

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 275

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2020

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 275.

This committee substitute would allow persons owing certain court-imposed financial obligations and ordered by the court to serve a term of probation or participate in a diversionary program to earn “transformative credit” against the amount owed by participating in treatment programs, educational or vocational services, or service to the community.

The committee substitute provides that a person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency for a violation of any offense defined under Title 2C of the New Jersey Statutes or other applicable law and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed on the court-imposed financial obligation. Transformative credit could not be earned if the financial obligation is restitution, amounts due to the Victims of Crime Compensation Office, or child support or other support or maintenance ordered by a court. The substitute provides that transformative credit may be earned by participation in the following programs and services, including but not limited to: approved substance abuse treatment, mental health treatment, educational or vocational services, employment training or services, family counseling, and service to the community.

The court would determine the amount of the transformative credit applied against the court-imposed financial obligation based on consideration of the following factors:

- (1) The nature and circumstances of the crime, offense, or adjudication of delinquency;
- (2) Successful participation in treatment, education services, counseling, or community service;
- (3) Convictions or adjudications of delinquency during the probationary term or diversion program period;
- (4) Substantial compliance with the terms of the sentence; and
- (5) Any other information the court deems relevant.

As introduced, Assembly Bill No. 275 would have applied only to drug- or alcohol-dependent persons admitted into court-ordered supervisory treatment programs. These persons would have been able to reduce the amount owed 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 would have included, but not have been limited to, substance abuse treatment or services, educational or vocational services, employment training or services, family counseling, and volunteer or other work.

Under the original bill, the court would have determined the amount of credit that would be applied against the court-imposed financial obligation upon successful completion of the supervisory treatment program.

This committee substitute substantially expands the provisions of the bill. Under the substitute, any person required to pay a court-imposed financial obligation resulting from a conviction, placement in a diversion program, or adjudication of delinquency and ordered by the court to a term of probation or a diversionary program would be eligible to earn transformative credit against the amount owed. There would be no requirement that the person successfully complete the diversionary program.

The substitute also adds the transformative credit provisions to N.J.S.2C:35-15, which imposes special fines, in addition to any other disposition, for persons convicted of drug offenses. The monies collected under N.J.S.2C:35-15 are forwarded to the Department of the Treasury for deposit in the “Drug Enforcement and Demand Reduction Fund.”