

SENATE, No. 1682

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Increases additional penalty assessment for drunk driving; dedicates revenue to VCCO.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain additional penalty assessments and
2 amending P.L.1979, c.396.

3

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

6

7 1. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to
8 read as follows:

9 2. a. (1) In addition to any disposition made pursuant to the
10 provisions of N.J.S.2C:43-2, any person convicted of a crime of
11 violence, theft of an automobile pursuant to N.J.S.2C:20-2, eluding
12 a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-
13 2 or unlawful taking of a motor vehicle pursuant to subsection b., c.
14 or d. of N.J.S.2C:20-10 shall be assessed at least **[\$100.00]** \$100 ,
15 but not to exceed **[\$10,000.00]** \$10,000 for each such crime for
16 which he was convicted which resulted in the injury or death of
17 another person. In imposing this assessment, the court shall
18 consider factors such as the severity of the crime, the defendant's
19 criminal record, defendant's ability to pay and the economic impact
20 of the assessment on the defendant's dependents.

21 (2) (a) In addition to any other disposition made pursuant to the
22 provisions of N.J.S.2C:43-2 or any other statute imposing sentences
23 for crimes, any person convicted of any disorderly persons offense,
24 any petty disorderly persons offense, or any crime not resulting in
25 the injury or death of any other person shall be assessed **[\$50.00]**
26 \$50 for each such offense or crime for which he was convicted.

27 (b) In addition to any other disposition made pursuant to the
28 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any
29 other statute indicating the dispositions that can be ordered for
30 adjudications of delinquency, any juvenile adjudicated delinquent,
31 according to the definition of "delinquency" established in section 4
32 of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at least **[\$30.00]**
33 \$30 for each such adjudication, but not to exceed the amount which
34 could be assessed pursuant to paragraph (1) or paragraph (2) (a) of
35 subsection a. of this section if the offense was committed by an
36 adult.

37 (c) In addition to any other assessment imposed pursuant to the
38 provisions of R.S.39:4-50, the provisions of section 12 of P.L.1990,
39 c.103 (C.39:3-10.20) relating to a violation of section 5 of
40 P.L.1990, c.103 (C.39:3-10.13) **】, the provisions of section 19 of**
41 **P.L.1954, c.236 (C.12:7-34.19)]** or the provisions of section 3 of
42 P.L.1952, c.157 (C.12:7-46), any person convicted of operating a
43 motor vehicle, commercial motor vehicle or vessel while under the
44 influence of liquor or drugs shall be assessed **[\$50.00]** \$75.

45 (d) In addition to any term or condition that may be included in

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 an agreement for supervisory treatment pursuant to N.J.S.2C:43-13
2 or imposed as a term or condition of conditional discharge pursuant
3 to N.J.S.2C:36A-1, a participant in either program shall be required
4 to pay an assessment of **【\$50.00】** \$50 .

5 (3) All assessments provided for in this section shall be
6 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)
7 and the court shall so order at the time of sentencing. When a
8 defendant who is sentenced to incarceration in a State correctional
9 facility has not, at the time of sentencing, paid an assessment for the
10 crime for which he is being sentenced or an assessment imposed for
11 a previous crime, the court shall specifically order the Department
12 of Corrections to collect the assessment during the period of
13 incarceration and to deduct the assessment from any income the
14 inmate receives as a result of labor performed at the institution or
15 on any work release program or from any personal account
16 established in the institution for the benefit of the inmate. All
17 moneys collected, whether in part or in full payment of any
18 assessment imposed pursuant to this section, shall be forwarded
19 monthly by the parties responsible for collection, together with a
20 monthly accounting on forms prescribed by the Victims of Crime
21 Compensation **【Board】** Office pursuant to section 19 of P.L.1991,
22 c.329 (C.52:4B-8.1), to the Victims of Crime Compensation
23 **【Board】** Office.

