

SENATE, No. 1112

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Allows drug- or alcohol-dependent person admitted into court-ordered supervisory treatment program to reduce amount owed on court-ordered fines and certain other financial obligations upon successful completion of program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain court-imposed financial obligations,
2 amending N.J.S.2C:35-15, and supplementing chapter 46 of Title
3 2C of the New Jersey Statutes.

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

7
8 1. N.J.S.2C:35-15 is amended to read as follows:

9 2C:35-15. a. (1) In addition to any disposition authorized by
10 this title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-
11 43), or any other statute indicating the dispositions that can be
12 ordered for an adjudication of delinquency, every person convicted
13 of or adjudicated delinquent for a violation of any offense defined
14 in this chapter or chapter 36 of this title shall be assessed for each
15 such offense a penalty fixed at:

- 16 (a) \$3,000.00 in the case of a crime of the first degree;
17 (b) \$2,000.00 in the case of a crime of the second degree;
18 (c) \$1,000.00 in the case of a crime of the third degree;
19 (d) \$750.00 in the case of a crime of the fourth degree;
20 (e) \$500.00 in the case of a disorderly persons or petty
21 disorderly persons offense.

22 (2) A person being sentenced for more than one offense set forth
23 in subsection a. of this section who is neither placed in supervisory
24 treatment pursuant to this section nor ordered to perform
25 reformatory service pursuant to subsection f. of this section may, in
26 the discretion of the court, be assessed a single penalty applicable to
27 the highest degree offense for which the person is convicted or
28 adjudicated delinquent, if the court finds that the defendant has
29 established the following:

- 30 (a) the imposition of multiple penalties would constitute a
31 serious hardship that outweighs the need to deter the defendant
32 from future criminal activity; and
33 (b) the imposition of a single penalty would foster the
34 defendant's rehabilitation.

35 Every person placed in supervisory treatment pursuant to the
36 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
37 any offense defined in this chapter or chapter 36 of this title shall be
38 assessed the penalty prescribed herein and applicable to the degree
39 of the offense charged, except that the court shall not impose more
40 than one such penalty regardless of the number of offenses charged.
41 If the person is charged with more than one offense, the court shall
42 impose as a condition of supervisory treatment the penalty
43 applicable to the highest degree offense for which the person is
44 charged.

45 All penalties provided for in this section shall be in addition to
46 and not in lieu of any fine authorized by law or required to be
47 imposed pursuant to the provisions of N.J.S.2C:35-12.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. All penalties provided for in this section shall be collected as
2 provided for collection of fines and restitutions in section 3 of
3 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
4 Department of the Treasury as provided in subsection c. of this
5 section.

6 c. All moneys collected pursuant to this section shall be
7 forwarded to the Department of the Treasury to be deposited in a
8 nonlapsing revolving fund to be known as the "Drug Enforcement
9 and Demand Reduction Fund." Moneys in the fund shall be
10 appropriated by the Legislature on an annual basis for the purposes
11 of funding in the following order of priority: (1) the Alliance to
12 Prevent Alcoholism and Drug Abuse and its administration by the
13 Governor's Council on Alcoholism and Drug Abuse; (2) the
14 "[Alcoholism] Alcohol and Drug Abuse Program for the Deaf,
15 Hard of Hearing and Disabled" established pursuant to section 2 of
16 P.L.1995, c.318 (C.26:2B-37); (3) the "Partnership for a Drug Free
17 New Jersey," the State affiliate of the "Partnership for [a Drug Free
18 America] Drug-Free Kids"; and (4) other alcohol and drug abuse
19 programs.

20 Moneys appropriated for the purpose of funding the
21 "[Alcoholism] Alcohol and Drug Abuse Program for the Deaf,
22 Hard of Hearing and Disabled" shall not be used to supplant
23 moneys that are available to the Department of Health [and Senior
24 Services] as of the effective date of P.L.1995, c.318 (C.26:2B-36 et
25 al.), and thereafter available to the Division of Mental Health and
26 Addiction Services in the Department of Human Services pursuant
27 to Reorganization Plan No. 002-2004 as set forth in subsection b. of
28 section 2 of P.L.1995, c.318 (C.26:2B-37) that would otherwise
29 have been made available to provide alcoholism and drug abuse
30 services for the deaf, hard of hearing and disabled, nor shall the
31 moneys be used for the administrative costs of the program.

