

SENATE, No. 1696

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

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

SYNOPSIS

Mandates wage garnishment and community service for defendants in default of court orders to compensate crime victims.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning concerning restitution for crime victims and
2 supplementing Title 2B of the New Jersey Statutes.

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

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7 1. Notwithstanding the provisions of the “Comprehensive
8 Enforcement Program Fund Act,” P.L.1995, c.9 (C.2B:19-1 et seq.),
9 N.J.S.2C:46-2, or any other law, when a defendant sentenced to
10 make restitution as part of a sentence of probation defaults in the
11 payment of such restitution or of any installment without good
12 cause, the court shall proceed as set forth in this section.

13 a. (1) The court shall order the Probation Division to verify the
14 accuracy of any information provided by the defendant concerning
15 his income, assets, and employment. Verification shall include,
16 among other provisions, confirming any such information with the
17 defendant’s employer.

18 (2) The court shall order the garnishment of the defendant’s
19 wages or other earnings. Payment of wages by an employer in the
20 form of cash shall not preclude garnishment pursuant to this
21 section.

22 b. If the defendant is unemployed, the court shall order that the
23 defendant participate in an appropriate job placement program.

24 c. If a defendant subject to wage garnishment defaults in the
25 payment of any single installment without good cause, the court
26 shall impose a term of participation in a labor assistance program or
27 enforced community service. Such participation shall not reduce the
28 amount owed by the defendant in default.

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill would mandate wage garnishment and participation in
36 enforced community service for certain criminal defendants who
37 fail to make restitution to their victims. Currently, a defendant who
38 is convicted of a crime may be sentenced to probation, with one of
39 the conditions of probation being that the defendant must make
40 restitution to the victim of his crime. If the defendant fails to make
41 such restitution, the court has the option to order such sanctions as
42 wage garnishment, participation in enforced community service,
43 participation in a labor assistance program, and revocation of
44 probation with the imposition of the original sentence.

45 This bill would require the court, in every case where the
46 defendant defaults in the payment of restitution or of any
47 installment without good cause, to:

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1 (1) order the Probation Division to verify the accuracy of any
2 information provided by the defendant concerning his income,
3 assets, and employment. Verification would include, among other
4 provisions, confirming any such information with the defendant's
5 employer;

6 (2) order the garnishment of the defendant's wages or other
7 earnings. The bill specifies that payment of wages by an employer
8 in the form of cash would not preclude garnishment; and

9 (3) in a case where the defendant is unemployed, order that the
10 defendant participate in an appropriate job placement program.

11 The bill provides that if a defendant subject to wage garnishment
12 defaults in the payment of any single installment without good
13 cause, the court must impose a term of participation in a labor
14 assistance program or enforced community service. Such
15 participation would not reduce the amount owed by the defendant in
16 default.