

ASSEMBLY, No. 2400

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Establishes “County Government Criminal Justice Reform Administration Fund”; increases certain fees and assessments.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the “County Government Criminal Justice
2 Reform Administration Fund,” increasing certain fees and
3 assessments, and amending and supplementing various parts of
4 the statutory law.

5

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

8

- 9 1. (New section) The Legislature finds and declares that:
 - 10 a. County governments across the State will play a significant
11 role in implementing and administering criminal justice reform, as
12 defined in section 2 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), and are committed to carrying out the new
14 law as good public policy and as a means for reducing long-term
15 operating expenses at county jails;
 - 16 b. However, county governments face significant costs
17 associated with implementing the criminal justice reform, as
18 defined in section 2 of P.L. , c. (C.) (pending before the
19 Legislature as this bill), that will impact the delivery of critical
20 services and the use of valuable property taxpayer dollars;
 - 21 c. Despite laudable efforts to streamline service and stabilize
22 budgets, county governments do not have sufficient financial
23 resources to provide for additional salaries and wages, health and
24 pension benefits, operation and maintenance expenses, court
25 security enhancements, court security improvements, and other
26 capital expenses required to implement and administer criminal
27 justice reform, as defined in section 2 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill);
 - 29 d. A continuous source of funding is needed to assist county
30 governments with executing this important and timely initiative;
31 and
 - 32 e. It is entirely appropriate for those citizens who use the
33 courts to share in the cost of implementing and administering
34 criminal justice reform, as defined in section 2 of P.L. ,
35 c. (C.) (pending before the Legislature as this bill).

36

- 37 2. (New section) As used in this act:
38 “County governing body” means the board of chosen
39 freeholders, or in the case of those counties organized pursuant to
40 the provisions of the "Optional County Charter Law," P.L.1972,
41 c.154 (C.40:41A-1 et seq.), the board of chosen freeholders and the
42 county executive, the county supervisor, or the county manager, as
43 appropriate.

44 “Criminal justice reform” herein refers to the pretrial release and
45 pretrial detention proceedings established by sections 1 through 11

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 and section 20 of P.L.2014, c.31 (C.2A:162-15 et seq.) and sections
2 12 through 15 and sections 17 through 19 of P.L.2014, c.31 (2B:1-7
3 et seq.).

4
5 3. (New section) a. There is established in the General Fund a
6 separate, non-lapsing, dedicated account to be known as the
7 “County Government Criminal Justice Reform Administration
8 Fund.” Each fiscal year, the State Treasurer shall deposit all
9 revenues derived from the additional fees, costs and assessments
10 authorized pursuant to P.L. , c. (C.) (pending before the
11 Legislature as this bill), under N.J.S.22A:3-4, subsection b. of
12 section 14 of P.L.1991, c.261 (C.2C:25-30), and sections 6, 7, and 8
13 of P.L. , c. (C.) (pending before the Legislature as this
14 bill) to the “County Government Criminal Justice Reform
15 Administration Fund.” Moneys in the fund, including any interest
16 accruing thereon, shall be used for the additional costs associated
17 with implementing and administering criminal justice reform, as
18 defined in section 2 of P.L. , c. (C.) (pending before the
19 Legislature as this bill). The State Treasurer shall administer the
20 fund and disburse money from the fund to county governing bodies
21 to implement and administer criminal justice reform.

22 b. Moneys in the fund shall be distributed to county governing
23 bodies as the county share, which shall equal the total number of
24 complaint-warrants generated in each county pursuant to
25 subsection c. of section 2 of P.L.2014, c.31 (C.2A:162-16), divided
26 by the total number of Statewide complaint-warrants generated
27 pursuant to subsection c. of section 2 of P.L.2014, c.31 (C.2A:162-
28 16), multiplied by the total revenues deposited in the “County
29 Government Criminal Justice Reform Administration Fund” in the
30 prior State fiscal year. Moneys distributed under P.L. ,
31 c. (C.) (pending before the Legislature as this bill) shall be
32 used to offset county governing body funding for implementing and
33 administering criminal justice reform, as defined in section 2 of
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 including, but not limited to: salaries and wages, health and pension
36 benefits, operation and maintenance expenses, court security
37 enhancements, court facility improvements, and other capital
38 expenses, as recommended by the Assignment Judge and the
39 governing body of the county, county prosecutor, or sheriff and as
40 approved by the county governing body. The Administrative Office
41 of the Courts may monitor the use of the funds distributed in
42 accordance with P.L. , c. (C.) (pending before the
43 Legislature as this bill) and county governing bodies shall cooperate
44 in the monitoring of such efforts.

