

ASSEMBLY, No. 275

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 2 (Atlantic)

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District 37 (Bergen)

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SYNOPSIS

Allows drug- or alcohol-dependent person admitted into court-ordered supervisory treatment program to reduce amount owed on court-ordered fines and certain other financial obligations upon successful completion of program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/13/2020)

A275 ARMATO, VAINIERI HUTTLE

2

1 AN ACT concerning certain court-imposed financial obligations,
2 amending N.J.S.2C:35-15, and supplementing chapter 46 of Title
3 2C of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. N.J.S.2C:35-15 is amended to read as follows:

9 2C:35-15. a. (1) In addition to any disposition authorized by
10 this title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-
11 43), or any other statute indicating the dispositions that can be
12 ordered for an adjudication of delinquency, every person convicted
13 of or adjudicated delinquent for a violation of any offense defined
14 in this chapter or chapter 36 of this title shall be assessed for each
15 such offense a penalty fixed at:

- 16 (a) \$3,000.00 in the case of a crime of the first degree;
17 (b) \$2,000.00 in the case of a crime of the second degree;
18 (c) \$1,000.00 in the case of a crime of the third degree;
19 (d) \$750.00 in the case of a crime of the fourth degree;
20 (e) \$500.00 in the case of a disorderly persons or petty
21 disorderly persons offense.

22 (2) A person being sentenced for more than one offense set forth
23 in subsection a. of this section who is neither placed in supervisory
24 treatment pursuant to this section nor ordered to perform
25 reformatory service pursuant to subsection f. of this section may, in
26 the discretion of the court, be assessed a single penalty applicable to
27 the highest degree offense for which the person is convicted or
28 adjudicated delinquent, if the court finds that the defendant has
29 established the following:

30 (a) the imposition of multiple penalties would constitute a
31 serious hardship that outweighs the need to deter the defendant
32 from future criminal activity; and

33 (b) the imposition of a single penalty would foster the
34 defendant's rehabilitation.

35 Every person placed in supervisory treatment pursuant to the
36 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
37 any offense defined in this chapter or chapter 36 of this title shall be
38 assessed the penalty prescribed herein and applicable to the degree
39 of the offense charged, except that the court shall not impose more
40 than one such penalty regardless of the number of offenses charged.
41 If the person is charged with more than one offense, the court shall
42 impose as a condition of supervisory treatment the penalty
43 applicable to the highest degree offense for which the person is
44 charged.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 All penalties provided for in this section shall be in addition to
2 and not in lieu of any fine authorized by law or required to be
3 imposed pursuant to the provisions of N.J.S.2C:35-12.

4 b. All penalties provided for in this section shall be collected as
5 provided for collection of fines and restitutions in section 3 of
6 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
7 Department of the Treasury as provided in subsection c. of this
8 section.

9 c. All moneys collected pursuant to this section shall be
10 forwarded to the Department of the Treasury to be deposited in a
11 nonlapsing revolving fund to be known as the "Drug Enforcement
12 and Demand Reduction Fund." Moneys in the fund shall be
13 appropriated by the Legislature on an annual basis for the purposes
14 of funding in the following order of priority: (1) the Alliance to
15 Prevent Alcoholism and Drug Abuse and its administration by the
16 Governor's Council on Alcoholism and Drug Abuse; (2) the
17 "~~Alcoholism~~ Alcohol and Drug Abuse Program for the Deaf,
18 Hard of Hearing and Disabled" established pursuant to section 2 of
19 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free
20 New Jersey," the State affiliate of the "Partnership for a Drug Free
21 America"; and (4) other alcohol and drug abuse programs.

22 Moneys appropriated for the purpose of funding the
23 "~~Alcoholism~~ Alcohol and Drug Abuse Program for the Deaf,
24 Hard of Hearing and Disabled" shall not be used to supplant
25 moneys that are available to the Department of Health ~~and Senior~~
26 ~~Services~~ as of the effective date of P.L.1995, c.318 (C.26:2B-36 et
27 al.), and thereafter available to the Division of Mental Health and
28 Addiction Services in the Department of Human Services pursuant
29 to Reorganization Plan No. 002-2004 as set forth in subsection b. of
30 section 2 of P.L.1995, c.318 (C.26:2B-37) that would otherwise
31 have been made available to provide alcoholism and drug abuse
32 services for the deaf, hard of hearing and disabled, nor shall the
33 moneys be used for the administrative costs of the program.

34 d. (Deleted by amendment, P.L.1991, c.329).

35 e. The court may suspend the collection of a penalty imposed
36 pursuant to this section; provided the person is ordered by the court
37 to participate in a drug or alcohol rehabilitation program approved
38 by the court; and further provided that the person agrees to pay for
39 all or some portion of the costs associated with the rehabilitation
40 program. In this case, the collection of a penalty imposed pursuant
41 to this section shall be suspended during the person's participation
42 in the approved, court-ordered rehabilitation program. Upon
43 successful completion of the program, as determined by the court
44 upon the recommendation of the treatment provider, the person may
45 apply to the court; to (1) reduce the penalty imposed pursuant to
46 this section by any amount actually paid by the person for his

1 participation in the program; and (2) to determine the amount of
2 credit earned against the amount owed on any other court-imposed
3 financial obligation as provided for in section 2 of P.L. _____,
4 c. (C. _____) (pending before the Legislature as this bill). The court
5 shall not reduce the penalty pursuant to this subsection, or apply
6 any credit pursuant to section 2 of P.L. _____, c. (C. _____) (pending
7 before the Legislature as this bill) unless the person establishes to
8 the satisfaction of the court that he has successfully completed the
9 rehabilitation program. If the person's participation is for any
10 reason terminated before his successful completion of the
11 rehabilitation program, collection of the entire penalty imposed
12 pursuant to this section shall be enforced. Nothing in this section
13 shall be deemed to affect or suspend any other criminal sanctions
14 imposed pursuant to this chapter or chapter 36 of this title.

