ASSEMBLY, No. 2198



STATE OF NEW JERSEY

220th LEGISLATURE



INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Permits counties to establish county-municipal courts with limited, countywide jurisdiction.

CURRENT VERSION OF TEXT

As introduced.



An Act providing for county-municipal courts with limited, countywide jurisdiction, and amending various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.2B:12-1 is amended to read as follows:

2B:12-1. Establishment of municipal courts.

a. Every municipality shall establish a municipal court. If a municipality fails to maintain a municipal court or does not enter into an agreement pursuant to subsection b. [or], c. or f. of this section, the Assignment Judge of the vicinage shall order violations occurring within its boundaries heard in any other municipal court in the county until such time as the municipality establishes and maintains a municipal court. The municipality without a municipal court shall be responsible for all administrative costs specified in the order of the Assignment Judge pending the establishment of its municipal court.

b. Two or more municipalities, by ordinance, may enter into an agreement establishing a single joint municipal court and providing for its administration. A copy of the agreement shall be filed with the Administrative Director of the Courts. As used in [this act] N.J.S.2B:12-1 et seq., "municipal court" includes a joint municipal court.

c. Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.

d. An agreement pursuant to subsection b. [or], c. or f. of this section may be terminated as provided in the agreement. If the agreement makes no provision for termination, it may be terminated by any party with reasonable notices and terms as determined by the Assignment Judge of the vicinage.

e. (1) Any county of the first class with a population of over 900,000 and a population density of less than 4,000 persons per square mile according to the 2010 federal decennial census may establish, by ordinance, a central municipal court, which shall be an inferior court of limited jurisdiction, to adjudicate cases filed by agents of the county health department, agents of the county office of consumer affairs, members of the county police department and

force, county park police system, or sheriff's office, or other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court, and provide for its administration. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in [this act] N.J.S.2B:12-1 et seq., "municipal court" includes a central municipal court.

[f.] (2) Nothing in P.L.2015, c.103 shall require a county that has established and maintained a central municipal court in accordance with this subsection [e. of N.J.S.2B:12-1] prior to the date of the enactment of P.L.2015, c.103 to re-establish that court.

(3) On and after the effective date of P.L. , c. (pending before the Legislature as this bill), any county that has established and maintained a central municipal court in accordance with this subsection may, by ordinance, provide for that court to adjudicate all maters for which a county-municipal court has jurisdiction pursuant to subsection f. of this section, and re-designate the court as a central county-municipal court. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in N.J.S.2B:12-1 et seq., “municipal court” and “county-municipal court” includes a central county-municipal court.

f. (1) Any county may establish, by ordinance, a county-municipal court, which shall be an inferior court of limited jurisdiction, adjudicating all matters for which a municipal court has jurisdiction pursuant to N.J.S.2B:12-17 et seq., as well as any criminal pretrial release and pretrial detention hearings for eligible defendants conducted pursuant to sections 1 through 7 of P.L.2014, c.31 (C.2A:162-15 through 2A:162-21) as referred by the Assignment Judge for the vicinage pursuant to the Rules of Court, and provide for the court’s administration. The ordinance shall indicate an initial date on which the court shall begin hearing matters. A copy of the ordinance shall be filed with the Administrative Director of the Courts. As used in N.J.S.2B:12-1 et seq., “municipal court” includes a county-municipal court.

(2) Each municipality in a county that has established a county-municipal court shall agree, by ordinance enacted and implemented no later than two years next following the date on which that court will initially begin hearing matters, to have violations occurring within its boundaries heard in that court. The municipality shall not be responsible for any administrative costs associated with the operation and maintenance of facilities used by the court or its employees. If a municipality fails to agree, within the time period set forth in this paragraph, to have violations heard by the county-municipal court, the Assignment Judge of the vicinage shall order, pursuant to subsection a. of this section, that violations occurring within the municipality’s boundaries be heard in the county-municipal court, and the municipality be responsible for all administrative costs specified in the order until such time as the municipality agrees to have violations heard by that court.