45
46 4. N.J.S.22A:3-4 is amended to read as follows:

47 22A:3-4. Fees for criminal proceedings.

48 The fees provided in the following schedule, and no other
49 charges whatsoever, shall be allowed for court costs in any

1 proceedings of a criminal nature in the municipal courts but no
2 charge shall be made for the services of any salaried police officer
3 of the State, county or municipal police.

4 For violations of Title 39 of the Revised Statutes, or of traffic
5 ordinances, at the discretion of the court, up to but not exceeding
6 **[\$33]** \$38 with \$2.50 of the \$5 increase deposited in the “County
7 Government Criminal Justice Reform Fund,” established pursuant
8 to section 3 of P.L. , c. (C.) (pending before the Legislature
9 as this bill), and \$2.50 of the \$5 increase to municipalities to offset
10 municipal governing body funding for implementing and
11 administering criminal justice reform, as defined in section 2 of
12 P.L. , c. (C.) (pending before the Legislature as this bill),
13 including, but not limited to: salaries and wages, health and pension
14 benefits, operation and maintenance expenses, court security
15 enhancements, court facility improvements, and other capital
16 expenses.

17 For all other cases, at the discretion of the court, up to but not
18 exceeding **[\$33]** \$35, with \$2 of the increase deposited in the
19 “County Government Criminal Justice Reform Fund,” established
20 pursuant to section 3 of P.L. , c. (C.) (pending before the
21 Legislature as this bill).

22 In municipal court proceedings, the court shall impose court
23 costs within the maximum limits authorized by this section, as
24 follows:

25 a. For every violation of any statute or ordinance the sum of
26 \$2.00. The court shall not suspend the collection of this \$2.00 court
27 cost assessment. These court cost assessments shall be collected by
28 the municipal court administrator for deposit into the Automated
29 Traffic System Fund, created pursuant to N.J.S.2B:12-30.

30 b. For each fine, penalty and forfeiture imposed and collected
31 under authority of law for any violation of the provisions of Title 39
32 of the Revised Statutes or any other motor vehicle or traffic
33 violation in this State the sum of \$.50. The court shall not suspend
34 the collection of this \$.50 court cost assessment. These court cost
35 assessments shall be collected by the municipal court administrator
36 for deposit into the "Emergency Medical Technician Training
37 Fund" established pursuant to P.L.1992, c.143 (C.26:2K-54 et al.).

38 c. For every violation of any statute or ordinance the sum of \$3
39 to fund the Statewide modernization of the Automated Traffic
40 System. The court shall not suspend the collection of this \$3 court
41 cost assessment. These court cost assessments shall be collected by
42 the municipal court administrator for deposit into the Automated
43 Traffic System Statewide Modernization Fund, established pursuant
44 to section 1 of P.L.2004, c.62 (C.2B:12-30.1).

45 d. For every violation of any statute or ordinance the sum of \$2
46 to offset the cost of implementing and administering criminal
47 justice reform, as defined in section 2 of P.L. , c. (C.)
48 (pending before the Legislature as this bill). The court shall not
49 suspend the collection of this \$2 court cost except as provided in

1 section 11 of P.L. , c. (C.) (pending before the Legislature
 2 as this bill). These court cost assessments shall be collected by the
 3 municipal court administrator for deposit into the “County
 4 Government Criminal Justice Reform Administration Fund”
 5 established pursuant to section 3 of P.L. , c. (C.) (pending
 6 before the Legislature as this bill).

