OCTOBER 28, 1953.

COL. RUSSELL A. SNOOK, *Supt.,*
Division of State Police,
Department of Law and Public Safety,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 45.

DEAR COL. SNOOK:

You make the following inquiry of this office: "What disposition shall the State Police make when it is necessary to confine juveniles between the ages of 16 and 18 years old when they are picked up on our highways?"

The law on the subject matter is clear and concise and so also are the Rules of Court.

It is provided in N. J. S. 2A:4-33 as follows:

> "A child between the ages of 16 and 18 years coming within the provisions of this chapter shall not be placed in any prison, jail, lockup or police station unless there shall be no other safe and suitable place for his detention, and it is necessary for his protection or the protection of the public, and unless when so placed in a jail, lockup or police station it shall be in a segregated section of such premises where the said child cannot have contact with any adult convicted of crime or under arrest."

Rule 6:8-7 of Rules of Court is in almost identical language.

It is provided further in R. S. 30:8-7 that the sheriffs, jailers, wardens, keepers and other persons having charge and control of the jails, workhouses, penitentiaries and other places of confinement in this State shall keep all persons under the age of 18 years, who shall be detained in such jails, workhouses, penitentiaries and places of confinement for any purpose whatsoever, separate and apart from persons above such age so that no communication may take place between said juveniles and other persons lodged in such places of detention on a charge or conviction of crime.

In your request for opinion it is disclosed that these juveniles were apprehended in an area served by a county jail having no such facilities and thus having no place of detention for juveniles, but having a working arrangement with an adjoining county which maintains a children's shelter. Application for admission of the juveniles to this county shelter home was refused because the juveniles had reached their 16th birthday.

There appears to be a clear mandate in the law in R. S. 30:8-8 upon the Freeholders of the several counties to make adequate provision for detention of juveniles for therein this language is found:

> "The Boards of Chosen Freeholders of the several counties shall so arrange the jails, workhouses, penitentiaries and places of confinement in their respective counties that all persons under the age of 18 years, who shall be detained in any such jails, workhouses, penitentiaries and places of confinement for any purpose whatever, shall be kept separate and apart from and so that no communication take place between them and other persons above such age confined therein on a charge or conviction of crime.

If it is impracticable to so arrange the buildings used for such purposes, such Boards of Chosen Freeholders shall provide such places as shall be necessary to accomplish the purposes of this section." It is of interest to observe that historically this section of the Revised Statutes had its origin in Chapter 237, P. L. 1898.

Our Legislature and the Supreme Court has erected adequate safeguards for the segregated detention of juveniles separate and apart from adult offenders. There is no deficiency in our law. The obligation imposed by statute to provide these proper places of detention for juvenile offenders is clear.

We do not conceive it to be the function of the Attorney General to seek compliance with these statutes for there is no such provision in law. In the alternative, we can only suggest that you make personal contact with the judge of the County Court or of the Juvenile and Domestic Relations Court of any county wherein it is found that inadequate provision has been made for the detention of juvenile offenders and request that the Court bring this matter forthwith to the attention of the Board of Freeholders so that compliance may be had with the law and with the Rules of Court above cited.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: EUGENE T. URBANIAK,
Deputy Attorney General.

ETU:HH

NOVEMBER 18, 1953.

HONORABLE CHARLES R. ERDMAN, JR., *Commissioner,*
Department of Conservation and Economic Development,
520 East State Street,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 46.

DEAR COMMISSIONER:

You have requested this office for our opinion on certain questions arising under the new municipal planning enabling act (Chapter 433, P. L. 1953).

You have raised essentially two questions:

1. Under the new act, which becomes effective on January 1, 1954, does a planning board which is in existence and legally constituted as of December 31, 1953, continue to exist?

2. If so, what powers does it possess without further action by the governing body of the municipality?

Under Chapter 433 of the Laws of 1953, planning boards will have basically two functions: to prepare and adopt a master plan for the development of the municipality, and to approve or disapprove subdivisions. Planning boards will also have the authority and duty of acting as the zoning commission under Article 3 of Chapter 55 of Title 40 of the Revised Statutes.