

ASSEMBLY, No. 1950

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SERENA DIMASO
District 13 (Monmouth)

Co-Sponsored by:

Assemblywomen Vainieri Huttie and Chaparro

SYNOPSIS

Permits person admitted into court-ordered supervisory treatment program for drug or alcohol dependency to earn credit against amount owed on certain court-imposed financial obligations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/8/2021)

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, 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.

45 All penalties provided for in this section shall be in addition to
46 and not in lieu of any fine authorized by law or required to be
47 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 that would otherwise have been made available to provide
25 alcoholism and drug abuse services for the deaf, hard of hearing and
26 disabled, nor shall the moneys be used for the administrative costs
27 of the program.

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

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

1 completion of the rehabilitation program, collection of the entire
2 penalty imposed pursuant to this section shall be enforced. Nothing
3 in this section shall be deemed to affect or suspend any other
4 criminal sanctions imposed pursuant to this chapter or chapter 36 of
5 this title.

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

25 The court, in its discretion, shall determine whether to accept the
26 plan, after considering the position of the prosecutor, the plan's
27 appropriateness and practicality, the defendant's ability to pay and
28 the effect of the proposed service on the defendant's rehabilitation
29 and reintegration into society. The court shall determine the amount
30 of the credit that would be applied against the penalty upon
31 successful completion of the reformatory service, not to exceed one-
32 half of the amount assessed, except that the court may, in the case
33 of an extreme financial hardship, waive additional amounts of the
34 penalty owed by a person who has completed a court administered
35 alcohol and drug rehabilitation program if necessary to aid the
36 person's rehabilitation and reintegration into society. The court shall
37 not apply the credit against the penalty unless the person establishes
38 to the satisfaction of the court that he has successfully completed
39 the reformatory service. If the person's participation is for any
40 reason terminated before his successful completion of the
41 reformatory service, collection of the entire penalty imposed
42 pursuant to this section shall be enforced. Nothing in this
43 subsection shall be deemed to affect or suspend any other criminal
44 sanctions imposed pursuant to this chapter or chapter 36 of this
45 title.

46 Any reformatory service ordered pursuant to this section shall be
47 in addition to and not in lieu of any community service imposed by
48 the court or otherwise required by law. Nothing in this section shall

1 limit the court's authority to order a person to participate in any
2 activity, program or treatment in addition to those proposed in a
3 reformatory service plan.
4 (cf: P.L.2008, c.15, s.2)

5
6 2. (New section) a. A person required to pay any form of
7 court-imposed financial obligation resulting from a conviction or
8 charge for a violation of any offense defined under Title 2C of the
9 New Jersey Statutes or other applicable law, shall be eligible to
10 perform reformatory service, when ordered by the court as a
11 condition for admission into special probation pursuant to
12 N.J.S.2C:35-14, conditional discharge pursuant to N.J.S.2C:36A-1,
13 supervisory treatment pursuant to N.J.S.2C:43-12, or conditional
14 dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) for
15 treatment of alcohol or drug dependency, in order to earn credit
16 against the amount owed on the court-imposed financial obligation,
17 other than restitution or child support or other support or
18 maintenance ordered by a court. "Reformatory service" shall
19 include, but not be limited to, substance abuse treatment or services,
20 other therapeutic treatment, educational or vocational services,
21 employment training or services, family counseling, service to the
22 community and volunteer or other work.

23 b. The court shall determine the amount of the credit that
24 would be applied against the court-imposed financial obligation
25 upon successful completion of the supervisory treatment program.
26 If the person's participation is for any reason terminated before the
27 person's successful completion of the supervisory treatment
28 program, collection of the entire court-imposed financial obligation
29 shall be enforced.

30
31 3. This act shall take effect immediately, and apply to any
32 person convicted of or charged with a violation of any offense
33 defined under Title 2C of the New Jersey Statutes or other
34 applicable law.

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37 STATEMENT

38
39 This bill would permit a person admitted into a court-ordered
40 supervisory treatment program for drug or alcohol dependency to
41 earn credit against the amount owed on any court-imposed financial
42 obligations, other than restitution or child support, or other support
43 or maintenance ordered by a court. The credit would be based upon
44 the performance of reformatory service ordered by the court as a
45 condition for admission into the supervisory treatment program, and
46 could include such activities as substance abuse treatment or
47 services, educational or vocational services, employment training or
48 services, family counseling, and volunteer or other work.

1 The court would determine the amount of credit that would be
2 applied against the court-imposed financial obligation upon
3 successful completion of the supervisory treatment program. If a
4 person's participation was terminated before the person's successful
5 completion of the supervisory treatment program, collection of the
6 entire court-imposed financial obligation would be enforced.

7 This bill embodies Recommendation No. 9 of the Report of the
8 Supreme Court Committee on Municipal Court Operations, Fines,
9 and Fees, issued June 2018. As indicated in the report, providing a
10 mechanism for persons participating in supervisory treatment
11 programs to eliminate or reduce outstanding court-ordered financial
12 obligations further incentivizes their participation and successful
13 completion of such programs.