

SENATE, No. 607

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Permits counties to establish county-municipal courts with limited, countywide jurisdiction.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing for county-municipal courts with limited,
2 countywide jurisdiction, and amending various parts of the
3 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. or f. of this
13 section, the Assignment Judge of the vicinage shall order violations
14 occurring within its boundaries heard in any other municipal court
15 in the county until such time as the municipality establishes and
16 maintains a municipal court. The municipality without a municipal
17 court shall be responsible for all administrative costs specified in
18 the order of the Assignment Judge pending the establishment of its
19 municipal 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 N.J.S.2B:12-1 et seq., "municipal court" includes a joint municipal
25 court.

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

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

38 e. (1) Any county of the first class with a population of over
39 900,000 and a population density of less than 4,000 persons per
40 square mile according to the 2010 federal decennial census may
41 establish, by ordinance, a central municipal court, which shall be an
42 inferior court of limited jurisdiction, to adjudicate cases filed by
43 agents of the county health department, agents of the county office
44 of consumer affairs, members of the county police department and
45 force, county park police system, or sheriff's office, or other cases

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 within its jurisdiction referred by the vicinage Assignment Judge
2 pursuant to the Rules of Court, and provide for its administration.
3 A copy of that ordinance shall be filed with the Administrative
4 Director of the Courts. As used in **[this act]** N.J.S.2B:12-1 et seq.,
5 "municipal court" includes a central municipal court.

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

10 (3) On and after the effective date of P.L. , c. (pending
11 before the Legislature as this bill), any county that has established
12 and maintained a central municipal court in accordance with this
13 subsection may, by ordinance, provide for that court to adjudicate
14 all matters for which a county-municipal court has jurisdiction
15 pursuant to subsection f. of this section, and re-designate the court
16 as a central county-municipal court. A copy of that ordinance shall
17 be filed with the Administrative Director of the Courts. As used in
18 N.J.S.2B:12-1 et seq., "municipal court" and "county-municipal
19 court" includes a central county-municipal court.

20 f. (1) Any county may establish, by ordinance, a county-
21 municipal court, which shall be an inferior court of limited
22 jurisdiction, adjudicating all matters for which a municipal court
23 has jurisdiction pursuant to N.J.S.2B:12-17 et seq., as well as any
24 criminal pretrial release and pretrial detention hearings for eligible
25 defendants conducted pursuant to sections 1 through 7 of P.L.2014,
26 c.31 (C.2A:162-15 through 2A:162-21) as referred by the
27 Assignment Judge for the vicinage pursuant to the Rules of Court,
28 and provide for the court's administration. The ordinance shall
29 indicate an initial date on which the court shall begin hearing
30 matters. A copy of the ordinance shall be filed with the
31 Administrative Director of the Courts. As used in N.J.S.12B:12-1
32 et seq., "municipal court" includes a county-municipal court.

33 (2) Each municipality in a county that has established a county-
34 municipal court shall agree, by ordinance enacted and implemented
35 no later than two years next following the date on which that court
36 will initially begin hearing matters, to have violations occurring
37 within its boundaries heard in that court. The municipality shall not
38 be responsible for any administrative costs associated with the
39 operation and maintenance of facilities used by the court or its
40 employees. If a municipality fails to agree, within the time period
41 set forth in this paragraph, to have violations heard by the county-
42 municipal court, the Assignment Judge of the vicinage shall order,
43 pursuant to subsection a. of this section, that violations occurring
44 within the municipality's boundaries be heard in the county-
45 municipal court, and the municipality be responsible for all
46 administrative costs specified in the order until such time as the
47 municipality agrees to have violations heard by that court.

1 (a) If a municipality had previously established a municipal
2 court, the municipality shall, in the ordinance agreeing to have
3 violations heard in the county-municipal court, specify the date on
4 which the previously established municipal court will be abolished
5 and thereafter all violations heard in the county-municipal court.
6 The date set forth in the ordinance shall be no more than one year
7 next following the date on which the ordinance is enacted. It shall
8 not be necessary for each municipality within the territorial
9 jurisdiction of the county-municipal court to establish the same date
10 for abolishing its previously established municipal court and
11 initially having violations heard in the county-municipal court. The
12 county-municipal court may begin hearing matters even though less
13 than all of the municipalities have abolished their municipal courts
14 and begun having cases heard in the county-municipal court.

15 (b) On the date established by a municipality in its ordinance for
16 abolishing a previously established municipal court and initially
17 having violations heard in the county-municipal court:

18 (i) all causes and proceeding of whatever character pending in
19 the municipal court shall be transferred, along with the files for
20 those causes and proceedings, to the county-municipal court; and

21 (ii) all the functions, powers, and duties conferred on the
22 municipal court abolished by the ordinance, to the extent not
23 inconsistent with the functions, powers, and duties of the county-
24 municipal court, shall be transferred to and may be exercised by the
25 county-municipal court.

26 (c) All files for causes and proceedings not transferred to the
27 county-municipal court pursuant to subparagraph (b) of this
28 paragraph, and all books, papers, records, and documents, along
29 with all office equipment, furnishing, and other property of the
30 municipal court abolished by the ordinance shall be disposed of by
31 the municipality in a manner set forth in that ordinance, or one or
32 more subsequent ordinances.

33 (cf: P.L.2015, c.103, s.1)

34
35 2. N.J.S.2B:12-2 is amended to read as follows:

36 2B:12-2. Name of court.

37 The name of a municipal court of a single municipality shall be
38 the "Municipal Court of (insert name of municipality)." The name
39 of a joint municipal court shall be specified in the ordinances
40 establishing the court. The name of a county-municipal court shall
41 be the "County-Municipal Court of (insert name of county)" and
42 shall be specified in the ordinance establishing the court. The name
43 of a central municipal court shall be the "Central Municipal Court
44 of the County of (insert name of county)" and shall be specified in
45 the ordinance establishing the court.

