

# 2C:14-10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 73

**NJSA:** 2C:14-10 (Imposes additional penalties on sex offenders)

**BILL NO:** S781 (Substituted for A3551/2034)

**SPONSOR(S):** Madden and others

**DATE INTRODUCED:** February 5, 2004

**COMMITTEE:** **ASSEMBLY:** Law and Public Safety; Appropriations  
**SENATE:** Law, Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** February 24, 2005

**SENATE:** March 14, 2005

**DATE OF APPROVAL:** April 26, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

#### S781

[SPONSOR'S STATEMENT](#): (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes [12/2/2004 \(L&PS\)](#)  
[2/7/2005 \(Approp\)](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL NOTE](#): [Yes](#)

#### A3551/2034

[SPONSOR'S STATEMENT \(A3551\)](#): (Begins on page 11 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A2034\)](#): (Begins on page 11 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes [12/2/2004 \(L&PS\)](#)  
[2/7/2005 \(Approp\)](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL NOTE](#): [Yes](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 5/8/07

P.L. 2005, CHAPTER 73, *approved April 26, 2005*  
Senate, No. 781 (*Second Reprint*)

1 **AN ACT** concerning sex crime victim treatment services, amending  
2 N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396, and P.L.1991,  
3 c.329 and supplementing Title 2C of the New Jersey Statutes and  
4 Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) a. In addition to any fine, fee, assessment or  
10 penalty authorized under the provisions of Title 2C of the New Jersey  
11 Statutes, a person convicted of <sup>1</sup>[aggravated sexual assault, sexual  
12 assault, aggravated criminal sexual contact, criminal sexual contact,  
13 kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a  
14 child pursuant to N.J.S.2C:24-4, luring and enticing pursuant to  
15 section 1 of P.L.1993, c.291 (C.2C:13-6), or an attempt to commit  
16 any such crime] a sex offense, as defined in section 2 of P.L.1994,  
17 c.133 (C.2C:7-2),<sup>1</sup> shall be assessed a penalty for each such offense  
18 not to exceed:

19 <sup>2</sup>[a.] (1)<sup>2</sup> \$2,000, when the conviction is a crime of the first  
20 degree;

21 <sup>2</sup>[b.] (2)<sup>2</sup> \$1,000, when the conviction is a crime of the second  
22 degree;

23 <sup>2</sup>[c.] (3)<sup>2</sup> \$750, when the conviction is a crime of the third degree;  
24 and

25 <sup>2</sup>[d.] (4)<sup>2</sup> \$500, when the conviction is a crime of the fourth  
26 degree.

27 b. All penalties provided for in this section shall be collected as  
28 provided for collection of fines and restitutions in section 3 of  
29 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
30 Department of the Treasury as provided in subsection c. of this  
31 section.

32 c. All moneys collected pursuant to this section shall be forwarded  
33 to the Department of the Treasury to be deposited in the "Sex Crime  
34 Victim Treatment Fund" established in the State Treasury by section  
35 2 of P.L. c. (C. ) (now pending before the Legislature as section  
36 2 of this bill).

37

38 2. (New section) a. The "Sex Crime Victim Treatment Fund" shall

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SLP committee amendments adopted June 17, 2004.

<sup>2</sup> Assembly ALP committee amendments adopted December 2, 2004.

1 be a separate, nonlapsing, revolving fund and shall be administered by  
2 the <sup>1</sup>[Division of Criminal Justice, Department of Law and Public  
3 Safety] Victims of Crime Compensation Board established pursuant  
4 to section 3 of P.L.1971, c.317 (C.52:4B-3),<sup>1</sup> and all moneys  
5 deposited in that fund pursuant to this act shall be used for the  
6 provision of counseling and treatment services to victims of specified  
7 <sup>1</sup>[sexual] sex<sup>1</sup> offenses as set forth in section 1 of P.L. c. (C. ) (now  
8 pending before the Legislature as section 1 of this bill) and the families  
9 of these victims.

10 b. The development and provision of counseling and treatment  
11 services to victims and their families shall be pursuant to rules and  
12 regulations promulgated by the <sup>1</sup>[Director of the Division of Criminal  
13 Justice. The Director of the Division of Criminal Justice] <sup>2</sup>[Chairman  
14 of the]<sup>2</sup> Victims of Crime Compensation Board. The <sup>2</sup>[chairman<sup>1</sup>]  
15 board<sup>2</sup> shall coordinate these counseling and treatment services with  
16 other services offered by the State Office of Victim and Witness  
17 Advocacy, the 21 county offices of Victim and Witness Advocacy and  
18 as otherwise deemed appropriate for the implementation of the  
19 Attorney General Standards to Ensure the Rights of Crime Victims.  
20

21 3. N.J.S.2C:46-1 is amended to read as follows:

22 2C:46-1. Time and Method of Payment; Disposition of Funds.

