

SENATE, No. 414

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Permits counties to establish a central municipal drug court.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/10/2020)

1 **AN ACT** concerning the municipal courts, authorizing the
2 establishment of a court of limited jurisdiction supplementing
3 and revising various parts of the statutory law.

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

7
8 1. N.J.S.2B:12-1 is amended to read as follows:

9 2B:12-1. Establishment of municipal courts.

10 a. Every municipality shall establish a municipal court. If a
11 municipality fails to maintain a municipal court or does not enter
12 into an agreement pursuant to subsection b. or c. of this section, the
13 Assignment Judge of the vicinage shall order violations occurring
14 within its boundaries heard in any other municipal court in the
15 county until such time as the municipality establishes and maintains
16 a municipal court. The municipality without a municipal court shall
17 be responsible for all administrative costs specified in the order of
18 the Assignment Judge pending the establishment of its municipal
19 court.

20 b. Two or more municipalities, by ordinance, may enter into an
21 agreement establishing a single joint municipal court and providing
22 for its administration. A copy of the agreement shall be filed with
23 the Administrative Director of the Courts. As used in this act,
24 "municipal court" includes a joint municipal court.

25 c. Two or more municipalities, by ordinance or resolution, may
26 agree to provide jointly for courtrooms, chambers, equipment,
27 supplies and employees for their municipal courts and agree to
28 appoint judges and administrators without establishing a joint
29 municipal court. Where municipal courts share facilities in this
30 manner, the identities of the individual courts shall continue to be
31 expressed in the captions of orders and process.

32 d. An agreement pursuant to subsection b. or c. of this section
33 may be terminated as provided in the agreement. If the agreement
34 makes no provision for termination, it may be terminated by any
35 party with reasonable notices and terms as determined by the
36 Assignment Judge of the vicinage.

37 e. Any county of the first class with a population of over
38 900,000 and a population density of less than 4,000 persons per
39 square mile according to the 2010 federal decennial census may
40 establish, by ordinance, a central municipal court, which shall be an
41 inferior court of limited jurisdiction, to adjudicate cases filed by
42 agents of the county health department, agents of the county office
43 of consumer affairs, members of the county police department and
44 force, county park police system, or sheriff's office, or other cases
45 within its jurisdiction referred by the vicinage Assignment Judge

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 pursuant to the Rules of Court, and provide for its administration. A
2 copy of that ordinance shall be filed with the Administrative
3 Director of the Courts. As used in this act, "municipal court"
4 includes a central municipal court.

5 f. Nothing in P.L.2015, c.103 shall require a county that has
6 established and maintained a central municipal court in accordance
7 with subsection e. of N.J.S.2B:12-1 prior to the date of the
8 enactment of P.L.2015, c.103 to re-establish that court.

9 g. Any county may establish, by ordinance, a central municipal
10 drug court, which shall be an inferior court of limited jurisdiction,
11 to adjudicate cases within its jurisdiction and cases referred by the
12 vicinage Assignment Judge pursuant to the Rules of Court, and
13 provide for its administration. A copy of that ordinance shall be
14 filed with the Administrative Director of the Courts. As used in
15 this act, "municipal court" includes a central municipal drug court.
16 (cf: P.L.2015, c.103, s.1)

17
18 2. N.J.S.2B:12-2 is amended to read as follows:

19 2B:12-2. Name of court. The name of a municipal court of a
20 single municipality shall be the "Municipal Court of (insert name of
21 municipality)." The name of a joint municipal court shall be
22 specified in the ordinances establishing the court. The name of a
23 central municipal court shall be the "Central Municipal Court of the
24 County of (insert name of county)" and shall be specified in the
25 ordinance establishing the court. The name of a central municipal
26 drug court shall be the "Central Municipal Drug Court of the
27 County of (insert name of county)" and shall be specified in the
28 ordinance establishing the court.
29 (cf: P.L.1996, c.95, s.2)

30
31 3. N.J.S.2B:12-4 is amended to read as follows:

32 2B:12-4. Judge of municipal court; term of office;
33 appointment.

34 a. Each judge of a municipal court shall serve for a term of
35 three years from the date of appointment and until a successor is
36 appointed and qualified. Any appointment to fill a vacancy not
37 caused by the expiration of term shall be made for the unexpired
38 term only. However, if a county or municipality requires by
39 ordinance that the judge of the municipal court devote full time to
40 judicial duties or limit the practice of law to non-litigated matters,
41 the first appointment after the establishment of that requirement
42 shall be for a full term of three years.