24 (4) The Victims of Crime Compensation **【Board】** Office shall
25 forward monthly all moneys received from assessments collected
26 pursuant to this section to the State Treasury for deposit as follows:

27 (a) Of moneys collected on assessments imposed pursuant to
28 paragraph a. (1):

29 (i) the first **【\$72.00】** \$72 collected for deposit in the Victims of
30 Crime Compensation **【Board】** Office Account,

31 (ii) the next **【\$3.00】** \$3 collected for deposit in the Criminal
32 Disposition and Revenue Collection Fund,

33 (iii) the next **【\$25.00】** \$25 collected for deposit in the Victim
34 Witness Advocacy Fund, and

35 (iv) moneys collected in excess of **【\$100.00】** \$100 for deposit in
36 the Victims of Crime Compensation **【Board】** Office Account;

37 (b) Of moneys collected on assessments imposed pursuant to
38 subparagraph (a) or (d) of paragraph **【a.】** (2) **【(a), (c) or (d)】** of
39 subsection a. :

40 (i) the first **【\$39.00】** \$39 collected for deposit in the Victims of
41 Crime Compensation **【Board】** Office Account,

42 (ii) the next **【\$3.00】** \$3 collected for deposit in the Criminal
43 Disposition and Revenue Collection Fund, and

44 (iii) the next **【\$8.00】** \$8 collected for deposit in the Victim and
45 Witness Advocacy Fund;

46 (c) Of moneys collected on assessments imposed pursuant to
47 subparagraph (b) of paragraph **【a.】** (2) **【(b)】** of subsection a. :

- 1 (i) the first **[\$17.00]** \$17 for deposit in the Victims of Crime
2 Compensation **[Board]** Office Account, and
- 3 (ii) the next **[\$3.00]** \$3 collected for deposit in the Criminal
4 Disposition and Revenue Collection Fund, and
- 5 (iii) the next **[\$10.00]** \$10 for deposit in the Victim and Witness
6 Advocacy Fund, and
- 7 (iv) moneys collected in excess of **[\$30.00]** \$30 for deposit in
8 the Victims of Crime Compensation **[Board]** Office Account~~[""]~~;
- 9 (d) Of moneys collected on assessments imposed pursuant to
10 subparagraph (c) of paragraph (2) of subsection a.:
- 11 (i) the first \$64 collected for deposit in the Victims of Crime
12 Compensation Office Account,
- 13 (ii) the next \$3 collected for deposit in the Criminal Disposition
14 and Revenue Collection Fund, and
- 15 (iii) the next \$8 collected for deposit in the Victim and Witness
16 Advocacy Fund.
- 17 (5) The Victims of Crime Compensation **[Board]** Office shall
18 provide the Attorney General with a monthly accounting of moneys
19 received, deposited and identified as receivable, on forms
20 prescribed pursuant to section 19 of P.L.1991, c.329 (C.52:4B-8.1).
- 21 (6) (a) The Victims of Crime Compensation **[Board]** Office
22 Account shall be a separate, nonlapsing, revolving account that
23 shall be administered by the Victims of Crime Compensation
24 **[Board]** Office. All moneys deposited in that Account shall be
25 used in satisfying claims pursuant to the provisions of the "Criminal
26 Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et
27 seq.) and for related administrative costs.
- 28 (b) The Criminal Disposition and Revenue Collection Fund shall
29 be a separate, nonlapsing, revolving account that shall be
30 administered by the Victims of Crime Compensation **[Board]**
31 Office. All moneys deposited in that Fund shall be used as
32 provided in section 19 of P.L.1991, c.329 (C.52:4B-8.1).
- 33 (c) The Victim and Witness Advocacy Fund shall be a separate,
34 nonlapsing, revolving fund and shall be administered by the
35 Division of Criminal Justice, Department of Law and Public Safety
36 and all moneys deposited in that Fund pursuant to this section shall
37 be used for the benefit of victims and witnesses of crime as
38 provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1) and for
39 related administrative costs.
- 40 b. (Deleted by amendment, P.L.1991, c.329).
- 41 c. (Deleted by amendment, P.L.1991, c.329).
- 42 d. (Deleted by amendment, P.L.1991, c.329).
- 43 (cf: P.L.1995, c.135, s.1)
- 44
- 45 2. This act shall take effect on the first day of the fourth month
46 after enactment.

S1682 VITALE

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STATEMENT

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3 This bill increases the penalty assessed for violations of the
4 drunk driving and drunk boating laws from \$50 to \$75, and
5 designates the additional revenue for the Victims of Crime
6 Compensation Office.

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