

ASSEMBLY, No. 3428

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Grants municipal courts discretion to assess court costs for certain dismissals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning municipal court costs and amending
2 N.J.S.22A:3-4.

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

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

8 22A:3-4. Fees for criminal proceedings.

9 The fees provided in the following schedule, and no other
10 charges whatsoever, shall be allowed for court costs in any
11 proceedings of a criminal nature in the municipal courts but no
12 charge shall be made for the services of any salaried police officer
13 of the State, county or municipal police.

14 For violations of Title 39 of the Revised Statutes, or of traffic
15 ordinances, at the discretion of the court, up to but not exceeding
16 \$33.

17 For all other cases, at the discretion of the court, court costs may
18 be assessed for matters which may be dismissed or held open up to
19 but not exceeding \$33.

20 In the event of the dismissal of any charges of violations of Title
21 39 of the Revised Statutes or of traffic ordinances as part of a plea
22 agreement, at the discretion of the court, up to but not exceeding
23 \$33 and applicable assessments per violation dismissed.

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

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

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

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

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.

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

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

4 For certified copy of paper filed with the court as a public
5 record:

6 First page..... \$4.00

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

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

9 First page..... \$2.00

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

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

15 **CONSTABLES OR OTHER OFFICERS**

16 From the fees allowed for court costs in the foregoing schedule,
17 the clerk of the court shall pay the following fees to constables or
18 other officers:

19 Serving warrant or summons, \$1.50.

20 Serving every subpoena, \$0.70.

21 Serving every execution, \$1.50.

22 Advertising property under execution, \$0.70.

23 Sale of property under execution, \$1.00.

24 Serving every commitment, \$1.50.

25 Transport of defendant, actual cost.

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

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

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

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40 2. This act shall take effect immediately.

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43 **STATEMENT**

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45 N.J.S.22A:3-4 provides the fee schedule for assessment of
46 courts costs in municipal proceedings. The statute currently allows
47 for an assessment up to but not exceeding \$33 for all cases,

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1 including violations of Title 39 of the Revised Statutes and traffic
2 ordinances. This bill amends N.J.S.22A:3-4 by adding a provision
3 which specifically grants municipal courts the discretion to assess
4 the same court costs for charges of violations of Title 39 of the
5 Revised Statutes and traffic ordinances which are dismissed in
6 accordance with a plea agreement. This bill shifts a portion of the
7 financial burden of operating municipal courts from local property
8 tax payers to those accused of offenses over which the municipal
9 courts have jurisdiction.