46 (cf: P.L.1996, c.95, s.2)

47
48 3. N.J.S.2B:12-4 is amended to read as follows:

1 2B:12-4. Judge of municipal court; term of office; appointment.

2 a. **【Each】** (1) (a) Except as otherwise provided in this
3 paragraph, each judge of a municipal court shall serve for a term of
4 three years from the date of appointment and until a successor is
5 appointed and qualified.

6 (b) Each judge of a county-municipal court shall serve for a fixed
7 term of five years. A judge of a county-municipal court may serve
8 no more than three consecutive five-year terms. If a judge of a
9 county-municipal court is appointed to complete the remainder of
10 an unexpired term pursuant to paragraph (2) of this subsection, that
11 judge may serve no more than three additional, consecutive five-
12 year terms.

13 (2) Any appointment to fill a vacancy not caused by the
14 expiration of a term shall be made for the unexpired term only.
15 However, if a county or municipality requires by ordinance that the
16 judge of the municipal court devote full time to judicial duties or
17 limit the practice of law to non-litigated matters, the first
18 appointment after the establishment of that requirement shall be for
19 a full term of three years or five years, as applicable.

20 b. In municipalities governed by a mayor-council form of
21 government, the municipal court judge shall be appointed by the
22 mayor with the advice and consent of the council. Each judge of a
23 joint municipal court shall be nominated and appointed by the
24 Governor with the advice and consent of the Senate. In all other
25 municipalities, the municipal judge shall be appointed by the
26 governing body of the municipality.

27 c. In a county that has established a central municipal court,
28 the judge of the central municipal court shall be nominated and
29 appointed by the Governor with the advice and consent of the
30 Senate. In those counties having a county executive, the county
31 executive may submit the names of judicial candidates for judge of
32 the central municipal court to the Governor. In all other counties,
33 the governing body may submit the names of judicial candidates for
34 judge of the central municipal court to the Governor.

35 d. In a county that has established a county-municipal court,
36 the judge of the county-municipal court shall be nominated and
37 appointed by the Governor with the advice and consent of the
38 Senate. In those counties having a county executive, the
39 Governor's nominee shall be selected from a list of three names to
40 be considered for judge of the county-municipal court submitted by
41 the county executive to the Governor. In all other counties, the
42 Governor's nominee shall be selected from a list of three names to
43 be considered for judge of the county-municipal court submitted by
44 the governing body of the county to the Governor.

45 (c.f. P.L.1996, c.95, s.3)

46

47 4. N.J.S.2B:12-10 is amended to read as follows:

1 2B:12-10. Municipal court administrator and personnel. a. **[A]**
2 (1) Except as provided in paragraph (2) of this subsection, a county
3 or municipality shall provide for an administrator and other
4 necessary employees for the municipal court and for their
5 compensation. With approval of the Supreme Court, an employee
6 of the county or municipality, in addition to other duties, may be
7 designated to serve as administrator of the municipal court.

8 (2) A county with a county-municipal court may provide for an
9 administrator and other necessary employees for the county-
10 municipal court and for their compensation, or may permit, by
11 agreement with the Administrative Office of the Courts, for that
12 court's operation by employees and staff of the Superior Court
13 working in the same facility in which the county-municipal court is
14 located, as required by N.J.S.2B:12-15.

15 b. The judge of a municipal court may designate in writing an
16 acting administrator or deputy administrator to serve temporarily
17 for an absent administrator or deputy administrator until the absent
18 administrator or deputy administrator returns or a new administrator
19 or deputy administrator is appointed. The acting administrator or
20 acting deputy administrator shall be paid at a rate established by the
21 judge but not exceeding that established for the administrator or
22 deputy administrator.

23 (cf: P.L.1996, c.95, s.9)

24

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

26 2B:12-15. Courtrooms and equipment.

27 Suitable courtrooms, chambers, offices, equipment and supplies
28 for the municipal court, its administrator's office and its violations
29 bureau shall be provided by the municipality, or by a county that
30 has established a central municipal court. A county that has
31 established a county-municipal court shall provide one or more
32 suitable courtrooms, chambers, offices, equipment and supplies for
33 the county-municipal court in the same facility where it supplies,
34 pursuant to N.J.S.2B:6-1, these items for the processing and
35 decision of cases from that county in the Law Division and the
36 Family Part of the Chancery Division of the Superior Court.

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

38

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

40 2B:12-16. Territorial jurisdiction.

41 a. A municipal court of a single municipality shall have
42 jurisdiction over cases arising within the territory of that
43 municipality except as provided in section 10 of P.L.1997, c.357
44 (C.27:25-5.15). A joint municipal court shall have jurisdiction over
45 cases arising within the territory of any of the municipalities which
46 the court serves. The territory of a municipality includes any
47 premises or property located partly in and partly outside of the
48 municipality. A county-municipal court or central municipal court

1 shall have jurisdiction over cases arising within the territorial
2 boundaries of the county.

3 b. A municipal court judge, serving as an acting judge in any
4 other municipal court in the county, may also hear matters arising
5 out of that other court, while sitting in the court where the acting
6 judge holds a regular appointment.

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

8

9 7. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to
10 read as follows:

11 14. **【The】** a. Except as provided in subsection b. of this section,
12 the governing body of the county or municipality may employ an
13 attorney-at-law as a prosecutor, under the supervision of the
14 Attorney General or county prosecutor, who may represent the
15 State, county or municipality in any matter within the jurisdiction of
16 the central municipal court or any other municipal court in
17 accordance with the provisions of P.L.1999, c.349 (C.2B:25-1 et
18 al.).

19 b. The county prosecutor shall represent the State, the county,
20 or the municipality in the prosecution of all offenses and
21 proceedings within the jurisdiction of the county-municipal court.
22 The county prosecutor shall act in accordance with the provisions of
23 P.L.1999, c.349 (C.2B:25-1 et al.).
24 (cf: P.L.1999, c.349, s.11)

25

26 8. N.J.S.2B:12-30 is amended to read as follows:

27 2B:12-30. Automated Traffic System Fund.

