

SENATE, No. 1372

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator CHRISTOPHER J. CONNORS
District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Requires additional fines for certain crimes against minors to fund Amber Alert system.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning funding the Amber Alert system,
2 supplementing Title 52 of the Revised Statutes and chapter 43 of
3 Title 2C of the New Jersey Statutes, and amending P.L.1979,
4 c.396 and P.L.1991, c.329.

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

8
9 1. (New section) a. There is created in the Department of
10 Treasury a non-lapsing fund entitled the "Amber Alert Fund." The
11 fund shall be the depository for assessments collected pursuant to
12 section 2 of P.L. , c. (C.) (pending before the Legislature
13 as this bill). The State Treasurer shall administer the fund and
14 dispense money from the fund to the Attorney General annually.

15 b. The Attorney General shall distribute monies from the fund
16 to the Missing Persons Clearinghouse within the Division of State
17 Police's Missing Persons Unit. The Division of State Police shall
18 use the monies from the fund created by subsection a. of this
19 section for enhancements to the Amber Alert System created by
20 "Amber's Plan," P.L.2002, c.129 (C.52:17B-194.1 et seq.). After
21 enhancements to the Amber Alert System have been made, any
22 remaining money from the fund shall be used for programs
23 designed to recover abducted children.

24
25 2. (New section) a. In addition to any other fine, fee or
26 assessment imposed, the court shall impose a fee of \$400 on a
27 person convicted for violating the provisions of N.J.S.2C:13-4,
28 section 1 of P.L.1993, c.291 (C.2C:13-6), subparagraph (1) of
29 subsection b. of N.J.S.2C:14-4, or N.J.S.2C:24-4. The court shall
30 impose the \$400 fee on a person convicted for violating the
31 provisions of N.J.S.2C:11-3, N.J.S.2C:12-1, N.J.S.2C:12-3,
32 N.J.S.2C:13-1, N.J.S.2C:14-2 or N.J.S.2C:14-3 if the victim was a
33 person under the age of 18 years.

34 b. All assessments provided for in this section shall be
35 collected as provided for collection of fines and restitutions in
36 section 3 of P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to
37 the Department of the Treasury to be deposited into the "Amber
38 Alert Fund."

39
40 3. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
41 as follows:

42 3. a. All fines, assessments imposed pursuant to section 2 of
43 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
44 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
45 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

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

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

38 (a) A payment of restitution collected by the Department of
39 Corrections pursuant to this paragraph shall be maintained by the
40 department for two years during which the department shall attempt
41 to locate the victim to whom the restitution is owed. If the
42 department has not located the victim and the victim has not come
43 forward to claim the payment within this two-year period, the
44 payment shall be transferred to the Victims of Crime Compensation
45 Office Account to be used in satisfying claims pursuant to the
46 provisions of the "Criminal Injuries Compensation Act of 1971,"
47 P.L.1971, c.317 (C.52:4B-1 et seq.).

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

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

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

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

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

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

37 In the case of an intermunicipal court, fines shall be paid into the
38 municipal treasury of the municipality in which the offense was
39 committed, and costs, fees, and forfeitures of bail shall be
40 apportioned among the several municipalities to which the court's
41 jurisdiction extends according to the ratios of the municipalities'
42 contributions to the total expense of maintaining the court.

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

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

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

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

10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.

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

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

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

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

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

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

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

38 o. All penalties imposed pursuant to section 2 of P.L. _____,
39 c. (C. _____) (pending before the Legislature as this bill) shall be
40 forwarded and deposited as provided in that section.

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

42
43 4. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
44 read as follows:

45 13. Moneys that are collected in satisfaction of any assessment
46 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
47 in satisfaction of restitution or fines imposed in accordance with the
48 provisions of Title 2C of the New Jersey Statutes or with the

provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

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

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

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

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

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

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

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

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

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

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

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

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

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

n. fourteenth, in satisfaction of an assessment imposed pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill); and

o. in satisfaction of any fine.

(cf: P.L.2013, c.214, s.6)

5. This act shall take effect immediately.

STATEMENT

This bill imposes a \$400 assessment on persons convicted of certain crimes committed against minors. The money collected is to be forwarded to the State Treasurer to be placed in a fund called the "Amber Alert Fund" which the bill establishes. The Attorney General is required to distribute the money from the fund to the

S1372 CONNORS

7

1 Missing Persons Clearinghouse in the Division of the State Police's
2 Missing Persons Unit for the purpose of making enhancements to
3 the Amber Alert system. After enhancements to the system have
4 been made, any additional money from the fund shall be used for
5 programs designed to recover abducted children.
6 The crimes for which the \$400 would be assessed are:
7 interference with custody; luring a child into a motor vehicle,
8 structure, or isolated area; exposing one's intimate parts to a child;
9 and endangering the welfare of a child. The following crimes
10 would also be subject to the \$400 fee in situations where the victim
11 is under the age of 18 years: murder, assault, terroristic threats,
12 kidnapping, sexual assault, aggravated sexual assault, criminal
13 sexual contact, and aggravated criminal sexual contact.