23 a. When a defendant is sentenced to pay an assessment pursuant to  
24 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
25 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
26 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
27 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
28 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
29 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
30 Legislature as section 1 of this bill) or to make restitution, the court  
31 may grant permission for the payment to be made within a specified  
32 period of time or in specified installments. If no such permission is  
33 embodied in the sentence, the assessment, fine, penalty, fee or  
34 restitution shall be payable forthwith, and the court shall file a copy of  
35 the judgment of conviction with the Clerk of the Superior Court who  
36 shall enter the following information upon the record of docketed  
37 judgments:

38 (1) the name of the convicted person as judgment debtor;

39 (2) the amount of the assessment imposed pursuant to section 2 of  
40 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation  
41 Board as a judgment creditor in that amount;

42 (3) the amount of any restitution ordered and the name of any  
43 persons entitled to receive payment as judgment creditors in the  
44 amount and according to the priority set by the court;

45 (4) the amount of any fine and the governmental entity entitled to  
46 receive payment pursuant to [N.J.S.2C:46-4] <sup>2</sup>[; Section] section<sup>2</sup> 3

- 1 of P.L.1979, c.396 (C.2C:46-4) <sup>2,2</sup>  
2 (5) the amount of the mandatory Drug Enforcement and Demand  
3 Reduction penalty imposed;  
4 (6) the amount of the forensic laboratory fee imposed;  
5 (7) the amount of the penalty imposed pursuant to section 1 of  
6 P.L.1999, c.295 (C.2C:43-3.5);  
7 (8) the date of the order; [and]  
8 (9) the amount of the penalty imposed pursuant to section 11 of  
9 P.L.2001, c.81 (C.2C:43-3.6) <sup>2,2</sup> and <sup>2</sup> [:]<sup>2</sup>  
10 (10) the amount of the penalty imposed pursuant to section 1 of  
11 P.L. c. (C. ) (now pending before the Legislature as section 1 of this  
12 bill).
- 13 b. (1) When a defendant sentenced to pay an assessment imposed  
14 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
15 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
16 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
17 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
18 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
19 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
20 the Legislature as section 1 of this bill) or to make restitution is also  
21 sentenced to probation, the court shall make continuing payment of  
22 installments on the assessment and restitution a condition of probation,  
23 and may make continuing payment of installments on the fine, the  
24 mandatory Drug Enforcement and Demand Reduction penalty, the  
25 mandatory penalty pursuant to section 1 of P.L.1999, c.295  
26 (C.2C:43-3.5), the penalty pursuant to section 11 of P.L.2001, c.81  
27 (C.2C:43-3.6), the mandatory penalty pursuant to section 1 of P.L.  
28 c. (C. ) (now pending before the Legislature as section 1 of this bill)  
29 or the forensic laboratory fee a condition of probation.
- 30 (2) When a defendant sentenced to pay an assessment imposed  
31 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
32 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
33 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
34 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
35 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
36 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
37 the Legislature as section 1 of this bill) or to make restitution is also  
38 sentenced to a custodial term in a State correctional facility, the court  
39 may require the defendant to pay installments on the assessment,  
40 penalty, fee, fine and restitution.
- 41 c. The defendant shall pay an assessment imposed pursuant to  
42 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or  
43 fine or any installment thereof to the officer entitled by law to collect  
44 the payment. In the event of default in payment, such agency shall  
45 take appropriate action for its collection.
- 46 d. (1) When, in connection with a sentence of probation, a

1 defendant is sentenced to pay an assessment imposed pursuant to  
2 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
3 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
4 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
5 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
6 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
7 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
8 Legislature as section 1 of this bill) or to make restitution, the  
9 defendant, in addition, shall be sentenced to pay a transaction fee on  
10 each occasion that the defendant makes a payment or an installment  
11 payment, until the defendant has paid the full amount he is sentenced  
12 to pay. All other individuals making payments on court ordered  
13 financial obligations through the probation division shall also pay a  
14 transaction fee on each payment or installment payment. The  
15 Administrative Office of the Courts shall promulgate a transaction fee  
16 schedule for use in connection with installment payments made  
17 pursuant to this paragraph; provided, however, the transaction fee on  
18 an installment payment shall not exceed \$2.00.