(a) If a municipality had previously established a municipal court, the municipality shall, in the ordinance agreeing to have violations heard in the county-municipal court, specify the date on which the previously established municipal court will be abolished and thereafter all violations heard in the county-municipal court. The date set forth in the ordinance shall be no more than one year next following the date on which the ordinance is enacted. It shall not be necessary for each municipality within the territorial jurisdiction of the county-municipal court to establish the same date for abolishing its previously established municipal court and initially having violations heard in the county-municipal court. The county-municipal court may begin hearing matters even though less than all of the municipalities have abolished their municipal courts and begun having cases heard in the county-municipal court.

(b) On the date established by a municipality in its ordinance for abolishing a previously established municipal court and initially having violations heard in the county-municipal court:

(i) all causes and proceeding of whatever character pending in the municipal court shall be transferred, along with the files for those causes and proceedings, to the county-municipal court; and

(ii) all the functions, powers, and duties conferred on the municipal court abolished by the ordinance, to the extent not inconsistent with the functions, powers, and duties of the county-municipal court, shall be transferred to and may be exercised by the county-municipal court.

(c) All files for causes and proceedings not transferred to the county-municipal court pursuant to subparagraph (b) of this paragraph, and all books, papers, records, and documents, along with all office equipment, furnishing, and other property of the municipal court abolished by the ordinance shall be disposed of by the municipality in a manner set forth in that ordinance, or one or more subsequent ordinances.

(cf: P.L.2015, c.103, s.1)

2. N.J.S.2B:12-2 is amended to read as follows:

2B:12-2. Name of court.

The name of a municipal court of a single municipality shall be the "Municipal Court of (insert name of municipality)." The name of a joint municipal court shall be specified in the ordinances establishing the court. The name of a county-municipal court shall be the “County-Municipal Court of (insert name of county)” and shall be specified in the ordinance establishing the court. The name of a central municipal court shall be the "Central Municipal Court of the County of (insert name of county)" and shall be specified in the ordinance establishing the court.

(cf: P.L.1996, c.95, s.2)

3. N.J.S.2B:12-4 is amended to read as follows:

2B:12-4. Judge of municipal court; term of office; appointment.

a. [Each] (1) (a) Except as otherwise provided in this paragraph, each judge of a municipal court shall serve for a term of three years from the date of appointment and until a successor is appointed and qualified.

(b) Each judge of a county-municipal court shall serve for a fixed term of five years. A judge of a county-municipal court may serve no more than three consecutive five-year terms. If a judge of a county-municipal court is appointed to complete the remainder of an unexpired term pursuant to paragraph (2) of this subsection, that judge may serve no more than three additional, consecutive five-year terms.

(2) Any appointment to fill a vacancy not caused by the expiration of a term shall be made for the unexpired term only. However, if a county or municipality requires by ordinance that the judge of the municipal court devote full time to judicial duties or limit the practice of law to non-litigated matters, the first appointment after the establishment of that requirement shall be for a full term of three years or five years, as applicable.

b. In municipalities governed by a mayor-council form of government, the municipal court judge shall be appointed by the mayor with the advice and consent of the council. Each judge of a joint municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate. In all other municipalities, the municipal judge shall be appointed by the governing body of the municipality.

c. In a county that has established a central municipal court, the judge of the central municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate. In those counties having a county executive, the county executive may submit the names of judicial candidates for judge of the central municipal court to the Governor. In all other counties, the governing body may submit the names of judicial candidates for judge of the central municipal court to the Governor.

d. In a county that has established a county-municipal court, the judge of the county-municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate. In those counties having a county executive, the Governor’s nominee shall be selected from a list of three names to be considered for judge of the county-municipal court submitted by the county executive to the Governor. In all other counties, the Governor’s nominee shall be selected from a list of three names to be considered for judge of the county-municipal court submitted by the governing body of the county to the Governor.

(cf: P.L.1996, c.95, s.3)

4. N.J.S.2B:12-10 is amended to read as follows:

2B:12-10. Municipal court administrator and personnel. a. [A] (1) Except as provided in paragraph (2) of this subsection, a county or municipality shall provide for an administrator and other necessary employees for the municipal court and for their compensation. With approval of the Supreme Court, an employee of the county or municipality, in addition to other duties, may be designated to serve as administrator of the municipal court.