43 b. In municipalities governed by a mayor-council form of
44 government, the municipal court judge shall be appointed by the
45 mayor with the advice and consent of the council. Each judge of a
46 joint municipal court shall be nominated and appointed by the
47 Governor with the advice and consent of the Senate. In all other
48 municipalities, the municipal judge shall be appointed by the

1 governing body of the municipality.

2 c. In a county that has established a central municipal court,
3 the judge of the central municipal court shall be nominated and
4 appointed by the Governor with the advice and consent of the
5 Senate. In those counties having a county executive, the county
6 executive may submit the names of judicial candidates for judge of
7 the central municipal court to the Governor. In all other counties,
8 the governing body may submit the names of judicial candidates for
9 judge of the central municipal court to the Governor.

10 d. In a county that has established a central municipal drug
11 court, the judge of the central municipal drug court shall be
12 nominated and appointed by the Governor with the advice and
13 consent of the Senate. In those counties having a county executive,
14 the county executive may submit the names of judicial candidates
15 for judge of the central municipal drug court to the Governor. In all
16 other counties, the governing body may submit the names of
17 judicial candidates for judge of the central municipal drug court to
18 the Governor.

19 (cf: P.L.1996, c.95, s.3)

20

21 4. N.J.S.2B:12-15 is amended to read as follows:

22 2B:12-15. Courtrooms and equipment. Suitable courtrooms,
23 chambers, offices, equipment and supplies for the municipal court,
24 its administrator's office and its violations bureau shall be provided
25 by the municipality or by a county that has established a central
26 municipal court or a central municipal drug court.

27 (cf: P.L.1996, c.95, s.10)

28

29 5. N.J.S.2B:12-16 is amended to read as follows:

30 2B:12-16. Territorial jurisdiction. a. A municipal court of a
31 single municipality shall have jurisdiction over cases arising within
32 the territory of that municipality except as provided in section 10 of
33 P.L.1997, c.357 (C.27:25-5.15). A joint municipal court shall have
34 jurisdiction over cases arising within the territory of any of the
35 municipalities which the court serves. The territory of a
36 municipality includes any premises or property located partly in and
37 partly outside of the municipality. A central municipal court shall
38 have jurisdiction over cases arising within the territorial boundaries
39 of the county. A central municipal drug court shall have
40 jurisdiction over cases arising within the territorial boundaries of
41 the county as set forth in section of P.L. , c. (C.)(now
42 pending before the Legislature as section of this bill).

43 b. A municipal court judge, serving as an acting judge in any
44 other municipal court in the county, may also hear matters arising
45 out of that other court, while sitting in the court where the acting
46 judge holds a regular appointment.

47 (cf: P.L.1997, c.357, s.13)

- 1 6. N.J.S.2B:12-17 is amended to read as follows:
2 2B:12-17. Jurisdiction of specified offenses. A municipal court
3 has jurisdiction over the following cases within the territorial
4 jurisdiction of the court:
5 a. Violations of county or municipal ordinances;
6 b. Violations of the motor vehicle and traffic laws;
7 c. Disorderly persons offenses, petty disorderly persons
8 offenses and other non-indictable offenses except where exclusive
9 jurisdiction is given to the Superior Court or to a central municipal
10 drug court established by a county where jurisdiction over certain
11 disorderly persons offenses or petty disorderly persons offenses is
12 given to the central municipal drug court pursuant to section 9 of
13 P.L. , c. (C.)(now pending before the Legislature as section
14 9 of this bill);
15 d. Violations of the fish and game laws;
16 e. Proceedings to collect a penalty where jurisdiction is granted
17 by statute;
18 f. Violations of laws regulating boating; and
19 g. Any other proceedings where jurisdiction is granted by
20 statute.
21 (cf: P.L.1996, c.95, s.12)
22
23 7. N.J.S.2B:12-18 is amended to read as follows:
24 2B:12-18. Jurisdiction of specified offenses where indictment
25 and trial by jury are waived. A municipal court has jurisdiction
26 over the following crimes occurring within the territorial
27 jurisdiction of the court, where the person charged waives
28 indictment and trial by jury in writing and the county prosecutor
29 consents in writing:
30 a. Crimes of the fourth degree enumerated in chapters 17, 18,
31 20 and 21 of Title 2C of the New Jersey Statutes; or
32 b. Crimes where the term of imprisonment that may be
33 imposed does not exceed one year unless the crime is related to an
34 offense concerning controlled dangerous substances or controlled
35 dangerous substance analogs in which case a central municipal drug
36 court, if established, shall have jurisdiction pursuant to section 9 of
37 P.L. , c. (C.)(now pending before the Legislature as section
38 9 of this bill).
39 (cf: P.L.1993, c.293, s.1)
40
41 8. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to
42 read as follows:
43 14. The governing body of the county or municipality may
44 employ an attorney-at-law as a prosecutor, under the supervision of
45 the Attorney General or county prosecutor, who may represent the
46 State, county or municipality in any matter within the jurisdiction or
47 the central municipal court, central municipal drug court or any

