2023).

<sup>2</sup> MAKING FAMILIES PAY, BERKELEY L. POL. ADVOC. CLINIC. 23 (Mar. 2017) <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

<sup>3</sup> LINDSEY E. SMITH ET. AL, REIMAGINING RESTITUTION, JUV. JUST. CTR. 13 (2022) <https://debtorsprison.jlc.org/documents/JLC-Reimagining-Restitution.pdf>.

<sup>4</sup> FINES & FEES, OFF. ACCESS TO JUST. U.S. DEPT. JUST. (2023) <https://www.justice.gov/d9/2023-11/doj-access-to-justice-spotlight-fines-and-fees.pdf>.

<sup>5</sup> *Easy Access to the Census of Juveniles in Residential Placement: 1997-2021, Race/Ethnicity by State 2021 (Rate per 100,000 Juveniles)*, OJJDP (July 19, 2021), [https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State\\_Race.asp?state=58&topic=State\\_Race&year=2019&percent=rate&maps=no](https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/State_Race.asp?state=58&topic=State_Race&year=2019&percent=rate&maps=no).

<sup>6</sup> SMITH *supra* note 3 at 19.

<sup>7</sup> N.J. STAT. ANN. § 2C:33-15 (West 2023).

<sup>8</sup> Press Release, Office of the Governor, *Governor Murphy Signs Legislation to Eliminate Certain Juvenile Justice Fines, Fees, and Costs* (Jan. 10, 2022), <https://www.nj.gov/governor/news/news/562022/20220110e.shtml>.

<sup>9</sup> N.J.STAT.ANN. § 2C:33-15.1(b)(1).