7 The provisions of this act shall not prohibit the taxing of
 8 additional costs when authorized by R.S.39:5-39.

9 For certificate of judgment..... \$4.00

10 For certified copy of paper filed with the court as a public
 11 record:

12 First page..... \$4.00

13 Each additional page or part thereof..... \$1.00

14 For copy of paper filed with the court as a public record:

15 First page..... \$2.00

16 Each additional page or part thereof..... \$1.00

17 In addition to any fine imposed, when a supplemental notice is
 18 sent for failure to appear on a return date the cost shall be \$10.00
 19 per notice, unless satisfactory evidence is presented to the court that
 20 the notice was not received.

21 CONSTABLES OR OTHER OFFICERS

22 From the fees allowed for court costs in the foregoing schedule,
 23 the clerk of the court shall pay the following fees to constables or
 24 other officers:

25 Serving warrant or summons, \$1.50.

26 Serving every subpoena, \$0.70.

27 Serving every execution, \$1.50.

28 Advertising property under execution, \$0.70.

29 Sale of property under execution, \$1.00.

30 Serving every commitment, \$1.50.

31 Transport of defendant, actual cost.

32 Mileage, for every mile of travel in serving any warrant,
 33 summons, commitment, subpoena or other process, computed by
 34 counting the number of miles in and out, by the most direct route
 35 from the place where such process is returnable, exclusive of the
 36 first mile, \$0.20.

37 If defendant is found guilty of the charge laid against him, he
 38 shall pay the costs herein provided, but if, on appeal, the judgment
 39 is reversed, the costs shall be repaid to defendant. If defendant is
 40 found not guilty of the charge laid against him, the costs shall be
 41 paid by the prosecutor, except when the Chief Administrator of the
 42 New Jersey Motor Vehicle Commission, a peace officer, or a police
 43 officer shall have been prosecutor.

44 (cf: P.L.2004, c.62, s.2)

45

46 5. Section 14 of P.L.1991, c.261 (C.2C:25-30) is amended to
 47 read as follows:

48 14. a. Except as provided below, a violation by the defendant of
 49 an order issued pursuant to this act shall constitute an offense under

1 subsection b. of N.J.S.2C:29-9 and each order shall so state. All
2 contempt proceedings conducted pursuant to N.J.S.2C:29-9
3 involving domestic violence orders, other than those constituting
4 indictable offenses, shall be heard by the Family Part of the
5 Chancery Division of the Superior Court. All contempt proceedings
6 brought pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) shall be
7 subject to any rules or guidelines established by the Supreme Court
8 to guarantee the prompt disposition of criminal matters.
9 Additionally, and notwithstanding the term of imprisonment
10 provided in N.J.S.2C:43-8, any person convicted of a second or
11 subsequent nonindictable domestic violence contempt offense shall
12 serve a minimum term of not less than 30 days. Orders entered
13 pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of
14 section 13 of this act shall be excluded from enforcement under
15 subsection b. of N.J.S.2C:29-9; however, violations of these orders
16 may be enforced in a civil or criminal action initiated by the
17 plaintiff or by the court, on its own motion, pursuant to applicable
18 court rules.

19 b. A defendant who is found guilty of contempt pursuant to
20 subsection a. of this section shall be assessed a \$30 criminal justice
21 reform fee, which shall be forwarded to the State Treasurer for
22 deposit in the "County Government Criminal Justice Reform
23 Administration Fund," created pursuant to section 3 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill).
25 (cf: P.L.1994, c.94, s.6)
26

27 6. (New section) Notwithstanding any other provision of law
28 to the contrary, a criminal justice reform fee shall be added to the
29 court filing fees set forth in Title 22A of the New Jersey Statutes or
30 set forth in the supplemental filing fees adopted by court rule
31 pursuant to sections 12 through 15 and sections 17 through 19 of
32 P.L.2014, c.31 (2B:1-7 et seq.) for the following papers filed in
33 Supreme Court, Superior Court, and Tax Court: (1) \$5 criminal
34 justice reform fee for each first paper filed and for each first paper
35 filed by any person other than the plaintiff; and (2) a \$5 criminal
36 justice reform fee for each motion filed. Revenue derived from the
37 additional criminal justice reform fees set forth in this section shall
38 be deposited in the "County Government Criminal Justice Reform
39 Administration Fund," created pursuant to section 3 of P.L. ,
40 c. (C.) (pending before the Legislature as this bill).
41

42 7. (New section) a. In addition to any other fine, fee or
43 assessment imposed, any person convicted of a crime, disorderly
44 persons offense or petty disorderly persons offense, or any juvenile
45 adjudicated delinquent for an offense which, if committed by an
46 adult, would constitute a crime, disorderly persons offense or petty
47 disorderly persons offense shall be assessed a \$25 criminal justice
48 reform fee for each conviction.