(2) A county with a county-municipal court may provide for an administrator and other necessary employees for the county-municipal court and for their compensation, or may permit, by agreement with the Administrative Office of the Courts, for that court’s operation by employees and staff of the Superior Court working in the same facility in which the county-municipal court is located, as required by N.J.S.2B:12-15.

b. The judge of a municipal court may designate in writing an acting administrator or deputy administrator to serve temporarily for an absent administrator or deputy administrator until the absent administrator or deputy administrator returns or a new administrator or deputy administrator is appointed. The acting administrator or acting deputy administrator shall be paid at a rate established by the judge but not exceeding that established for the administrator or deputy administrator.

(cf: P.L.1996, c.95, s.9)

5. N.J.S.2B:12-15 is amended to read as follows:

2B:12-15. Courtrooms and equipment.

Suitable courtrooms, chambers, offices, equipment and supplies for the municipal court, its administrator's office and its violations bureau shall be provided by the municipality, or by a county that has established a central municipal court. A county that has established a county-municipal court shall provide one or more suitable courtrooms, chambers, offices, equipment and supplies for the county-municipal court in the same facility where it supplies, pursuant to N.J.S.2B:6-1, these items for the processing and decision of cases from that county in the Law Division and the Family Part of the Chancery Division of the Superior Court.

(cf: P.L.1996, c.95, s.10)

6. N.J.S.2B:12-16 is amended to read as follows:

2B:12-16. Territorial jurisdiction.

a. A municipal court of a single municipality shall have jurisdiction over cases arising within the territory of that municipality except as provided in section 10 of P.L.1997, c.357 (C.27:25-5.15). A joint municipal court shall have jurisdiction over cases arising within the territory of any of the municipalities which the court serves. The territory of a municipality includes any premises or property located partly in and partly outside of the municipality. A county-municipal court or central municipal court shall have jurisdiction over cases arising within the territorial boundaries of the county.

b. A municipal court judge, serving as an acting judge in any other municipal court in the county, may also hear matters arising out of that other court, while sitting in the court where the acting judge holds a regular appointment.

(cf: P.L.1997, c.357, s.13)

7. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to read as follows:

14. [The] a. Except as provided in subsection b. of this section, the governing body of the county or municipality may employ an attorney-at-law as a prosecutor, under the supervision of the Attorney General or county prosecutor, who may represent the State, county or municipality in any matter within the jurisdiction of the central municipal court or any other municipal court in accordance with the provisions of P.L.1999, c.349 (C.2B:25-1 et al.).

b. The county prosecutor shall represent the State, the county, or the municipality in the prosecution of all offenses and proceedings within the jurisdiction of the county-municipal court. The county prosecutor shall act in accordance with the provisions of P.L.1999, c.349 (C.2B:25-1 et al.).

(cf: P.L.1999, c.349, s.11)

8. N.J.S.2B:12-30 is amended to read as follows:

2B:12-30. Automated Traffic System Fund.

a. The Legislature finds and declares that there is a need to improve the management, efficiency and effectiveness of municipal court operations and quality of justice by providing funds:

(1) To be utilized by the Administrative Office of the Courts to design, equip, operate and maintain a standardized, Statewide computer system, including integrated traffic ticket control, court financial accounting, case processing, statistical reporting services and other components necessary to automate municipal court operations; and

(2) To ensure the smooth exchange of automated information among the Judiciary, the **[**Division of**]** Motor **[**Vehicles**]** Vehicle Commission, law enforcement agencies, other public or quasi-public agencies, or those autonomous systems approved by the Administrative Office of the Courts pursuant to subsection d. of this section.

b. In order to accomplish these purposes, there is created the "Automated Traffic System Fund." The fund shall be a dedicated fund within the General Fund and administered by the Administrative Office of the Courts. The fund shall be the depository of moneys realized from [the $1.00 surcharge imposed pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1),] the $2.00 court cost assessment imposed pursuant to subsection a. of N.J.S.22A:3-4 and any other moneys made available for the purposes of the fund.

c. The Supreme Court may issue Rules of Court to effectuate the purposes of this act.

d. Nothing in this section shall be deemed to prevent a municipality or county, at its own expense, from maintaining or obtaining and using an autonomous computer system for integrated traffic ticket control, court financial accounting, case processing, statistical reporting services and other components necessary to automate municipal court operations that interconnects with the Automated Traffic System, its components and computer network, upon the approval of the Administrative Office of the Courts, in accordance with the following:

(1) An autonomous system shall only be approved for interconnection with the Automated Traffic System (ATS) when it meets all technical interconnection requirements, standardized data definitions and functionality of the Automated Traffic System, including its criminal and ordinance violation components, necessary to: fully automate municipal court operations in accordance with law, court rule or administrative directive; maintain and update on-line the standardized Statewide data base and its electronic traffic and criminal warrant components; and provide for on-line inquiry and exchange of automated data, consistent with the purposes expressed in subsection a. of this section.