28 a. The Legislature finds and declares that there is a need to
29 improve the management, efficiency and effectiveness of municipal
30 court operations and quality of justice by providing funds:

31 (1) To be utilized by the Administrative Office of the Courts to
32 design, equip, operate and maintain a standardized, Statewide
33 computer system, including integrated traffic ticket control, court
34 financial accounting, case processing, statistical reporting services
35 and other components necessary to automate municipal court
36 operations; and

37 (2) To ensure the smooth exchange of automated information
38 among the Judiciary, the Division of Motor Vehicles, law
39 enforcement agencies, other public or quasi-public agencies, or
40 those autonomous systems approved by the Administrative Office
41 of the Courts pursuant to subsection d. of this section.

42 b. In order to accomplish these purposes, there is created the
43 "Automated Traffic System Fund." The fund shall be a dedicated
44 fund within the General Fund and administered by the
45 Administrative Office of the Courts. The fund shall be the
46 depository of moneys realized from **【the \$1.00 surcharge imposed**
47 **pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1),】** the \$2.00
48 court cost assessment imposed pursuant to subsection a. of N.J.S.

1 22A:3-4 and any other moneys made available for the purposes of
2 the fund.

3 c. The Supreme Court may issue Rules of Court to effectuate
4 the purposes of this act.

5 d. Nothing in this section shall be deemed to prevent a
6 municipality or county, at its own expense, from maintaining or
7 obtaining and using an autonomous computer system for integrated
8 traffic ticket control, court financial accounting, case processing,
9 statistical reporting services and other components necessary to
10 automate municipal court operations that interconnects with the
11 Automated Traffic System, its components and computer network,
12 upon the approval of the Administrative Office of the Courts, in
13 accordance with the following:

14 (1) An autonomous system shall only be approved for
15 interconnection with the Automated Traffic System (ATS) when it
16 meets all technical interconnection requirements, standardized data
17 definitions and functionality of the Automated Traffic System,
18 including its criminal and ordinance violation components,
19 necessary to: fully automate municipal court operations in
20 accordance with law, court rule or administrative directive;
21 maintain and update on-line the standardized Statewide data base
22 and its electronic traffic and criminal warrant components; and
23 provide for on-line inquiry and exchange of automated data,
24 consistent with the purposes expressed in subsection a. of this
25 section.

26 (2) A municipality or county that obtains and uses an
27 autonomous system, approved for interconnection with the
28 Automated Traffic System, shall retain, from the date of
29 interconnection, one-half the full amount of that portion of the court
30 cost assessment imposed and collected on and after that date for
31 payment into the Automated Traffic System Fund, pursuant to
32 subsection a. of N.J.S.22A:3-4. The retained court cost assessment
33 shall be used by the municipality or county to offset the operating
34 costs of its autonomous system, including costs to maintain
35 compliance with the interconnection requirements of the Automated
36 Traffic System. A municipality or county shall be entitled only to
37 retain those court cost assessments for as long as its autonomous
38 system continues to meet the update and other requirements of
39 paragraph (1) of subsection d. of this section.

40 (3) That portion of the court cost assessment, imposed pursuant
41 to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be
42 used for the purposes described in subsection a. of this section
43 including: the State's costs, within the Automated Traffic System,
44 of developing and maintaining interconnection with an autonomous
45 system; the maintenance, improvement and updating of the
46 Automated Traffic System, its components and the standardized
47 Statewide data base; and the procurement and maintenance of hand-
48 held data entry devices and related equipment for use by parking

1 authorities or parking agencies who choose to be directly serviced
2 by the Automated Traffic System. The Administrative Office of the
3 Courts may obtain either directly, through the Statewide master
4 contract process, or as otherwise provided by law, automation
5 services or equipment including hand-held, ticket-issuing devices
6 and printers for use by those parking authorities or parking agencies
7 to facilitate the exchange of automated information and maintain
8 the efficiency of the standardized Statewide computer system.

9 (4) An autonomous computer system used by a municipality
10 shall be interconnected with the Automated Traffic System and its
11 components by January 1, 1997. An autonomous computer system
12 used by a county that establishes a county-municipal court pursuant
13 to N.J.S.2B:12-1 shall be interconnected with the Automated
14 Traffic System and its components by the fourth anniversary next
15 following the date of the court's establishment. The Administrative
16 Office of the Courts shall, at no cost to the municipality or county,
17 install and maintain the telecommunication line and the court's
18 modem to permit the municipal court to provide for the on-line
19 exchange of automated information with the Automated Traffic
20 System and its components. The Administrative Office of the
21 Courts shall maintain sufficient capacity on its mainframe computer
22 to incorporate the standardized data of that municipal court into the
23 Statewide record system, including the Statewide traffic and
24 criminal warrant systems. Any municipality that fails to maintain
25 and use an autonomous computer system that meets the
26 requirements of this subsection by January 1, 1997 shall be
27 implemented on ATS directly. Any county that fails to maintain
28 and use an autonomous computer system that meets the
29 requirements of this subsection by the fourth anniversary next
30 following the establishment date of that county's county-municipal
31 court shall be implemented on ATS directly. After **【that date】**
32 those dates, municipal courts operating on ATS retain full
33 discretion to either continue on ATS or subsequently obtain and use
34 an autonomous system approved for interconnection.

35 (5) Nothing in this section shall preclude the Administrative
36 Office of the Courts from immediately terminating, on an
37 emergency basis, without notice, any interconnection with an
38 autonomous system whose continued operation at any time
39 immediately threatens or has compromised the security or data
40 integrity of the Automated Traffic System, any of its components or
41 any of the public and quasi-public agencies that exchange
42 automated information with the Automated Traffic System,
43 pursuant to paragraph (2) of subsection a. of this section. The
44 municipality or county shall immediately be provided with written
45 reasons for the termination, which shall continue until the threats to
46 security and data integrity have been removed.