1 b. All assessments provided for in subsection a. of this section
2 shall be collected as provided for collection of fines and restitutions
3 in section 3 of P.L.1979, c.396 (C.2C:46-4) and shall be forwarded
4 to the State Treasurer to be deposited in the “County Government
5 Criminal Justice Reform Administration Fund,” created pursuant to
6 section 3 of P.L. , c. (C.) (pending before the Legislature
7 as this bill).

8
9 8. (New section) a. In addition to any term or condition that
10 may be imposed, an additional criminal justice reform assessment
11 of \$25 shall be paid by a participant in the following programs: (a)
12 supervisory treatment pursuant to N.J.S.2C:43-12 et seq.; (b)
13 conditional discharge pursuant to section 3 of P.L.1987,
14 c.106 (C.2C:36A-1); and (c) conditional dismissal pursuant to
15 P.L.2013, c.158 (C.2C:43-13.1 et al.).

16 b. All assessments provided for in subsection a. of this section
17 shall be collected as provided for collection of fines and restitutions
18 in section 3 of P.L.1979, c.396 (C.2C:46-4) and shall be forwarded
19 to the State Treasurer to be deposited into the “County Government
20 Criminal Justice Reform Administration Fund,” created pursuant to
21 section 3 of P.L. , c. (C.) (pending before the Legislature
22 as this bill).

23
24 9. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
25 as follows:

26 3. a. All fines, assessments imposed pursuant to section 2 of
27 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
28 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
29 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
30 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
31 penalties imposed pursuant to section 1 of P.L.2009,
32 c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
33 P.L.2013, c.214 (C.30:4-123.97) , all assessments imposed pursuant
34 to sections 7 and 8 of P.L. , c. (C.) (pending before the
35 Legislature as this bill), and restitution shall be collected as follows:

36 (1) All fines, assessments imposed pursuant to section 2 of
37 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
38 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
39 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
40 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
41 penalties imposed pursuant to section 1 of P.L.2009,
42 c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
43 P.L.2013, c.214 (C.30:4-123.97) , all assessments imposed pursuant
44 to sections 7 and 8 of P.L. , c. (C.) (pending before the
45 Legislature as this bill), and restitution imposed by the Superior
46 Court or otherwise imposed at the county level, shall be collected
47 by the county probation division except when such fine, assessment
48 or restitution is imposed in conjunction with a custodial sentence to
49 a State correctional facility or in conjunction with a term of

1 incarceration imposed pursuant to section 25 of P.L.1982,
2 c.77 (C.2A:4A-44) in which event such fine, assessment or
3 restitution shall be collected by the Department of Corrections or
4 the Juvenile Justice Commission established pursuant to section 2
5 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
6 correctional institution or a juvenile serving a term of incarceration
7 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
8 who has not paid an assessment imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
11 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
12 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
13 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-
14 123.97) , all assessments imposed pursuant to sections 7 and 8 of
15 P.L. , c. (C.) (pending before the Legislature as this bill), or
16 restitution shall have the assessment, penalty, fine or restitution
17 deducted from any income the inmate receives as a result of labor
18 performed at the institution or on any type of work release program
19 or, pursuant to regulations promulgated by the Commissioner of the
20 Department of Corrections or the Juvenile Justice Commission,
21 from any personal account established in the institution for the
22 benefit of the inmate.

23 (a) A payment of restitution collected by the Department of
24 Corrections pursuant to this paragraph shall be maintained by the
25 department for two years during which the department shall attempt
26 to locate the victim to whom the restitution is owed. If the
27 department has not located the victim and the victim has not come
28 forward to claim the payment within this two-year period, the
29 payment shall be transferred to the Victims of Crime Compensation
30 Office Account to be used in satisfying claims pursuant to the
31 provisions of the "Criminal Injuries Compensation Act of 1971,"
32 P.L.1971, c.317 (C.52:4B-1 et seq.).