(2) A municipality or county that obtains and uses an autonomous system, approved for interconnection with the Automated Traffic System, shall retain, from the date of interconnection, one-half the full amount of that portion of the court cost assessment imposed and collected on and after that date for payment into the Automated Traffic System Fund, pursuant to subsection a. of N.J.S.22A:3-4. The retained court cost assessment shall be used by the municipality or county to offset the operating costs of its autonomous system, including costs to maintain compliance with the interconnection requirements of the Automated Traffic System. A municipality or county shall be entitled only to retain those court cost assessments for as long as its autonomous system continues to meet the update and other requirements of paragraph (1) of subsection d. of this section.

(3) That portion of the court cost assessment, imposed pursuant to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be used for the purposes described in subsection a. of this section including: the State's costs, within the Automated Traffic System, of developing and maintaining interconnection with an autonomous system; the maintenance, improvement and updating of the Automated Traffic System, its components and the standardized Statewide data base; and the procurement and maintenance of hand-held data entry devices and related equipment for use by parking authorities or parking agencies who choose to be directly serviced by the Automated Traffic System. The Administrative Office of the Courts may obtain either directly, through the Statewide master contract process, or as otherwise provided by law, automation services or equipment including hand-held, ticket-issuing devices and printers for use by those parking authorities or parking agencies to facilitate the exchange of automated information and maintain the efficiency of the standardized Statewide computer system.

(4) An autonomous computer system used by a municipality shall be interconnected with the Automated Traffic System and its components by January 1, 1997. An autonomous computer system used by a county that establishes a county-municipal court pursuant to N.J.S.2B:12-1 shall be interconnected with the Automated Traffic System and its components by the fourth anniversary next following the date of the court’s establishment. The Administrative Office of the Courts shall, at no cost to the municipality or county, install and maintain the telecommunication line and the court's modem to permit the municipal court to provide for the on-line exchange of automated information with the Automated Traffic System and its components. The Administrative Office of the Courts shall maintain sufficient capacity on its mainframe computer to incorporate the standardized data of that municipal court into the Statewide record system, including the Statewide traffic and criminal warrant systems. Any municipality that fails to maintain and use an autonomous computer system that meets the requirements of this subsection by January 1, 1997 shall be implemented on ATS directly. Any county that fails to maintain and use an autonomous computer system that meets the requirements of this subsection by the fourth anniversary next following the establishment date of that county’s county-municipal court shall be implemented on ATS directly. After [that date] those dates, municipal courts operating on ATS retain full discretion to either continue on ATS or subsequently obtain and use an autonomous system approved for interconnection.

(5) Nothing in this section shall preclude the Administrative Office of the Courts from immediately terminating, on an emergency basis, without notice, any interconnection with an autonomous system whose continued operation at any time immediately threatens or has compromised the security or data integrity of the Automated Traffic System, any of its components or any of the public and quasi-public agencies that exchange automated information with the Automated Traffic System, pursuant to paragraph (2) of subsection a. of this section. The municipality or county shall immediately be provided with written reasons for the termination, which shall continue until the threats to security and data integrity have been removed.

(6) [If there is any disagreement between the municipality and the Administrative Office of the Courts concerning the standards for the exchange of automated information set forth in this section, the municipality or the Administrative Office of the Courts may seek the advice of the New Jersey Information Resources Management Commission established pursuant to P.L.1993, c. 199 (C.52:9XX-1 et seq.).] (Deleted by amendment, P.L. , c. ) (pending before the Legislature as this bill)

(7) Any municipal or county contract related to the operation of an autonomous computer system shall be subject to review, audit and the policies of the Division of Local Government Services in accordance with **[**N.J.S.40A:11-1 et seq. including the auditing standards of the Division of Local Government Services relating to the processing of transactions by servicing organizations pursuant to section 6 of P.L.1972, c.112 (C.40A:11-12.6)**]** P.L.1971, c.198 (C.40A:11-1 et seq.). All contracts between municipalities or counties and private service providers shall require compliance with the provisions of this section.