47 (6) **【If there is any disagreement between the municipality and**
48 **the Administrative Office of the Courts concerning the standards for**

1 the exchange of automated information set forth in this section, the
2 municipality or the Administrative Office of the Courts may seek
3 the advice of the New Jersey Information Resources Management
4 Commission established pursuant to P.L.1993, c. 199 (C.52:9XX-1
5 et seq.).~~】 (Deleted by amendment, P.L. , c.) (pending before the~~
6 ~~Legislature as this bill)~~

7 (7) Any municipal or county contract related to the operation of
8 an autonomous computer system shall be subject to review, audit
9 and the policies of the Division of Local Government Services in
10 accordance with N.J.S.40A:11-1 et seq. ~~【including the auditing~~
11 ~~standards of the Division of Local Government Services relating to~~
12 ~~the processing of transactions by servicing organizations pursuant~~
13 ~~to section 6 of P.L.1972, c.112 (C.40A:11-12.6).】~~ All contracts
14 between municipalities or counties and private service providers
15 shall require compliance with the provisions of this section.

16 (8) The Administrative Office of the Courts shall promulgate
17 administrative procedures necessary to accomplish the purposes of
18 this subsection.

19 e. By April 1, 1996, a special committee shall be established to
20 review the adequacy of funding for the Automated Traffic System
21 and the Automated Complaint System and the extent to which
22 autonomous computer system interconnections have been requested
23 and successfully completed. The committee may recommend to
24 what extent, if any, the funding level should be adjusted and the
25 need for any further legislative action. The special committee shall
26 be comprised of seven members as follows: one Senator appointed
27 by the President of the Senate; one member of the General
28 Assembly appointed by the Speaker of the General Assembly; the
29 Director of the Administrative Office of the Courts or his designee;
30 the president of the New Jersey League of Municipalities or his
31 designee; the president of the New Jersey Municipal Court
32 Administrators Association or his designee; the president of the
33 New Jersey Municipal Managers Association or his designee and
34 the president of the New Jersey Association of Parking Authorities
35 and Agencies or his designee. The committee shall report its
36 findings to the Legislature by September 30, 1996.

37 (cf: N.J.S.2B:12-30)

38

39 9. Section 2 of P.L.1999, c.349 (C.2B:25-2) is amended to read
40 as follows:

41 2. As used in this act:

42 a. "Municipal prosecutor" means: (1) a person appointed to
43 prosecute all offenses over which the municipal court has
44 jurisdiction; or (2) the county prosecutor in any county that has
45 established a county-municipal court.

46 b. "Governing body" of a county or municipality means the
47 officer or body that is the appropriate appointing authority for
48 county counsel, municipal attorney or corporation counsel under the

1 laws applicable to the form of county or municipal government
2 established in the county or municipality pursuant to law, provided
3 that the municipal corporation counsel shall be the appointing
4 authority in any city of the first class with a population greater than
5 270,000, according to the latest federal decennial census and in any
6 city of the second class with a population of greater than 30,000 but
7 less than 43,000, according to the latest decennial census, which
8 city of the second class is located in a county of the first class with
9 a population less than 600,000 according to the latest federal
10 decennial census.

11 c. "Municipal court" means any municipal **[or]**, joint
12 municipal, county-municipal, or central municipal court established
13 pursuant to statute.

14 d. "Attorney General" includes the Attorney General of New
15 Jersey and any assistants or deputies who may be designated to
16 carry out the responsibilities conferred on the Attorney General by
17 this act or the laws of this State.

18 e. "County prosecutor" shall mean the prosecutor of the county
19 in which the municipal court is situated and any assistant
20 prosecutors of that county who may be designated by this act.
21 (cf: P.L.1999, c.349, s.2)
22

23 10. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read
24 as follows:

25 4. a. Each municipal court in this State, other than a county-
26 municipal court, shall have at least one municipal prosecutor
27 appointed by the governing body of the municipality, municipalities
28 or county in accordance with applicable laws, ordinances and
29 resolutions. The county prosecutor shall act as the municipal
30 prosecutor to prosecute all offenses over which a county-municipal
31 court has jurisdiction.

32 b. **[A]** An appointed municipal prosecutor shall be an attorney-
33 at-law of this State in good standing, and shall serve for a term of
34 one year from the date of his or her appointment, except as
35 determined by the governing body of a county or a city of the first
36 class with a population greater than 270,000, according to the latest
37 federal decennial census, or the governing body of a city of the
38 second class with a population of greater than 30,000 but less than
39 43,000, according to the latest decennial census, which city of the
40 second class is located in a county of the first class with a
41 population less than 600,000 according to the latest federal
42 decennial census, and may continue to serve in office pending re-
43 appointment or appointment of a successor. A municipal prosecutor
44 may be appointed to that position in one or more municipal courts.
45 The provisions of this act shall apply to each such position held.

46 c. (1) A municipal prosecutor of a joint municipal court shall
47 be appointed upon the concurrence of the governing bodies of each

1 of the municipalities in accordance with applicable laws, ordinances
2 or resolutions.

3 (2) A municipal prosecutor of a central municipal court shall be
4 appointed by the governing body of the county.

5 d. **【Municipal】** Appointed municipal prosecutors shall be
6 compensated either on an hourly, per diem, annual or other basis as
7 the county, municipality or municipalities provide. In the case of a
8 joint municipal court, municipalities shall, by similar ordinances,
9 enter into an agreement fixing the compensation of the municipal
10 prosecutor and providing for its payment. In the case of a central
11 municipal court, the county shall fix the compensation of the
12 municipal prosecutor and provide for its payment.

