

SENATE, No. 3139

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Permits persons participating in Drug Court and other programs to earn credit against amount owed on certain court-imposed financial obligations.

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, every person convicted of a violation of any offense
11 defined in this chapter or chapter 36 of this title shall be assessed
12 for each offense a penalty fixed at:

13 (a) \$3,000 in the case of a crime of the first degree;

14 (b) \$2,000 in the case of a crime of the second degree;

15 (c) \$1,000 in the case of a crime of the third degree;

16 (d) \$750 in the case of a crime of the fourth degree;

17 (e) \$500 in the case of a disorderly persons or petty disorderly
18 persons offense.

19 (2) A person being sentenced for more than one offense set forth
20 in subsection a. of this section who is not placed in supervisory
21 treatment pursuant to this section or ordered to perform reformatory
22 service pursuant to subsection f. of this section may, in the
23 discretion of the court, be assessed a single penalty applicable to the
24 highest degree offense for which the person is convicted, if the
25 court finds that the defendant has established the following:

26 (a) the imposition of multiple penalties would constitute a
27 serious hardship that outweighs the need to deter the defendant
28 from future criminal activity; and

29 (b) the imposition of a single penalty would foster the
30 defendant's rehabilitation.

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

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

44 b. All penalties provided for in this section shall be collected as
45 provided for collection of fines and restitutions in section 3 of

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 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
2 Department of the Treasury as provided in subsection c. of this
3 section.

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

17 Moneys appropriated for the purpose of funding the "Alcoholism
18 and Drug Abuse Program for the Deaf, Hard of Hearing and
19 Disabled" shall not be used to supplant moneys that are available to
20 the Department of Health [and Senior Services] as of the effective
21 date of P.L.1995, c.318 (C.26:2B-36 et al.), and that would
22 otherwise have been made available to provide alcoholism and drug
23 abuse services for the deaf, hard of hearing and disabled, nor shall
24 the moneys be used for the administrative costs of the program.

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

26 e. The court may suspend the collection of a penalty imposed
27 pursuant to this section; provided the person is ordered by the court
28 to participate in a drug or alcohol rehabilitation program approved
29 by the court; and further provided that the person agrees to pay for
30 all or some portion of the costs associated with the rehabilitation
31 program. In this case, the collection of a penalty imposed pursuant
32 to this section shall be suspended during the person's participation
33 in the approved, court-ordered rehabilitation program. Upon
34 successful completion of the program, as determined by the court
35 upon the recommendation of the treatment provider, the person may
36 apply to the court to reduce the penalty imposed pursuant to this
37 section by any amount actually paid by the person for participating
38 in the program, and to determine the amount of credit earned
39 against the amount owed on any other court-imposed financial
40 obligation as provided for in section 2 of P.L. , c. (C.)
41 (pending before the Legislature as this bill). The court shall not
42 reduce the penalty pursuant to this subsection unless the person
43 establishes to the satisfaction of the court that the person has
44 successfully completed the rehabilitation program. If the person's
45 participation is for any reason terminated before successful
46 completion of the rehabilitation program, collection of the entire

1 penalty imposed pursuant to this section shall be enforced. Nothing
2 in this section shall be deemed to affect or suspend any other
3 criminal sanctions imposed pursuant to this chapter or chapter 36 of
4 this title.

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

24 The court, in its discretion, shall determine whether to accept the
25 plan, after considering the position of the prosecutor, the plan's
26 appropriateness and practicality, the defendant's ability to pay, and
27 the effect of the proposed service on the defendant's rehabilitation
28 and reintegration into society. The court shall determine the amount
29 of the credit that would be applied against the penalty upon
30 successful completion of the reformatory service, not to exceed one-
31 half of the amount assessed, except that the court may, in the case
32 of an extreme financial hardship, waive additional amounts of the
33 penalty owed by a person who has completed a court administered
34 alcohol and drug rehabilitation program if necessary to aid the
35 person's rehabilitation and reintegration into society. The court shall
36 not apply the credit against the penalty unless the person establishes
37 to the satisfaction of the court that the person has successfully
38 completed the reformatory service. If the person's participation is
39 for any reason terminated before his successful completion of the
40 reformatory service, collection of the entire penalty imposed
41 pursuant to this section shall be enforced. Nothing in this subsection
42 shall be deemed to affect or suspend any other criminal sanctions
43 imposed pursuant to this chapter or chapter 36 of this title.

44 Any reformatory service ordered pursuant to this section shall be
45 in addition to and not in lieu of any community service imposed by
46 the court or otherwise required by law. Nothing in this section shall
47 limit the court's authority to order a person to participate in any

1 activity, program, or treatment in addition to those proposed in a
2 reformatory service plan.

3 (cf: P.L.2019, c.363, s.4)

4
5 2. (New section) a. A person required to pay any form of
6 court-imposed financial obligation resulting from a conviction or
7 charge for a violation of any offense defined under Title 2C of the
8 New Jersey Statutes or other applicable law shall be eligible to
9 perform reformatory service, when ordered by the court as a
10 condition for admission into special probation pursuant to
11 N.J.S.2C:35-14, conditional discharge pursuant to N.J.S.2C:36A-1,
12 supervisory treatment pursuant to N.J.S.2C:43-12, or conditional
13 dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et al.) for
14 treatment of alcohol or drug dependency, in order to earn credit
15 against the amount owed on the court-imposed financial obligation,
16 other than restitution or child support or other support or
17 maintenance ordered by a court. "Reformatory service" shall
18 include, but not be limited to, substance abuse treatment or services,
19 other therapeutic treatment, educational or vocational services,
20 employment training or services, family counseling, service to the
21 community and volunteer or other work.

22 b. The court shall determine the amount of the credit that
23 would be applied against the court-imposed financial obligation
24 upon successful completion of the supervisory treatment program.
25 If the person's participation is for any reason terminated before the
26 person's successful completion of the supervisory treatment
27 program, collection of the entire court-imposed financial obligation
28 shall be enforced.

29
30 3. This act shall take effect immediately and shall apply to any
31 person convicted of or charged with a violation of any offense
32 defined under Title 2C of the New Jersey Statutes or other
33 applicable law.

34 35 36 STATEMENT

37
38 This bill would permit a person admitted into a court-ordered
39 supervisory treatment program for drug or alcohol dependency,
40 such as Drug Court, to earn credit against the amount owed on any
41 court-imposed financial obligations, other than restitution or child
42 support, or other support or maintenance ordered by a court. The
43 credit would be based upon the performance of reformatory service
44 ordered by the court as a condition for admission into the
45 supervisory treatment program, and could include such activities as
46 substance abuse treatment or services, educational or vocational

1 services, employment training or services, family counseling, and
2 volunteer or other work.

3 The court would determine the amount of credit that would be
4 applied against the court-imposed financial obligation upon
5 successful completion of the supervisory treatment program. If a
6 person's participation is terminated before the person's successful
7 completion of the supervisory treatment program, collection of the
8 entire court-imposed financial obligation would be enforced.

9 This bill embodies Recommendation No. 9 of the Report of the
10 Supreme Court Committee on Municipal Court Operations, Fines,
11 and Fees, issued June 2018. As indicated in the report, providing a
12 mechanism for persons participating in supervisory treatment
13 programs to eliminate or reduce outstanding court-ordered financial
14 obligations further incentivizes their participation and successful
15 completion of such programs.