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

33 e. The court may suspend the collection of a penalty imposed
34 pursuant to this section; provided the person is ordered by the court
35 to participate in a drug or alcohol rehabilitation program approved
36 by the court; and further provided that the person agrees to pay for
37 all or some portion of the costs associated with the rehabilitation
38 program. In this case, the collection of a penalty imposed pursuant
39 to this section shall be suspended during the person's participation
40 in the approved, court-ordered rehabilitation program. Upon
41 successful completion of the program, as determined by the court
42 upon the recommendation of the treatment provider, the person may
43 apply to the court; to (1) reduce the penalty imposed pursuant to
44 this section by any amount actually paid by the person for his
45 participation in the program; and (2) determine the amount of
46 credit earned against the amount owed on any other court-imposed

1 financial obligation as provided for in section 2 of
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 The court shall not reduce the penalty pursuant to this subsection, or
4 apply any credit pursuant to section 2 of P.L. , c. (C.)
5 (pending before the Legislature as this bill) unless the person
6 establishes to the satisfaction of the court that he has successfully
7 completed the rehabilitation program. If the person's participation
8 is for any reason terminated before his successful completion of the
9 rehabilitation program, collection of the entire penalty imposed
10 pursuant to this section shall be enforced. Nothing in this section
11 shall be deemed to affect or suspend any other criminal sanctions
12 imposed pursuant to this chapter or chapter 36 of this title.

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

32 The court, in its discretion, shall determine whether to accept the
33 plan, after considering the position of the prosecutor, the plan's
34 appropriateness and practicality, the defendant's ability to pay and
35 the effect of the proposed service on the defendant's rehabilitation
36 and reintegration into society. The court shall determine the amount
37 of the credit that would be applied against the penalty upon
38 successful completion of the reformatory service, not to exceed one-
39 half of the amount assessed, except that the court may, in the case
40 of an extreme financial hardship, waive additional amounts of the
41 penalty owed by a person who has completed a court administered
42 alcohol and drug rehabilitation program if necessary to aid the
43 person's rehabilitation and reintegration into society. The court shall
44 not apply the credit against the penalty unless the person establishes
45 to the satisfaction of the court that he has successfully completed
46 the reformatory service. If the person's participation is for any

1 reason terminated before his successful completion of the
2 reformatory service, collection of the entire penalty imposed
3 pursuant to this section shall be enforced. Nothing in this
4 subsection shall be deemed to affect or suspend any other criminal
5 sanctions imposed pursuant to this chapter or chapter 36 of this
6 title.

7 Any reformatory service ordered pursuant to this section shall be
8 in addition to and not in lieu of any community service imposed by
9 the court or otherwise required by law. Nothing in this section shall
10 limit the court's authority to order a person to participate in any
11 activity, program or treatment in addition to those proposed in a
12 reformatory service plan.

13 (cf: P.L.2008, c.15, s.2)

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

32 b. The court shall determine the amount of the credit that
33 would be applied against the court-imposed financial obligation
34 upon successful completion of the supervisory treatment program.
35 The court shall not apply any credit unless the person establishes to
36 the satisfaction of the court that the person has successfully
37 completed the rehabilitation service as part of the supervisory
38 treatment program. If the person's participation is for any reason
39 terminated before the person's successful completion of the
40 supervisory treatment program, collection of the entire court-
41 imposed financial obligation shall be enforced.

42
43 3. This act shall take effect immediately, and apply to any
44 person convicted of or charged with a violation of any offense
45 defined under Title 2C of the New Jersey Statutes or other
46 applicable law.

STATEMENT

This bill would allow drug- or alcohol-dependent persons who are admitted into court-ordered supervisory treatment programs to reduce the amount they owe on court-ordered fines and other financial obligations, other than restitution or child support, or other support or maintenance ordered by a court, upon successful completion of the treatment program, based upon engaging in “reformatory service” during their time of program participation. The types of reformatory service that could be performed would include, but not be limited to, such activities as substance abuse treatment or services, educational or vocational services, employment training or services, family counseling, and volunteer or other work.

The court would determine the amount of credit that would be applied against the court-imposed financial obligation upon successful completion of the supervisory treatment program. The court would not apply any credit unless a person establishes to the satisfaction of the court that the person has successfully completed the rehabilitation service as part of the supervisory treatment program. If a person's participation was terminated before the person's successful completion of the supervisory treatment program, collection of the entire court-imposed financial obligation would be enforced.

This bill is based upon Recommendation No. 9 of the Report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees, issued June 2018. As the report notes, providing the opportunity for participants in supervisory treatment programs to eliminate or reduce outstanding court-ordered financial obligations can further incentivize their participation and successful completion of such programs.