13 The compensation of appointed municipal prosecutors shall be in
14 lieu of any and all other fees; provided, however that when a
15 municipal prosecutor is assigned to prosecute a de novo appeal in
16 the Superior Court, the prosecutor shall be entitled to additional
17 compensation unless the municipality expressly provides otherwise
18 at the time the compensation is fixed.

19 e. In accordance with applicable laws, ordinances and
20 resolutions, a municipality may appoint additional municipal
21 prosecutors as necessary to administer justice in a timely and
22 effective manner in its municipal court. Such appointments shall be
23 subject to this act. This subsection also applies to joint municipal
24 courts and central municipal courts.

25 f. Any municipal court having two or more municipal
26 prosecutors shall have a "chief municipal prosecutor" who shall be
27 appointed by the governing body of the county or the municipality.
28 The chief municipal prosecutor of a joint municipal court shall be
29 appointed upon the concurrence of the governing bodies of each
30 municipality. The chief municipal prosecutor shall have authority
31 over other prosecutors serving that court with respect to the
32 performance of their duties.

33 g. (1) Nothing in this act shall affect the appointment of
34 municipal attorneys in accordance with N.J.S.40A:9-139; provided,
35 however, that a person appointed to the positions of both municipal
36 prosecutor and municipal attorney shall be subject to all of the
37 provisions of this act while serving in the capacity of municipal
38 prosecutor.

39 (2) In addition to any other duties proscribed by the provisions
40 of this act, a person serving as both a municipal prosecutor and a
41 municipal attorney may prosecute county or municipal ordinance
42 violations.

43 (cf: P.L.1999, c.349, s.4)

44

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

47 3. a. All fines, assessments imposed pursuant to section 2 of
48 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to

1 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
2 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
3 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
4 penalties imposed pursuant to section 1 of P.L.2009, c.143
5 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
6 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as
7 follows:

8 (1) All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L.2009, c.143
14 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
15 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the
16 Superior Court or otherwise imposed at the county level, shall be
17 collected by the county probation division except when such fine,
18 assessment or restitution is imposed in conjunction with a custodial
19 sentence to a State correctional facility or in conjunction with a
20 term of incarceration imposed pursuant to section 25 of P.L.1982,
21 c.77 (C.2A:4A-44) in which event such fine, assessment or
22 restitution shall be collected by the Department of Corrections or
23 the Juvenile Justice Commission established pursuant to section 2
24 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
25 correctional institution or a juvenile serving a term of incarceration
26 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
27 who has not paid an assessment imposed pursuant to section 2 of
28 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
29 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
30 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
31 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
32 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-
33 123.97) or restitution shall have the assessment, penalty, fine or
34 restitution deducted from any income the inmate receives as a result
35 of labor performed at the institution or on any type of work release
36 program or, pursuant to regulations promulgated by the
37 Commissioner of the Department of Corrections or the Juvenile
38 Justice Commission, from any personal account established in the
39 institution for the benefit of the inmate.

40 (a) A payment of restitution collected by the Department of
41 Corrections pursuant to this paragraph shall be maintained by the
42 department for two years during which the department shall attempt
43 to locate the victim to whom the restitution is owed. If the
44 department has not located the victim and the victim has not come
45 forward to claim the payment within this two-year period, the
46 payment shall be transferred to the Victims of Crime Compensation
47 Office Account to be used in satisfying claims pursuant to the

1 provisions of the "Criminal Injuries Compensation Act of 1971,"
2 P.L.1971, c.317 (C.52:4B-1 et seq.).

3 (b) If the Department of Corrections has transferred a payment
4 of restitution to the Victims of Crime Compensation Office
5 pursuant to subparagraph (a) of this paragraph, the department shall
6 provide the office with the order for restitution and any other
7 information regarding the identity of the victim to whom the
8 payment is owed. The office shall be responsible for maintaining
9 this information and for distributing payments of restitution to
10 victims who can prove they are owed the payments.

11 (2) All fines, assessments imposed pursuant to section 2 of
12 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
13 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
14 by a municipal court shall be collected by the municipal court
15 administrator, except if such fine, assessments imposed pursuant to
16 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
17 as a condition of probation, in which event it shall be collected by
18 the county probation division.

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

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

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

32 c. All fines imposed by municipal courts, except a county-
33 municipal court or central municipal court established pursuant to
34 N.J.S.2B:12-1, on defendants convicted of crimes, disorderly
35 persons offenses and petty disorderly persons offenses, and all fines
36 imposed following conviction on appeal therefrom, and all
37 forfeitures of bail shall be paid over by the officer entitled to collect
38 same to the treasury of the municipality wherein the municipal
39 court is located.

40 In the case of an intermunicipal court, other than a county-
41 municipal court, fines shall be paid into the municipal treasury of
42 the municipality in which the offense was committed, and costs,
43 fees, and forfeitures of bail shall be apportioned among the several
44 municipalities to which the court's jurisdiction extends according to
45 the ratios of the municipalities' contributions to the total expense of
46 maintaining the court.

47 In the case of a county-municipal court, established by a county
48 and agreed to by the municipalities of that county pursuant to

1 N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be
2 paid into the county treasury of the county where the county-
3 municipal court is located, to defray the cost of operating the
4 county-municipal court.

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

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

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

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

18 g. All restitution ordered to be paid to the Victims of Crime
19 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
20 to the office for deposit in the Victims of Crime Compensation
21 Office Account.

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

25 i. All restitution imposed on defendants under the provisions
26 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
27 enforcement entity in extraditing the defendant from another
28 jurisdiction shall be paid over by the officer entitled to collect same
29 to the law enforcement entities which participated in the extradition
30 of the defendant.

