

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 275**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

ADOPTED FEBRUARY 13, 2020

**Sponsored by:**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

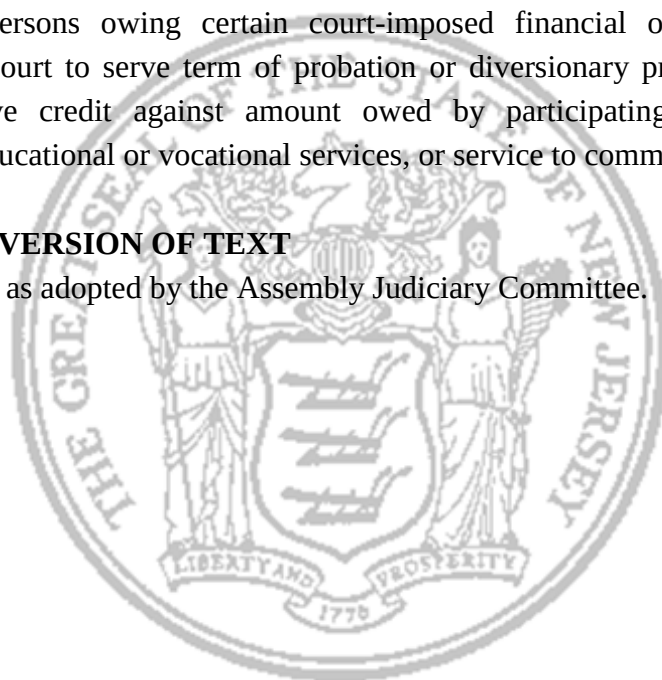
**Assemblymen Mazzeo, Chiaravalloti, Assemblywomen Reynolds-Jackson,  
Lampitt, Assemblyman Johnson, Assemblywomen Downey and  
Timberlake**

**SYNOPSIS**

Allows persons owing certain court-imposed financial obligations and ordered by court to serve term of probation or diversionary program to earn transformative credit against amount owed by participating in treatment programs, educational or vocational services, or service to community.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Judiciary Committee.



**(Sponsorship Updated As Of: 3/25/2021)**

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, every person convicted of a violation of any offense  
11      defined in this chapter or chapter 36 of this title shall be assessed  
12      for each offense a penalty fixed at:

13      (a) \$3,000 in the case of a crime of the first degree;

14      (b) \$2,000 in the case of a crime of the second degree;

15      (c) \$1,000 in the case of a crime of the third degree;

16      (d) \$750 in the case of a crime of the fourth degree;

17      (e) \$500 in the case of a disorderly persons or petty disorderly  
18      persons offense.

19      (2) A person being sentenced for more than one offense set forth  
20      in subsection a. of this section who is not placed in supervisory  
21      treatment pursuant to this section or ordered to **【perform**  
22      reformatory service**】** earn transformative credit pursuant to  
23      subsection f. of this section may, in the discretion of the court, be  
24      assessed a single penalty applicable to the highest degree offense  
25      for which the person is convicted, if the court finds that the  
26      defendant has established the following:

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

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

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

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

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

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

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

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

32       e. The court may suspend the collection of a penalty imposed  
33 pursuant to this section; provided the person is ordered by the court  
34 to participate in a drug or alcohol rehabilitation program approved  
35 by the court; and further provided that the person agrees to pay for  
36 all or some portion of the costs associated with the rehabilitation  
37 program. In this case, the collection of a penalty imposed pursuant  
38 to this section shall be suspended during the person's participation  
39 in the approved, court-ordered rehabilitation program. Upon  
40 successful completion of the program, as determined by the court  
41 upon the recommendation of the treatment provider, the person may  
42 apply to the court to: (1) reduce the penalty imposed pursuant to  
43 this section by any amount actually paid by the person for  
44 participating in the program; and (2) to determine the amount of  
45 credit earned against the amount owed on any court-imposed  
46 financial obligation as provided in section 2 of P.L. , c. (C. )  
47 (pending before the Legislature as this bill). 【The court shall not

1 reduce the penalty pursuant to this subsection unless the person  
2 establishes to the satisfaction of the court that the person has  
3 successfully completed the rehabilitation program. If the person's  
4 participation is for any reason terminated before successful  
5 completion of the rehabilitation program, collection of the entire  
6 penalty imposed pursuant to this section shall be enforced.】  
7 Nothing in this section shall be deemed to affect or suspend any  
8 other criminal sanctions imposed pursuant to this chapter or chapter  
9 36 of this title.

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

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

1 establishes to the satisfaction of the court that the person has  
2 successfully completed the reformatory service. If the person's  
3 participation is for any reason terminated before his successful  
4 completion of the reformatory service, collection of the entire  
5 penalty imposed pursuant to this section shall be enforced **based**  
6 on consideration of the following factors:

7 (1) The nature and circumstances of the crime, offense, or  
8 adjudication of delinquency;

9 (2) Successful participation in treatment, education services,  
10 counseling, or community service;

11 (3) Convictions or adjudications of delinquency during any  
12 probationary term or diversion program period;

13 (4) Substantial compliance with the terms of the sentence; and

14 (5) Any other information the court deems relevant. Nothing in  
15 this subsection shall be deemed to affect or suspend any other  
16 criminal sanctions imposed pursuant to this chapter or chapter 36 of  
17 this title.

18 Any **[reformatory service]** transformative credit plan ordered  
19 pursuant to this section shall be in addition to and not in lieu of any  
20 community service imposed by the court or otherwise required by  
21 law. Nothing in this section shall limit the court's authority to order  
22 a person to participate in any activity, program, or treatment in  
23 addition to those proposed in a **[reformatory service]**  
24 transformative credit plan.

25 (cf: P.L.2019, c.363, s.4)

26  
27 2. (New section) a. A person required to pay any form of  
28 court-imposed financial obligation resulting from a conviction,  
29 placement in a diversion program, or adjudication of delinquency  
30 for a violation of any offense defined under Title 2C of the New  
31 Jersey Statutes or other applicable law and ordered by the court to a  
32 term of probation or a diversionary program shall be eligible to earn  
33 transformative credit against the amount owed on the court-imposed  
34 financial obligation, other than restitution, amounts due to the  
35 Victims of Crime Compensation Office, or child support or other  
36 support or maintenance ordered by a court. "Transformative credit"  
37 may be earned by participation in the following programs and services,  
38 including but not limited to: approved substance abuse treatment,  
39 mental health treatment, educational or vocational services,  
40 employment training or services, family counseling, and service to  
41 the community.

42 b. The court shall determine the amount of the transformative  
43 credit applied against the court-imposed financial obligation based  
44 on consideration of the following factors:

45 (1) The nature and circumstances of the crime, offense, or  
46 adjudication of delinquency;

47 (2) Successful participation in treatment, education services,  
48 counseling, or community service;

1       (3) Convictions or adjudications of delinquency during the  
2 probationary term or diversion program period;

3       (4) Substantial compliance with the terms of the sentence; and

4       (5) Any other information the court deems relevant.

5

6       3. This act shall take effect on the first day of the fourth month  
7 following enactment, and apply to any person convicted of a crime or  
8 offense, placed in a diversion program, or adjudicated delinquent on or  
9 after the effective date.