

SENATE, No. 4116

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Provides that in municipal courts participating in regional municipal court pilot program, conditional discharge would be expanded to encompass certain additional offenses and second offenders.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal courts and supplementing Title 2B of
2 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. In any municipal court participating in the regional
8 municipal court pilot program established by P.L.2021, c.191
9 (C.2B:12-34 et seq.), the conditional discharge process set forth in
10 N.J.S.2C:36A-1, in addition to being available to certain defendants
11 under current law, shall also be available for any defendant under
12 the following circumstances, notwithstanding any provisions of
13 N.J.S.2C:36A-1 to the contrary:

14 a. Any defendant charged with or convicted of:

15 (1) shoplifting pursuant to N.J.S.2C:20-11, when classified as a
16 disorderly persons offense or, if the municipal court has jurisdiction
17 over the matter pursuant to N.J.S.2B:12-18, when classified as a
18 crime of the fourth degree, or

19 (2) wandering, remaining, or prowling in a public place with the
20 purpose of unlawfully obtaining or distributing a controlled
21 dangerous substance or controlled substance analog pursuant to
22 P.L.1991, c.383 (C.2C:33-2.1); or

23 b. Any defendant previously convicted of:

24 (1) shoplifting pursuant to N.J.S.2C:20-11, when classified as a
25 disorderly persons offense or, if the municipal court had jurisdiction
26 over the matter pursuant to N.J.S.2B:12-18, when classified as a
27 crime of the fourth degree;

28 (2) wandering, remaining, or prowling in a public place with the
29 purpose of unlawfully obtaining or distributing a controlled
30 dangerous substance or controlled substance analog pursuant to
31 P.L.1991, c.383 (C.2C:33-2.1); or

32 (3) any disorderly persons or petty disorderly persons offense
33 set forth in chapter 35 or chapter 36 of Title 2C of the New Jersey
34 Statutes.

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36 2. This act shall take effect immediately.

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STATEMENT

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41 P.L.2021, c.191 (C.2B:12-34 et seq.), enacted August 5, 2021,
42 creates a pilot program to consolidate certain municipal courts into
43 regional municipal courts. Under the pilot program, a regional
44 municipal court would have jurisdiction over all matters falling
45 within the jurisdiction of the municipal courts.

46 This bill would provide that in any municipal court participating
47 in the regional municipal court pilot program, the conditional
48 discharge process set forth in N.J.S.2C:36A-1 would be expanded to

1 include certain additional defendants. Under conditional discharge
2 currently, the court may suspend criminal proceedings against a
3 first offender charged with or convicted of a low-level CDS offense
4 and place the defendant under supervisory treatment. If the
5 defendant successfully completes the treatment, the criminal
6 proceedings are dismissed.

7 Under the bill, conditional discharge would also include the
8 following defendants in those municipal courts that are participating
9 in the pilot program:

10 a. Any defendant charged with or convicted of:

11 (1) shoplifting pursuant to N.J.S.2C:20-11, when classified as a
12 disorderly persons offense or, if the municipal court has jurisdiction
13 over the matter pursuant to N.J.S.2B:12-18, when classified as a
14 crime of the fourth degree; or

15 (2) wandering, remaining, or prowling in a public place with the
16 purpose of unlawfully obtaining or distributing a controlled
17 dangerous substance or controlled substance analog pursuant to
18 P.L.1991, c.383 (C.2C:33-2.1); or

19 b. Any defendant previously convicted of:

20 (1) shoplifting pursuant to N.J.S.2C:20-11, when classified as a
21 disorderly persons offense or, if the municipal court had jurisdiction
22 over the matter pursuant to N.J.S.2B:12-18, when classified as a
23 crime of the fourth degree;

24 (2) wandering, remaining, or prowling in a public place with the
25 purpose of unlawfully obtaining or distributing a controlled
26 dangerous substance or controlled substance analog pursuant to
27 P.L.1991, c.383 (C.2C:33-2.1); or

28 (3) any disorderly persons or petty disorderly persons offense
29 set forth in chapter 35 or chapter 36 of Title 2C of the New Jersey
30 Statutes.