15 f. A person required to pay a penalty under this section may
16 propose to the court and the prosecutor a plan to perform
17 reformatory service in lieu of payment of up to one-half of the
18 penalty amount imposed under this section. The reformatory
19 service plan option under this subsection shall not be available if
20 the provisions of paragraph (2) of subsection a. of this section apply
21 or if the person is placed in supervisory treatment pursuant to the
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12. For purposes of
23 this section, "reformatory service" shall include training, education
24 or work, in which regular attendance and participation is required,
25 supervised, and recorded, and which would assist in the defendant's
26 rehabilitation and reintegration. "Reformatory service" shall
27 include, but not be limited to, substance abuse treatment or services,
28 other therapeutic treatment, educational or vocational services,
29 employment training or services, family counseling, service to the
30 community and volunteer work. For the purposes of this section, an
31 application to participate in a court-administered alcohol and drug
32 rehabilitation program shall have the same effect as the submission
33 of a reformatory service plan to the court.

34 The court, in its discretion, shall determine whether to accept the
35 plan, after considering the position of the prosecutor, the plan's
36 appropriateness and practicality, the defendant's ability to pay and
37 the effect of the proposed service on the defendant's rehabilitation
38 and reintegration into society. The court shall determine the amount
39 of the credit that would be applied against the penalty upon
40 successful completion of the reformatory service, not to exceed one-
41 half of the amount assessed, except that the court may, in the case
42 of an extreme financial hardship, waive additional amounts of the
43 penalty owed by a person who has completed a court administered
44 alcohol and drug rehabilitation program if necessary to aid the
45 person's rehabilitation and reintegration into society. The court shall
46 not apply the credit against the penalty unless the person establishes

1 to the satisfaction of the court that he has successfully completed
2 the reformatory service. If the person's participation is for any
3 reason terminated before his successful completion of the
4 reformatory service, collection of the entire penalty imposed
5 pursuant to this section shall be enforced. Nothing in this
6 subsection shall be deemed to affect or suspend any other criminal
7 sanctions imposed pursuant to this chapter or chapter 36 of this
8 title.

9 Any reformatory service ordered pursuant to this section shall be
10 in addition to and not in lieu of any community service imposed by
11 the court or otherwise required by law. Nothing in this section shall
12 limit the court's authority to order a person to participate in any
13 activity, program or treatment in addition to those proposed in a
14 reformatory service plan.

15 (cf: P.L.2008, c.15, s.2)

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17 2. (New section) a. A person required to pay any form of
18 court-imposed financial obligation resulting from a conviction or
19 charge for a violation of any offense defined under Title 2C of the
20 New Jersey Statutes or other applicable law, shall be eligible to
21 perform reformatory service, when ordered by the court as a
22 condition for admission into special probation pursuant to
23 N.J.S.2C:35-14, conditional discharge pursuant to N.J.S.2C:36A-1,
24 supervisory treatment pursuant to N.J.S.2C:43-12, or conditional
25 dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) for
26 treatment of alcohol or drug dependency, in order to earn credit
27 against the amount owed on the court-imposed financial obligation,
28 other than restitution or child support or other support or
29 maintenance ordered by a court. "Reformatory service" shall
30 include, but not be limited to, substance abuse treatment or services,
31 other therapeutic treatment, educational or vocational services,
32 employment training or services, family counseling, service to the
33 community and volunteer or other work.

34 b. The court shall determine the amount of the credit that
35 would be applied against the court-imposed financial obligation
36 upon successful completion of the supervisory treatment program.
37 The court shall not apply any credit unless the person establishes to
38 the satisfaction of the court that the person has successfully
39 completed the rehabilitation service as part of the supervisory
40 treatment program. If the person's participation is for any reason
41 terminated before the person's successful completion of the
42 supervisory treatment program, collection of the entire court-
43 imposed financial obligation shall be enforced.

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45 3. This act shall take effect immediately, and apply to any
46 person convicted of or charged with a violation of any offense
47 defined under Title 2C of the New Jersey Statutes or other
48 applicable law.

STATEMENT

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This bill would allow drug- or alcohol-dependent persons who are admitted into court-ordered supervisory treatment programs to reduce the amount they owe on court-ordered fines and other financial obligations, other than restitution or child support, or other support or maintenance ordered by a court, upon successful completion of the treatment program, based upon engaging in “reformatory service” during their time of program participation. The types of reformatory service that could be performed would include, but not be limited to, such activities as substance abuse treatment or services, educational or vocational services, employment training or services, family counseling, and volunteer or other work.

The court would determine the amount of credit that would be applied against the court-imposed financial obligation upon successful completion of the supervisory treatment program. The court would not apply any credit unless a person establishes to the satisfaction of the court that the person has successfully completed the rehabilitation service as part of the supervisory treatment program. If a person's participation was terminated before the person's successful completion of the supervisory treatment program, collection of the entire court-imposed financial obligation would be enforced.

This bill is based upon Recommendation No. 9 of the Report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees, issued June 2018. As the report notes, providing the opportunity for participants in supervisory treatment programs to eliminate or reduce outstanding court-ordered financial obligations can further incentivize their participation and successful completion of such programs.