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

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

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

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

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

46 (cf: P.L.2015, c.55, s.1)

47

48 12. R.S.39:5-41 is amended to read as follows:

1 39:5-41. a. All fines, penalties and forfeitures imposed and
2 collected under authority of law for any violations of R.S.39:4-63
3 and R.S.39:4-64 shall be forwarded by the judge to whom the same
4 have been paid to the proper financial officer of a county, if the
5 violation occurred within the jurisdiction of that county's county-
6 municipal court or central municipal court **[.]** established pursuant
7 to N.J.S.2B:12-1 et seq., or the municipality wherein the violation
8 occurred, to be used by the county or municipality to help finance
9 litter control activities in addition to or supplementing existing litter
10 pickup and removal activities in the municipality.

11 b. Except as otherwise provided by subsection a. of this
12 section, all fines, penalties and forfeitures imposed and collected
13 under authority of law for any violations of the provisions of this
14 Title, other than those violations in which the complaining witness
15 is the chief administrator, a member of his staff, a member of the
16 State Police, a member of a county police department and force, a
17 county park police system, or a sheriff's office in a county that has
18 established a county-municipal court or central municipal court, an
19 inspector of the Board of Public Utilities, or a law enforcement
20 officer of any other State agency, shall be forwarded by the judge to
21 whom the same have been paid as follows: one-half of the total
22 amount collected to the financial officer, as designated by the local
23 governing body, of the respective municipalities wherein the
24 violations occurred, to be used by the municipality for general
25 municipal use and to defray the cost of operating the municipal
26 court; and one-half of the total amount collected to the proper
27 financial officer of the county wherein they were collected, to be
28 used by the county as a fund for the construction, reconstruction,
29 maintenance and repair of roads and bridges, snow removal, the
30 acquisition and purchase of rights-of-way, and the purchase,
31 replacement and repair of equipment for use on said roads and
32 bridges therein. Up to 25% of the money received by a
33 municipality pursuant to this subsection, but not more than the
34 actual amount budgeted for the municipal court, whichever is less,
35 may be used to upgrade case processing.

36 All fines, penalties and forfeitures imposed and collected under
37 authority of law for any violations of the provisions of this Title, in
38 which the complaining witness is a member of a municipal or
39 county police department and force, a county park police system, or
40 a county sheriff's office in a county that has established a county-
41 municipal court, shall be forwarded by the judge to whom the same
42 have been paid to the financial officer, designated by the governing
43 body of the county, to defray the cost of operating the county-
44 municipal court.

45 All fines, penalties and forfeitures imposed and collected under
46 authority of law for any violations of the provisions of this Title, in
47 which the complaining witness is a member of a county police
48 department and force, a county park police system, or a county

1 sheriff's office in a county that has established a central municipal
2 court, shall be forwarded by the judge to whom the same have been
3 paid to the financial officer, designated by the governing body of
4 the county, for all violations occurring within the jurisdiction of that
5 court, to be used for general county use and to defray the cost of
6 operating the central municipal court.

7 Whenever any county has deposited moneys collected pursuant
8 to this section in a special trust fund in lieu of expending the same
9 for the purposes authorized by this section, it may withdraw from
10 said special trust fund in any year an amount which is not in excess
11 of the amount expended by the county over the immediately
12 preceding three-year period from general county revenues for said
13 purposes. Such moneys withdrawn from the trust fund shall be
14 accounted for and used as are other general county revenues.

15 c. (Deleted by amendment, P.L.1993, c.293.)

16 d. Notwithstanding the provisions of subsections a. and b. of
17 this section, \$1 shall be added to the amount of each fine and
18 penalty imposed and collected through a court under authority of
19 any law for any violation of the provisions of Title 39 of the
20 Revised Statutes or any other motor vehicle or traffic violation in
21 this State and shall be forwarded by the person to whom the same
22 are paid to the State Treasurer. In addition, upon the forfeiture of
23 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
24 The State Treasurer shall annually deposit those moneys so
25 forwarded in the "Body Armor Replacement" fund established
26 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
27 in the fiscal year next following the effective date of this act, the
28 State Treasurer annually shall allocate from those moneys so
29 forwarded an amount not to exceed \$400,000 to the Department of
30 the Treasury to be expended exclusively for the purposes of funding
31 the operation of the "Law Enforcement Officer Crisis Intervention
32 Services" telephone hotline established and maintained under the
33 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
34 and C.26:2NN-2).

35 e. Notwithstanding the provisions of subsections a. and b. of
36 this section, \$1 shall be added to the amount of each fine and
37 penalty imposed and collected through a court under authority of
38 any law for any violation of the provisions of Title 39 of the
39 Revised Statutes or any other motor vehicle or traffic violation in
40 this State and shall be forwarded by the person to whom the same
41 are paid to the State Treasurer. The State Treasurer shall annually
42 deposit those moneys so forwarded in the "New Jersey Spinal Cord
43 Research Fund" established pursuant to section 9 of P.L.1999, c.201
44 (C.52:9E-9). In order to comply with the provisions of Article VIII,
45 Section II, paragraph 5 of the State Constitution, a municipal or
46 county agency which forwards moneys to the State Treasurer
47 pursuant to this subsection may retain an amount equal to 2% of the
48 moneys which it collects pursuant to this subsection as