19 (2) When, in connection with a custodial sentence in a State  
20 correctional institution, a defendant is sentenced to pay an assessment  
21 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
22 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic  
23 laboratory fee imposed pursuant to N.J.S.2C:35-20, a penalty imposed  
24 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty  
25 imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a  
26 penalty imposed pursuant to section 1 of P.L. c. (C. ) (now pending  
27 before the Legislature as section 1 of this bill) or to make restitution,  
28 the defendant, in addition, shall be sentenced to pay a transaction fee  
29 on each occasion that the defendant makes a payment or an installment  
30 payment until the defendant has paid the full amount he is sentenced  
31 to pay. The Department of Corrections shall promulgate a transaction  
32 fee schedule for use in connection with installment payments made  
33 pursuant to this paragraph; provided, however, the transaction fee on  
34 an installment payment shall not exceed \$1.00.

35 (cf: P.L.2001, c.81, s.13)

36

37 4. N.J.S.2C:46-2 is amended to read as follows:

38 2C:46-2. Consequences of Nonpayment; Summary Collection. a.  
39 When a defendant sentenced to pay an assessment imposed pursuant  
40 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed  
41 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
42 imposed pursuant to section 1 of P.L. c. 2[.] . 2 (C. ) (now  
43 pending before the Legislature as section 1 of this bill), monthly  
44 probation fee, fine, a penalty imposed pursuant to section 1 of  
45 P.L.1999, c.295 (C.2C:43-3.5), other court imposed financial penalties  
46 or to make restitution defaults in the payment thereof or of any

1 installment, upon the motion of the person authorized by law to collect  
2 the payment, the motion of the prosecutor, the motion of the victim  
3 entitled to payment of restitution, the motion of the Violent Crimes  
4 Compensation Board, the motion of the State or county Office of  
5 Victim and Witness Advocacy or upon its own motion, the court shall  
6 recall him, or issue a summons or a warrant of arrest for his  
7 appearance. The court shall afford the person notice and an  
8 opportunity to be heard on the issue of default. Failure to make any  
9 payment when due shall be considered a default. The standard of  
10 proof shall be by a preponderance of the evidence, and the burden of  
11 establishing good cause for a default shall be on the person who has  
12 defaulted.

13 (1) If the court finds that the person has defaulted without good  
14 cause, the court shall:

15 (a) Order the suspension of the driver's license or the nonresident  
16 reciprocity driving privilege of the person; and

17 (b) Prohibit the person from obtaining a driver's license or  
18 exercising reciprocity driving privileges until the person has made all  
19 past due payments; and

20 (c) Notify the Director of the Division of Motor Vehicles of the  
21 action taken; and

22 (d) Take such other actions as may be authorized by law.

23 (2) If the court finds that the person defaulted on payment of a  
24 court imposed financial obligation without good cause and finds that  
25 the default was willful, the court may, in addition to the action  
26 required by paragraph (1) of this subsection a., impose a term of  
27 imprisonment or participation in a labor assistance program or  
28 enforced community service to achieve the objective of the court  
29 imposed financial obligation. These options shall not reduce the  
30 amount owed by the person in default. The term of imprisonment or  
31 enforced community service or participation in a labor assistance  
32 program in such case shall be specified in the order of commitment. It  
33 need not be equated with any particular dollar amount but, in the case  
34 of a fine it shall not exceed one day for each \$20.00 of the fine nor 40  
35 days if the fine was imposed upon conviction of a disorderly persons  
36 offense nor 25 days for a petty disorderly persons offense nor one year  
37 in any other case, whichever is the shorter period. In no case shall the  
38 total period of imprisonment in the case of a disorderly persons  
39 offense for both the sentence of imprisonment and for failure to pay a  
40 fine exceed six months.

41 (3) Except where incarceration is ordered pursuant to paragraph (2)  
42 of this subsection a., if the court finds that the person has defaulted the  
43 court shall take appropriate action to modify or establish a reasonable  
44 schedule for payment, and, in the case of a fine, if the court finds that  
45 the circumstances that warranted the fine have changed or that it  
46 would be unjust to require payment, the court may revoke or suspend

1 the fine or the unpaid portion of the fine.

2 (4) When failure to pay an assessment imposed pursuant to section  
3 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,  
4 restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295  
5 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001,  
6 c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of  
7 P.L. c 2[.] . 2 (C. ) (now pending before the Legislature as section  
8 1 of this bill), or other financial penalties or to perform enforced  
9 community service or to participate in a labor assistance program is  
10 determined to be willful, the failure to do so shall be considered to be  
11 contumacious.