(8) The Administrative Office of the Courts shall promulgate administrative procedures necessary to accomplish the purposes of this subsection.

e. By April 1, 1996, a special committee shall be established to review the adequacy of funding for the Automated Traffic System and the Automated Complaint System and the extent to which autonomous computer system interconnections have been requested and successfully completed. The committee may recommend to what extent, if any, the funding level should be adjusted and the need for any further legislative action. The special committee shall be comprised of seven members as follows: one Senator appointed by the President of the Senate; one member of the General Assembly appointed by the Speaker of the General Assembly; the Director of the Administrative Office of the Courts or his designee; the president of the New Jersey League of Municipalities or his designee; the president of the New Jersey Municipal Court Administrators Association or his designee; the president of the New Jersey Municipal Managers Association or his designee and the president of the New Jersey Association of Parking Authorities and Agencies or his designee. The committee shall report its findings to the Legislature by September 30, 1996.

(cf: N.J.S.2B:12-30)

9. Section 2 of P.L.1999, c.349 (C.2B:25-2) is amended to read as follows:

2. As used in this act:

a. "Municipal prosecutor" means: (1) a person appointed to prosecute all offenses over which the municipal court has jurisdiction; or (2) the county prosecutor in any county that has established a county-municipal court.

b. "Governing body" of a county or municipality means the officer or body that is the appropriate appointing authority for county counsel, municipal attorney or corporation counsel under the laws applicable to the form of county or municipal government established in the county or municipality pursuant to law, provided that the municipal corporation counsel shall be the appointing authority in any city of the first class with a population greater than 270,000, according to the latest federal decennial census and in any city of the second class with a population of greater than 30,000 but less than 43,000, according to the latest decennial census, which city of the second class is located in a county of the first class with a population less than 600,000 according to the latest federal decennial census.

c. "Municipal court" means any municipal [or], joint municipal, county-municipal, or central municipal court established pursuant to statute.

d. "Attorney General" includes the Attorney General of New Jersey and any assistants or deputies who may be designated to carry out the responsibilities conferred on the Attorney General by this act or the laws of this State.

e. "County prosecutor" shall mean the prosecutor of the county in which the municipal court is situated and any assistant prosecutors of that county who may be designated by this act.

(cf: P.L.1999, c.349, s.2)

10. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read as follows:

4. a. Each municipal court in this State, other than a county-municipal court, shall have at least one municipal prosecutor appointed by the governing body of the municipality, municipalities or county in accordance with applicable laws, ordinances and resolutions. The county prosecutor shall act as the municipal prosecutor to prosecute all offenses over which a county-municipal court has jurisdiction.

b. [A] An appointed municipal prosecutor shall be an attorney-at-law of this State in good standing, and shall serve for a term of one year from the date of his or her appointment, except as determined by the governing body of a county or a city of the first class with a population greater than 270,000, according to the latest federal decennial census, or the governing body of a city of the second class with a population of greater than 30,000 but less than 43,000, according to the latest decennial census, which city of the second class is located in a county of the first class with a population less than 600,000 according to the latest federal decennial census, and may continue to serve in office pending re-appointment or appointment of a successor. A municipal prosecutor may be appointed to that position in one or more municipal courts. The provisions of this act shall apply to each such position held.

c. (1) A municipal prosecutor of a joint municipal court shall be appointed upon the concurrence of the governing bodies of each of the municipalities in accordance with applicable laws, ordinances or resolutions.

(2) A municipal prosecutor of a central municipal court shall be appointed by the governing body of the county.

d. [Municipal] Appointed municipal prosecutors shall be compensated either on an hourly, per diem, annual or other basis as the county, municipality or municipalities provide. In the case of a joint municipal court, municipalities shall, by similar ordinances, enter into an agreement fixing the compensation of the municipal prosecutor and providing for its payment. In the case of a central municipal court, the county shall fix the compensation of the municipal prosecutor and provide for its payment.