33 (b) If the Department of Corrections has transferred a payment
34 of restitution to the Victims of Crime Compensation Office
35 pursuant to subparagraph (a) of this paragraph, the department shall
36 provide the office with the order for restitution and any other
37 information regarding the identity of the victim to whom the
38 payment is owed. The office shall be responsible for maintaining
39 this information and for distributing payments of restitution to
40 victims who can prove they are owed the payments.

41 (2) All fines, assessments imposed pursuant to section 2 of
42 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
43 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
44 by a municipal court shall be collected by the municipal court
45 administrator except if such fine, assessments imposed pursuant to
46 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
47 as a condition of probation in which event it shall be collected by
48 the county probation division.

1 b. Except as provided in subsection c. with respect to fines
2 imposed on appeals following convictions in municipal courts and
3 except as provided in subsection i. with respect to restitution
4 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
5 al.), all fines imposed by the Superior Court or otherwise imposed
6 at the county level, shall be paid over by the officer entitled to
7 collect same to:

8 (1) The county treasurer with respect to fines imposed on
9 defendants who are sentenced to and serve a custodial term,
10 including a term as a condition of probation, in the county jail,
11 workhouse or penitentiary except where such county sentence is
12 served concurrently with a sentence to a State institution; or

13 (2) The State Treasurer with respect to all other fines.

14 c. All fines imposed by municipal courts, except a central
15 municipal court established pursuant to N.J.S.2B:12-1 on
16 defendants convicted of crimes, disorderly persons offenses and
17 petty disorderly persons offenses, and all fines imposed following
18 conviction on appeal therefrom, and all forfeitures of bail shall be
19 paid over by the officer entitled to collect same to the treasury of
20 the municipality wherein the municipal court is located.

21 In the case of an intermunicipal court, fines shall be paid into the
22 municipal treasury of the municipality in which the offense was
23 committed, and costs, fees, and forfeitures of bail shall be
24 apportioned among the several municipalities to which the court's
25 jurisdiction extends according to the ratios of the municipalities'
26 contributions to the total expense of maintaining the court.

27 In the case of a central municipal court, established by a county
28 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
29 bail shall be paid into the county treasury of the county where the
30 central municipal court is located.

31 d. All assessments imposed pursuant to section 2 of P.L.1979,
32 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
33 in that section.

34 e. All mandatory Drug Enforcement and Demand Reduction
35 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
36 and deposited as provided for in that section.

37 f. All forensic laboratory fees assessed pursuant to
38 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
39 that section.

40 g. All restitution ordered to be paid to the Victims of Crime
41 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
42 to the office for deposit in the Victims of Crime Compensation
43 Office Account.

44 h. All assessments imposed pursuant to section 11 of P.L.1993,
45 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
46 in that section.

47 i. All restitution imposed on defendants under the provisions
48 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
49 enforcement entity in extraditing the defendant from another

1 jurisdiction shall be paid over by the officer entitled to collect same
2 to the law enforcement entities which participated in the extradition
3 of the defendant.

4 j. All penalties imposed pursuant to section 1 of P.L.1999,
5 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
6 in that section.

7 k. All penalties imposed pursuant to section 11 of P.L.2001,
8 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
9 that section.

10 l. All mandatory penalties imposed pursuant to section 1 of
11 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
12 provided in that section.

13 m. All mandatory Computer Crime Prevention penalties
14 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
15 shall be forwarded and deposited as provided in that section.

16 n. All mandatory Sex Offender Supervision penalties imposed
17 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
18 forwarded and deposited as provided in that section.

19 o. All assessments imposed pursuant to section 7 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill) shall be
21 forwarded and deposited in the "County Government Criminal
22 Justice Reform Administration Fund," pursuant to section 3 of
23 P.L. , c. (C.) (pending before the Legislature as this bill).

24 p. All assessments imposed pursuant to section 8 of P.L. ,
25 c. (C.) (pending before the Legislature as this bill) shall be
26 forwarded and deposited in the "County Government Criminal
27 Justice Reform Administration Fund," pursuant to section 3 of
28 P.L. , c. (C.) (pending before the Legislature as this bill).
29 (cf: P.L.2015, c.55, s.1).