- 1 compensation for its administrative costs associated with
2 implementing the provisions of this subsection.
- 3 f. Notwithstanding the provisions of subsections a. and b. of
4 this section, \$1 shall be added to the amount of each fine and
5 penalty imposed and collected through a court under authority of
6 any law for any violation of the provisions of Title 39 of the
7 Revised Statutes or any other motor vehicle or traffic violation in
8 this State and shall be forwarded by the person to whom the same
9 are paid to the State Treasurer. The State Treasurer shall annually
10 deposit those moneys so forwarded in the "Autism Medical
11 Research and Treatment Fund" established pursuant to section 1 of
12 P.L.2003, c.144 (C.30:6D-62.2).
- 13 g. Notwithstanding the provisions of subsections a. and b. of
14 this section, \$2 shall be added to the amount of each fine and
15 penalty imposed and collected by a court under authority of any law
16 for any violation of the provisions of Title 39 of the Revised
17 Statutes or any other motor vehicle or traffic violation in this State
18 and shall be forwarded by the person to whom the same are paid to
19 the State Treasurer. The State Treasurer shall annually deposit
20 those moneys so forwarded in the "New Jersey Forensic DNA
21 Laboratory Fund" established pursuant to section 7 of P.L.2003,
22 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the
23 fund, the State Treasurer shall forward to the Administrative Office
24 of the Courts an amount not to exceed \$475,000 from moneys
25 initially collected pursuant to this subsection to be used exclusively
26 to establish a collection mechanism and to provide funding to
27 update the Automated Traffic System Fund created pursuant to
28 N.J.S.2B:12-30 to implement the provisions of this subsection.
- 29 h. Notwithstanding the provisions of subsections a. and b. of
30 this section, \$1 shall be added to the amount of each fine and
31 penalty imposed and collected under authority of any law for any
32 violation of the provisions of Title 39 of the Revised Statutes or any
33 other motor vehicle or traffic violation in this State and shall be
34 forwarded by the person to whom the same are paid to the State
35 Treasurer. The State Treasurer shall annually deposit those moneys
36 so forwarded in the "New Jersey Brain Injury Research Fund"
37 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
38 The Administrative Office of the Courts may retain an amount
39 equal to \$475,000 from the moneys which it initially collects
40 pursuant to this subsection, prior to depositing any moneys in the
41 "New Jersey Brain Injury Research Fund," in order to meet the
42 expenses associated with utilizing the Automated Traffic System
43 Fund created pursuant to N.J.S.2B:12-30 to implement the
44 provisions of this subsection and serve other statutory purposes.
- 45 i. Notwithstanding the provisions of subsections a. and b. of
46 this section, all fines and penalties imposed and collected under
47 authority of law for any violation related to the unlawful operation
48 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-

1 17.1) shall be forwarded by the judge to whom the same have been
2 paid to the State Treasurer, if the complaining witness is the chief
3 administrator, a member of his staff, a member of the State Police,
4 an inspector of the Board of Public Utilities, or a law enforcement
5 officer or other official of any other State agency; or, if the
6 complaining witness is not one of the foregoing, one-half to the
7 chief financial officer of the county and one-half to the chief
8 financial officer of the municipality wherein the violation occurred.
9 (cf: P.L.2015, c.103, s.2)

10
11 13. Section 10 of P.L.1997, c.357 (C.27:25-5.15) is amended to
12 read as follows:

13 10. A complaint for a violation of any of the provisions of this
14 act may be filed with a court having jurisdiction, at any time within
15 one year after the commission of the violation. When a person has
16 been charged with a violation of this act and summoned to appear,
17 upon failure to appear, in addition to any other provisions of law or
18 the Rules Governing the Courts of the State of New Jersey, a
19 warrant for the arrest of the person may issue. All proceedings
20 shall be brought before a municipal, joint municipal, county-
21 municipal, or central municipal court having jurisdiction in the
22 municipality in which it is alleged that the violation occurred, but
23 when a violation occurs on a moving conveyance operated by the
24 corporation through two or more municipalities, then the
25 proceeding may be brought before the court having jurisdiction in
26 any one of the municipalities through which the conveyance has
27 traversed.

28 (cf: P.L.1997, c.357, s.10)

29
30 14. Section 11 of P.L.1997, c.357 (C.27:25-5.16) is amended to
31 read as follows:

32 11. A violation of the provisions of this act or any rules or
33 regulations adopted pursuant to this act by the corporation shall be
34 punishable by a civil penalty not exceeding \$100, in addition to
35 court costs, enforced in a summary proceeding pursuant to **["the**
36 **penalty enforcement law,"** N.J.S.2A:58- 1 et seq.**]** the "Penalty
37 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
38 The Rules Governing the Courts of the State of New Jersey shall
39 govern the practice and procedure in such proceedings.
40 Notwithstanding any other law to the contrary, the court shall remit
41 50% of any civil penalty imposed to the corporation for use in
42 furtherance of any of the purposes of this act and 50% shall be
43 forwarded to the proper financial officer of the local government
44 entity in which the municipal, joint municipal, county-municipal, or
45 central municipal court has been established to be used for the local
46 government entity to defray the cost of operating the court and for
47 general government use.

48 (cf: P.L.1997, c.357, s.11)

1 15. Section 37 of P.L.2000, c.126 (C.40:23-6.53) is amended to
2 read as follows:

3 37. The governing body of any county may enter into a contract
4 with a private agency or firm for the purpose of collecting
5 delinquent fees, fines, costs, surcharges, and other penalties or
6 assessments imposed, after a final determination of guilt, by a
7 central municipal court established pursuant to subsection e. of
8 N.J.S.2B:12-1, or a county-municipal court established pursuant to
9 subsection f. of that section. The use of private agencies or firms to
10 collect delinquent fees, fines, costs, surcharges and other penalties
11 or assessments imposed by a central municipal court or county-
12 municipal court shall be in accordance with rules or procedures
13 adopted by the Supreme Court. Any such contract shall be made
14 pursuant to the provisions of the "Local Public Contracts Law,"
15 P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body of any
16 county may authorize the assessment of a fee by a private agency or
17 firm not to exceed 22% of the amount collected to be paid by the
18 debtor to the private agency or firm to pay for the costs of
19 collection.

20 (cf: P.L.2009, c.233, s.2)

21
22 16. This act shall take effect on the first day of the fourth month
23 next following enactment, except that the Administrative Office of
24 the Courts may take any anticipatory administrative action in
25 advance of the effective date as shall be necessary to implement the
26 provisions of this act.

27 28 29 STATEMENT

30
31 This bill would provide for a new type of municipal court, to be
32 known as a "county-municipal court." It would have some
33 similarities in its operation to joint municipal courts that may be
34 established by two or more municipalities pursuant to subsection b.
35 of N.J.S.2B:12-1, but would be established by a county governing
36 body, and the municipalities in that county would agree, by
37 ordinance, to have violations occurring within their municipal
38 boundaries heard in the new court.