The compensation of appointed municipal prosecutors shall be in lieu of any and all other fees; provided, however that when a municipal prosecutor is assigned to prosecute a de novo appeal in the Superior Court, the prosecutor shall be entitled to additional compensation unless the municipality expressly provides otherwise at the time the compensation is fixed.

e. In accordance with applicable laws, ordinances and resolutions, a municipality may appoint additional municipal prosecutors as necessary to administer justice in a timely and effective manner in its municipal court. Such appointments shall be subject to this act. This subsection also applies to joint municipal courts and central municipal courts.

f. Any municipal court having two or more municipal prosecutors shall have a "chief municipal prosecutor" who shall be appointed by the governing body of the county or the municipality. The chief municipal prosecutor of a joint municipal court shall be appointed upon the concurrence of the governing bodies of each municipality. The chief municipal prosecutor shall have authority over other prosecutors serving that court with respect to the performance of their duties.

g. (1) Nothing in this act shall affect the appointment of municipal attorneys in accordance with N.J.S.40A:9-139; provided, however, that a person appointed to the positions of both municipal prosecutor and municipal attorney shall be subject to all of the provisions of this act while serving in the capacity of municipal prosecutor.

(2) In addition to any other duties proscribed by the provisions of this act, a person serving as both a municipal prosecutor and a municipal attorney may prosecute county or municipal ordinance violations.

(cf: P.L.1999, c.349, s.4)

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

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97), and restitution shall be collected as follows:

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

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

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

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

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

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

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

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

In the case of an intermunicipal court, other than a county-municipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a county-municipal court, established by a county and agreed to by the municipalities of that county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the county-municipal court is located, to defray the cost of operating the county-municipal court.

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

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

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

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

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

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

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

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

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

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

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

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

(cf: P.L.2019, c.363, s.6)

12. R.S.39:5-41 is amended to read as follows:

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's county-municipal court or central municipal court [,] established pursuant to N.J.S.2B:12-1 et seq., or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the chief administrator, a member of his staff, a member of the State Police, a member of a municipal or county police department and force, a county park police system, or a sheriff's office in a county that has established a county-municipal court or central municipal court, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a municipal or county police department and force, a county park police system, or a county sheriff’s office in a county that has established a county-municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, to defray the cost of operating the county-municipal court.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force, a county park police system, or a county sheriff's office in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, $1 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from those moneys so forwarded an amount not to exceed $400,000 to the Department of the Treasury to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1 and C.26:2NN-2).

e. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Spinal Cord Research Fund" established pursuant to section 9 of P.L.1999, c.201 (C.52:9E-9). In order to comply with the provisions of Article VIII, Section II, paragraph 5 of the State Constitution, a municipal or county agency which forwards moneys to the State Treasurer pursuant to this subsection may retain an amount equal to 2% of the moneys which it collects pursuant to this subsection as compensation for its administrative costs associated with implementing the provisions of this subsection.

f. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected through a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Autism Medical Research and Treatment Fund" established pursuant to section 1 of P.L.2003, c.144 (C.30:6D-62.2).

g. Notwithstanding the provisions of subsections a. and b. of this section, $3 shall be added to the amount of each fine and penalty imposed and collected by a court under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Forensic DNA Laboratory Fund" established pursuant to section 7 of P.L.2003, c.183 (C.53:1-20.28a). Prior to depositing the moneys into the fund, the State Treasurer shall forward to the Administrative Office of the Courts an amount not to exceed $475,000 from moneys initially collected pursuant to this subsection to be used exclusively to establish a collection mechanism and to provide funding to update the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection.

h. Notwithstanding the provisions of subsections a. and b. of this section, $1 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "New Jersey Brain Injury Research Fund" established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9). The Administrative Office of the Courts may retain an amount equal to $475,000 from the moneys which it initially collects pursuant to this subsection, prior to depositing any moneys in the "New Jersey Brain Injury Research Fund," in order to meet the expenses associated with utilizing the Automated Traffic System Fund created pursuant to N.J.S.2B:12-30 to implement the provisions of this subsection and serve other statutory purposes.

i. Notwithstanding the provisions of subsections a. and b. of this section, all fines and penalties imposed and collected under authority of law for any violation related to the unlawful operation or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-17.1) shall be forwarded by the judge to whom the same have been paid to the State Treasurer, if the complaining witness is the chief administrator, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer or other official of any other State agency; or, if the complaining witness is not one of the foregoing, one-half to the chief financial officer of the county and one-half to the chief financial officer of the municipality wherein the violation occurred.