1 other municipal court in accordance with the provisions of
2 P.L.1999, c.349 (C.2B:25-1 et al.).
3 (cf: P.L.1999, c.349, s.11)
4

5 9. (New section) A central municipal drug court has
6 jurisdiction over the following cases within the territorial
7 jurisdiction of the court:

8 a. Crimes of the fourth degree enumerated in chapters 35 or 36
9 of Title 2C of the New Jersey Statutes; or

10 b. Crimes where the term of imprisonment that may be
11 imposed does not exceed one year and the crime is related to an
12 offense concerning controlled dangerous substances or controlled
13 dangerous substance analogs; or

14 c. Disorderly persons offenses or petty disorderly persons
15 offenses where the offense is related to an offense concerning
16 controlled dangerous substances or controlled dangerous substance
17 analogs.
18

19 10. (New section) A juvenile who commits an act which, if
20 committed by an adult, would constitute any of the offenses set
21 forth in section 9 of P.L. , c. (C.)(now pending before the
22 Legislature as section 9 of this bill) may be referred to the central
23 municipal drug court by the Presiding Judge of the Family Part of
24 the Superior Court for the vicinage in which the central municipal
25 drug court is established.
26

27 11. (New section) a. A person, sentenced by a central
28 municipal drug court, may be ordered to perform community
29 service in lieu of incarceration or other modification of the sentence
30 with the person's consent. The county or municipal official in
31 charge of the community service program shall report to the central
32 municipal drug court any failure of a person subject to a court work
33 order to report for work or to perform the assigned work. Upon
34 receipt of the report, the central municipal drug court may revoke
35 its community service order and impose any sentence consistent
36 with the original sentence.

37 b. A person, sentenced by a central municipal drug court, may
38 be ordered to a treatment program in lieu of incarceration, with the
39 person's consent. The director of the drug treatment program shall
40 report to the central municipal drug court any failure of a person
41 subject to a court order to successfully complete the treatment
42 program. Upon receipt of the report, the central municipal drug
43 court may revoke its order for treatment and impose any sentence
44 consistent with the original sentence.
45

46 12. (New section) a. A county or municipality may employ
47 attorneys-at-law on a full-time, part-time or per-case basis to
48 provide for the representation of persons entitled by law to

1 appointment of counsel in a central municipal drug court.

2 b. A county or municipality may, by ordinance, require a
3 person applying for representation by a municipal public defender
4 to pay an application fee of not more than \$50.00. The central
5 municipal drug court may waive any required application fee, in
6 whole or in part, if the court determines, in its discretion, that the
7 application fee represents an unreasonable burden on the person
8 seeking representation.

9
10 13. This act shall take effect on the 120th day after enactment.

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12

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STATEMENT

14

15 This bill permits counties to establish by ordinance a central
16 municipal drug court. This court would have jurisdiction to hear
17 cases arising in the county involving crimes of the fourth degree or
18 disorderly persons offenses or petty disorderly persons offenses
19 related to controlled dangerous substances. Juveniles may be
20 referred by the Presiding Judge of the Family Part of Superior Court
21 for the vicinage in which such a court is established.

22 The bill establishes procedures for the appointment of judges to
23 this drug court. In a county that has established a central municipal
24 drug court, the judge of the central municipal drug court shall be
25 nominated and appointed by the Governor with the advice and
26 consent of the Senate. In those counties having a county executive,
27 the county executive may submit the names of judicial candidates
28 for judge of the central municipal drug court to the Governor. In all
29 other counties, the governing body may submit the names of
30 judicial candidates for judge of the central municipal drug court to
31 the Governor.

32 The bill makes community service or sentencing to a drug
33 treatment program an option in lieu of incarceration. The county
34 or municipal official in charge of the community service program or
35 the director of the drug treatment program shall report to the central
36 municipal drug court any failure of a person subject to a court order
37 to complete either. Upon receipt of such a report, the central
38 municipal drug court may revoke its order and impose any sentence
39 consistent with the original sentence.

40 The bill provides that a county or municipality may employ an
41 attorney-at-law as a prosecutor, under the supervision of the
42 Attorney General or county prosecutor, who may represent the
43 State, county or municipality in any matter within the jurisdiction of
44 the central municipal drug court. The bill also makes provision for
45 representation of indigents.