39 Any county could establish and administer a county-municipal
40 court. The new court would be an inferior court of limited
41 jurisdiction, adjudicating all matters for which a municipal court
42 currently has jurisdiction pursuant to N.J.S.2B:12-17 et seq., such
43 as violations of county and municipal ordinances, and motor vehicle
44 and traffic laws, as well as handle any criminal pretrial release and
45 pretrial detention hearings for eligible defendants conducted
46 pursuant to the criminal justice reform that took effect January 1,
47 2017 (see P.L.2014, c.31 (C.2A:162-15 et al.)) as referred by the
48 Assignment Judge for the vicinage pursuant to the Rules of Court.

1 As to the court's creation, a county would establish its new court
2 by ordinance, and that ordinance would provide an initial date on
3 which the court would begin hearing matters. The county would be
4 responsible for providing one or more suitable courtrooms,
5 chambers, offices, equipment and supplies for the county-municipal
6 court in the same county courthouse utilized by the Superior Court
7 in that county. The county could either provide for an administrator
8 and other necessary employees for the county-municipal court and
9 for their compensation or permit, by agreement with the
10 Administrative Office of the Courts, for the court's operation by
11 employees and staff of the Superior Court located in the same
12 courthouse. All fees, fines, charges, and costs collected by the
13 county-municipal court would be the same as currently provided by
14 law for municipal courts.

15 Each municipality within a county that establishes a county-
16 municipal court would have to agree, by ordinance enacted and
17 implemented no later than two years next following the date on
18 which the new court would initially begin hearing matters, to have
19 violations occurring within its municipal boundaries heard in the
20 new court. The municipality would not be responsible for any
21 administrative costs associated with the operation and maintenance
22 of the new court. However, if a municipality failed to agree within
23 the two-year period to have violations heard by the new court, the
24 Assignment Judge of the vicinage for the county would order that
25 any violations occurring in the non-compliant municipality be heard
26 in the new court, and the municipality would be responsible for all
27 administrative costs specified in the judge's order until such time as
28 it agreed to have violations heard by that court.

29 If a municipality had previously established a municipal court,
30 the municipality would, in the ordinance joining with the county-
31 municipal court, specify a date on which the previously established
32 municipal court will be abolished and thereafter all violations heard
33 in the new court. The date set forth in the ordinance could be no
34 more than one year next following the date on which the ordinance
35 is enacted. It would not be necessary for all of the county's
36 municipalities to coordinate their court's abolishment and joining
37 with the new county-municipal court to be the same date, as the
38 new court could begin hearing matters even though less than all of
39 the municipalities of the county had abolished their municipal
40 courts and begun having cases heard in the new court.

41 On the date established by a municipality in its ordinance for
42 abolishing its previously established court and initially having
43 violations heard in the new court: (1) all causes and proceeding of
44 whatever character pending in the municipal court would be
45 transferred, along with the files for those causes and proceedings, to
46 the county-municipal court; and (2) all the functions, powers, and
47 duties conferred on the municipal court abolished by the ordinance,
48 to the extent not inconsistent with the functions, powers, and duties

1 of the county-municipal court, would be transferred to and could be
2 exercised by the county-municipal court. All files for causes and
3 proceedings not transferred to the new court, and all books, papers,
4 records, and documents, along with all office equipment,
5 furnishing, and other property of the municipal court abolished by
6 the ordinance would be disposed of by the municipality in a manner
7 set forth in that abolishing ordinance, or one or more subsequent
8 ordinances.

9 The nomination and appointment of judges of a county-
10 municipal court, being a court with jurisdiction extending to more
11 than one municipality, would be done by the Governor with the
12 advice and consent of the Senate as required by the State
13 Constitution under Article VI, Section VI, paragraph 1. Depending
14 upon the type of county government involved in the establishment
15 of the new court, either the county executive or the county
16 governing body would be authorized to submit names of judicial
17 candidates to the Governor for consideration as a potential nominee.
18 Each judge of a county-municipal court would serve for a fixed
19 term of five years. A judge could serve no more than three
20 consecutive five-year terms. If a judge was appointed to complete
21 the remainder of an unexpired term, that judge could serve no more
22 than three additional, consecutive five-year terms.

23 The county prosecutor, not municipal prosecutors, would
24 represent the State, county, or municipality in the prosecution of all
25 offenses and proceedings within the jurisdiction of a county-
26 municipal court.

27 Since the new county-municipal court would hear violations of
28 motor vehicle and traffic laws, the bill would permit an establishing
29 county to use the State's Automated Traffic System that is now
30 used by existing municipal courts to exchange information and
31 assist with court financial accounting, case processing, statistical
32 reporting services, and other components of automated municipal
33 court operations. Additionally, as to all costs, fines, fees and
34 forfeitures of bail imposed by a county-municipal court, these
35 would generally be paid to the county treasury of the county where
36 the court is located, to assist in defraying the county's cost of
37 operating the court.

38 Concerning the bill's overall intent to provide counties the
39 option of establishing county-municipal courts, and the resulting
40 shift of municipal court operations to those counties that establish
41 such courts, it is the opinion of the sponsor that the counties will be
42 able to readily leverage the revenue streams from fines, fees, and
43 other sources generated by the municipal courts being abolished
44 within the counties. Those existing revenue streams, aggregated at
45 the county level, will provide a cost-neutral funding shift to the
46 county for county-municipal court operations. The sponsor further
47 believes that permitting each county-municipal court to assist in
48 handling criminal pretrial release and pretrial detention hearings for

1 eligible defendants when assigned by the Assignment Judge for the
2 vicinage within which a county-municipal court is located will
3 assist the Superior Court, on an as needed basis, with the
4 implementation of the major criminal justice reforms that took
5 effect January 1, 2017.