(cf: P.L.2018, c.47, s.4)

13. Section 10 of P.L.1997, c.357 (C.27:25-5.15) is amended to read as follows:

10. A complaint for a violation of any of the provisions of this act may be filed with a court having jurisdiction, at any time within one year after the commission of the violation. When a person has been charged with a violation of this act and summoned to appear, upon failure to appear, in addition to any other provisions of law or the Rules Governing the Courts of the State of New Jersey, a warrant for the arrest of the person may issue. All proceedings shall be brought before a municipal, joint municipal, county-municipal, or central municipal court having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a moving conveyance operated by the corporation through two or more municipalities, then the proceeding may be brought before the court having jurisdiction in any one of the municipalities through which the conveyance has traversed.

(cf: P.L.1997, c.357, s.10)

14. Section 11 of P.L.1997, c.357 (C.27:25-5.16) is amended to read as follows:

11. A violation of the provisions of this act or any rules or regulations adopted pursuant to this act by the corporation shall be punishable by a civil penalty not exceeding $100, in addition to court costs, enforced in a summary proceeding pursuant to ["the penalty enforcement law," N.J.S.2A:58-1 et seq.] the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). The Rules Governing the Courts of the State of New Jersey shall govern the practice and procedure in such proceedings. Notwithstanding any other law to the contrary, the court shall remit 50% of any civil penalty imposed to the corporation for use in furtherance of any of the purposes of this act and 50% shall be forwarded to the proper financial officer of the local government entity in which the municipal, joint municipal, county-municipal, or central municipal court has been established to be used for the local

government entity to defray the cost of operating the court and for general government use.

(cf: P.L.1997, c.357, s.11)

15. Section 37 of P.L.2000, c.126 (C.40:23-6.53) is amended to read as follows:

37. The governing body of any county may enter into a contract with a private agency or firm for the purpose of collecting delinquent fees, fines, costs, surcharges, and other penalties or assessments imposed, after a final determination of guilt, by a central municipal court established pursuant to subsection e. of N.J.S.2B:12-1, or a county-municipal court established pursuant to subsection f. of that section. The use of private agencies or firms to collect delinquent fees, fines, costs, surcharges and other penalties or assessments imposed by a central municipal court or county-municipal court shall be in accordance with rules or procedures adopted by the Supreme Court. Any such contract shall be made pursuant to the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body of any county may authorize the assessment of a fee by a private agency or firm not to exceed **[**22%**]** 22 percent of the amount collected to be paid by the debtor to the private agency or firm to pay for the costs of collection.

(cf: P.L.2009, c.233, s.2)

16. This act shall take effect on the first day of the fourth month next following enactment, except that the Administrative Office of the Courts may take any anticipatory administrative action in advance of the effective date as shall be necessary to implement the provisions of this act.

STATEMENT

This bill would provide for a new type of municipal court, to be known as a “county-municipal court.” It would have some similarities in its operation to joint municipal courts that may be established by two or more municipalities pursuant to subsection b. of N.J.S.2B:12-1, but would be established by a county governing body, and the municipalities in that county would agree, by ordinance, to have violations occurring within their municipal boundaries heard in the new court.

Any county could establish and administer a county-municipal court. The new court would be an inferior court of limited jurisdiction, adjudicating all matters for which a municipal court currently has jurisdiction pursuant to N.J.S.2B:12-17 et seq., such as violations of county and municipal ordinances, and motor vehicle and traffic laws, as well as handle any criminal pretrial release and pretrial detention hearings for eligible defendants conducted pursuant to the criminal justice reform that took effect January 1, 2017 (see P.L.2014, c.31 (C.2A:162-15 et al.)) as referred by the Assignment Judge for the vicinage pursuant to the Rules of Court.