30

31 10. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
32 read as follows:

33 13. Moneys that are collected in satisfaction of any assessment
34 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
35 in satisfaction of restitution or fines imposed in accordance with the
36 provisions of Title 2C of the New Jersey Statutes or with the
37 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
38 applied in the following order:

39 a. first, in satisfaction of all assessments imposed pursuant to
40 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

41 b. second, except as provided in subsection f. of this section, in
42 satisfaction of any restitution ordered;

43 c. third, in satisfaction of all assessments imposed pursuant to
44 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

45 d. fourth, in satisfaction of any forensic laboratory fee assessed
46 pursuant to N.J.S.2C:35-20;

47 e. fifth, in satisfaction of any mandatory Drug Enforcement
48 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
49 15;

1 f. sixth, in satisfaction of any anti-drug profiteering penalty
2 imposed pursuant to N.J.S.2C:35A-1 et seq.;

3 g. seventh, in satisfaction of any anti-money laundering
4 profiteering penalty imposed pursuant to section 9 of P.L.1999,
5 c.25 (C.2C:21-27.2);

6 h. eighth, in satisfaction of restitution for any extradition costs
7 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

8 i. ninth, in satisfaction of any penalty imposed pursuant to
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

10 j. tenth, in satisfaction of any penalty imposed pursuant to
11 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

12 k. eleventh, in satisfaction of the mandatory penalty imposed
13 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

14 l. twelfth, in satisfaction of any mandatory Computer Crime
15 Prevention penalty assessed pursuant to section 1 of P.L.2009,
16 c.143 (C.2C:43-3.8);

17 m. thirteenth, in satisfaction of any mandatory Sex Offender
18 Supervision penalty assessed pursuant to section 7 of P.L.2013,
19 c.214 (C.30:4-123.97); **[and]**

20 n. fourteenth, in satisfaction of any assessment imposed
21 pursuant to section 7 of P.L. , c. (C.) (pending before the
22 Legislature as this bill);

23 o. fifteenth, in satisfaction of any assessment fee imposed
24 pursuant to section 8 of P.L. , c. (C.) (pending before the
25 Legislature as this bill); and

26 p. sixteenth, in satisfaction of any fine.
27 (cf: P.L.2013, c.214, s.6)

28
29 11. (New section) A person may apply for a waiver of a
30 criminal justice reform fee or assessment imposed pursuant to
31 P.L. , c. (C.) (pending before the Legislature as this bill),
32 by reason of poverty, pursuant to the Rules Governing the Courts of
33 the State of New Jersey.

34
35 12. This act shall take effect on the first day of the seventh
36 month following enactment.

37 38 39 STATEMENT

40
41 This bill would increase certain court filing fees, court costs and
42 assessments to provide a continuous source of funding to county
43 governments for the implementation and administration of the
44 pretrial release and pretrial detention proceedings established by the
45 sections 1 through 11 and section 20 of P.L.2014, c.31 (C.2A:162-
46 15 et seq.) and sections 12 through 15 and sections 17 through 19 of
47 P.L.2014, c.31 (2B:1-7 et seq.), herein referred to as “criminal
48 justice reform.”

1 COUNTY GOVERNMENT CRIMINAL JUSTICE REFORM
2 ADMINISTRATION FUND

3 The bill provides that the annual revenue realized from these
4 increases would be deposited in the newly created “County
5 Government Criminal Justice Reform Administration Fund,” a
6 separate, non-lapsing, dedicated account. Moneys in the fund,
7 including any interest accruing thereon, would be used for the costs
8 associated with implementing and administering criminal justice
9 reform.