As to the court’s creation, a county would establish its new court by ordinance, and that ordinance would provide an initial date on which the court would begin hearing matters. The county would be responsible for providing one or more suitable courtrooms, chambers, offices, equipment and supplies for the county-municipal court in the same county courthouse utilized by the Superior Court in that county. The county could either provide for an administrator and other necessary employees for the county-municipal court and for their compensation, or permit, by agreement with the Administrative Office of the Courts, for the court’s operation by employees and staff of the Superior Court located in the same courthouse. All fees, fines, charges, and costs collected by the county-municipal court would be the same as currently provided by law for municipal courts.

Each municipality within a county that establishes a county-municipal court would have to agree, by ordinance enacted and implemented no later than two years next following the date on which the new court would initially begin hearing matters, to have violations occurring within its municipal boundaries heard in the new court. The municipality would not be responsible for any administrative costs associated with the operation and maintenance of the new court. However, if a municipality failed to agree within the two-year period to have violations heard by the new court, the Assignment Judge of the vicinage for the county would order that any violations occurring in the non-compliant municipality be heard in the new court, and the municipality would be responsible for all administrative costs specified in the judge’s order until such time as it agreed to have violations heard by that court.

If a municipality had previously established a municipal court, the municipality would, in the ordinance joining with the county-municipal court, specify a date on which the previously established municipal court will be abolished and thereafter all violations heard in the new court. The date set forth in the ordinance could be no more than one year next following the date on which the ordinance is enacted. It would not be necessary for all of the county’s municipalities to coordinate their court’s abolishment and joining with the new county-municipal court to be the same date, as the new court could begin hearing matters even though less than all of the municipalities of the county had abolished their municipal courts and begun having cases heard in the new court.

On the date established by a municipality in its ordinance for abolishing its previously established court and initially having violations heard in the new court: (1) all causes and proceeding of whatever character pending in the municipal court would be transferred, along with the files for those causes and proceedings, to the county-municipal court; and (2) all the functions, powers, and duties conferred on the municipal court abolished by the ordinance, to the extent not inconsistent with the functions, powers, and duties of the county-municipal court, would be transferred to and could be exercised by the county-municipal court. All files for causes and proceedings not transferred to the new court, and all books, papers, records, and documents, along with all office equipment, furnishing, and other property of the municipal court abolished by the ordinance would be disposed of by the municipality in a manner set forth in that abolishing ordinance, or one or more subsequent ordinances.

The nomination and appointment of judges of a county-municipal court, being a court with jurisdiction extending to more than one municipality, would be done by the Governor with the advice and consent of the Senate as required by the State Constitution under Article VI, Section VI, paragraph 1. Depending upon the type of county government involved in the establishment of the new court, either the county executive or the county governing body would be authorized to submit names of judicial candidates to the Governor for consideration as a potential nominee. Each judge of a county-municipal court would serve for a fixed term of five years. A judge could serve no more than three consecutive five-year terms. If a judge was appointed to complete the remainder of an unexpired term, that judge could serve no more than three additional, consecutive five-year terms.

The county prosecutor, not municipal prosecutors, would represent the State, county, or municipality in the prosecution of all offenses and proceedings within the jurisdiction of a county-municipal court.

Since the new county-municipal court would hear violations of motor vehicle and traffic laws, the bill would permit an establishing county to use the State’s Automated Traffic System that is now used by existing municipal courts to exchange information and assist with court financial accounting, case processing, statistical reporting services, and other components of automated municipal court operations. Additionally, as to all costs, fines, fees and forfeitures of bail imposed by a county-municipal court, these would generally be paid to the county treasury of the county where the court is located, to assist in defraying the county’s cost of operating the court.

Concerning the bill’s overall intent to provide counties the option of establishing county-municipal courts, and the resulting shift of municipal court operations to those counties that establish such courts, it is the opinion of the sponsor that the counties will be able to readily leverage the revenue streams from fines, fees, and other sources generated by the municipal courts being abolished within the counties. Those existing revenue streams, aggregated at the county level, will provide a cost-neutral funding shift to the county for county-municipal court operations. The sponsor further believes that permitting each county-municipal court to assist in handling criminal pretrial release and pretrial detention hearings for eligible defendants when assigned by the Assignment Judge for the vicinage within which a county-municipal court is located will assist the Superior Court, on an as needed basis, with the implementation of the major criminal justice reforms that took effect January 1, 2017.