10 The bill authorizes the State Treasurer to administer the fund and
11 disburse money from the fund to county governing bodies to
12 implement and administer criminal justice reform. Money in the
13 fund would be distributed to county governing bodies as the county
14 share, which would be equal to the total number of complaint-
15 warrants generated in each county pursuant to subsection c. of
16 section 2 of P.L.2014, c.31 (C.2A:162-16), divided by the total
17 number of Statewide complaint-warrants generated pursuant to
18 subsection c. of section 2 of P.L.2014, c.31 (C.2A:162-16),
19 multiplied by the total revenues deposited in the “County
20 Government Criminal Justice Reform Administration Fund” in the
21 prior State fiscal year. Moneys distributed under the bill would be
22 used to offset county governing body funding for implementing and
23 administering criminal justice reform including, but not limited to:
24 salaries and wages, health and pension benefits, operation and
25 maintenance expenses, court security enhancements, court facility
26 improvements, and other capital expenses, as recommended by the
27 Assignment Judge and the governing body of the county, county
28 prosecutor, or sheriff and as approved by the county governing
29 body. The Administrative Office of the Courts may monitor the use
30 of the funds distributed in the bill. County governing bodies would
31 also cooperate in the monitoring of such efforts.

32 ASSESSMENTS AND FEES

33 Under the bill, the following fees would be increased and
34 revenues from these fees and assessments would be deposited in the
35 “County Government Criminal Justice Reform Administration
36 Fund,” created under the bill.

37 *Municipal Court criminal proceeding fee:* This bill would
38 increase certain municipal court cost fees in N.J.S.22A:3-4. The bill
39 would increase the \$33 court cost fee for criminal proceedings in
40 municipal court to \$38. This court cost fee pertains to violations of
41 Title 39 of the Revised Statutes, which includes motor vehicle
42 offenses and traffic ordinances. One-half of this increase, \$2.50,
43 would be deposited in the newly created “County Government
44 Criminal Justice Reform Administration Fund” and the remaining
45 \$2.50 to municipalities to offset municipal governing body funding
46 for implementing criminal justice reform.

47 The bill would also increase the fee for other court cost at the
48 discretion of the court in municipal criminal proceedings from \$33
49 to \$35.

1 In addition, the bill establishes a new \$2 court cost assessment
2 for any violation of any statute or ordinance which would be used to
3 offset the cost of implementing and administering criminal justice
4 reform. This assessment would be collected by the municipal court
5 administrator for deposit into the “County Government Criminal
6 Justice Reform Administration Fund.”

7 *Domestic violence fee:* The bill would amend section 14 of
8 P.L.1991, c.261 (C.2C:25-30) to impose a \$30 criminal justice
9 reform fee on any defendant found guilty of contempt in a domestic
10 violence matter.

11 *Court filing fees:* The bill would add a \$5 criminal justice reform
12 fee to any court filing fees in the Supreme Court, Superior Court
13 (which includes the Appellate Division) and the Tax Court for each
14 first paper filed and for each first paper filed by any person other
15 than the plaintiff. This bill also provides for a \$5 criminal justice
16 reform fee for each motion filed.

17 *Certain assessments concerning criminal proceedings:* The bill
18 provides for a \$25 criminal justice reform assessment which would
19 be imposed in addition to any other fine, fee or assessment imposed on
20 a person convicted of a crime, disorderly persons or petty disorderly
21 person offense, or any juvenile adjudicated delinquent for an
22 offense which, if committed by an adult, would constitute a crime,
23 disorderly persons or petty disorderly persons offense.

24 *PTI and other supervisory treatment programs assessments:* The
25 bill requires participants in any supervisory treatment program (PTI),
26 conditional discharge program or conditional dismissal program to
27 pay a \$25 criminal justice reform assessment. This assessment
28 would be imposed in addition to the admission fees for each of
29 these programs: PTI (\$75 application fee--N.J.S.2C:43-13);
30 conditional discharge \$75 application fee--N.J.S.A.2C:36A-1) and
31 conditional dismissal (\$75 admission fee--N.J.S.2C:43-13.8).

32 *Collection and distribution of fines and assessments:* The bill also
33 amends those sections in Title 2C of the New Jersey Statutes
34 (N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1) which provide for the
35 division of fines, assessments and penalties among the various
36 government agencies to add the assessments imposed by the bill.

37 *Waiver of fine:* In addition, the bill would allow a person to apply
38 for a waiver of the newly created criminal justice reform fees or
39 assessments by reason of poverty.

40 The bill would take effect on the first day of the seventh month
41 following enactment.