12 (5) When a fine, assessment imposed pursuant to section 2 of  
13 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution  
14 is imposed on a corporation, it is the duty of the person or persons  
15 authorized to make disbursements from the assets of the corporation  
16 or association to pay it from such assets and their failure so to do may  
17 be held to be contumacious.

18 b. Upon any default in the payment of a fine, assessment imposed  
19 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly  
20 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,  
21 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of  
22 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section  
23 1 of P.L. c 2[.] . 2 (C. ) (now pending before the Legislature as  
24 section 1 of this bill), other financial penalties, restitution, or any  
25 installment thereof, execution may be levied and such other measures  
26 may be taken for collection of it or the unpaid balance thereof as are  
27 authorized for the collection of an unpaid civil judgment entered  
28 against the defendant in an action on a debt.

29 c. Upon any default in the payment of restitution or any installment  
30 thereof, the victim entitled to the payment may institute summary  
31 collection proceedings authorized by subsection b. of this section.

32 d. Upon any default in the payment of an assessment imposed  
33 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any  
34 installment thereof, the Violent Crimes Compensation Board or the  
35 party responsible for collection may institute summary collection  
36 proceedings authorized by subsection b. of this section.

37 e. When a defendant sentenced to make restitution to a public  
38 entity other than the Violent Crimes Compensation Board, defaults in  
39 the payment thereof or any installment, the court may, in lieu of other  
40 modification of the sentence, order the defendant to perform work in  
41 a labor assistance program or enforced community service program.

42 f. If a defendant ordered to participate in a labor assistance  
43 program or enforced community service program fails to report for  
44 work or to perform the assigned work, the comprehensive enforcement  
45 hearing officer may revoke the work order and impose any sentence  
46 permitted as a consequence of the original conviction.



1 g. If a defendant ordered to participate in a labor assistance  
2 program or an enforced community service program pays all  
3 outstanding assessments, the comprehensive enforcement hearing  
4 officer may review the work order, and modify the same to reflect the  
5 objective of the sentence.

6 h. As used in this section:

7 (1) "Comprehensive enforcement program" means the program  
8 established pursuant to the "Comprehensive Enforcement Program  
9 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

10 (2) The terms "labor assistance program" and "enforced community  
11 service" have the same meaning as those terms are defined in section  
12 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,  
13 c.9 (C.2B:19-5).

14 (3) "Public entity" means the State, any county, municipality,  
15 district, public authority, public agency and any other political  
16 subdivision or public body in the State.

17 (cf: P.L.2001, c.81, s.14)

18

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

21 3. a. All fines, assessments imposed pursuant to section 2 of  
22 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
23 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
24 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
25 imposed pursuant to section 1 of P.L. c 2[.] .2 (C. ) (now  
26 pending before the Legislature as section 1 of this bill) and restitution  
27 shall be collected as follows:

28 (1) All fines, assessments imposed pursuant to section 2 of  
29 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
30 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
31 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
32 imposed pursuant to section 1 of P.L. c 2[.] .2 (C. ) (now  
33 pending before the Legislature as section 1 of this bill) and restitution  
34 imposed by the Superior Court or otherwise imposed at the county  
35 level, shall be collected by the county probation division except when  
36 such fine, assessment or restitution is imposed in conjunction with a  
37 custodial sentence to a State correctional facility or in conjunction  
38 with a term of incarceration imposed pursuant to section 25 of  
39 P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment or  
40 restitution shall be collected by the Department of Corrections or the  
41 Juvenile Justice Commission established pursuant to section 2 of  
42 P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State  
43 correctional institution or a juvenile serving a term of incarceration  
44 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who  
45 has not paid an assessment imposed pursuant to section 2 of P.L.1979,  
46 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of

1 P.L.1999, c.295 (C.2C:43-3.5) a penalty imposed pursuant to section  
2 1 of P.L. c. 295 (C. ) (now pending before the Legislature as  
3 section 1 of this bill) or restitution shall have the assessment, penalty,  
4 fine or restitution deducted from any income the inmate receives as a  
5 result of labor performed at the institution or on any type of work  
6 release program or, pursuant to regulations promulgated by the  
7 Commissioner of the Department of Corrections or the Juvenile Justice  
8 Commission, from any personal account established in the institution  
9 for the benefit of the inmate.

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

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

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

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

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

37 In the case of an intermunicipal court, fines shall be paid into the  
38 municipal treasury of the municipality in which the offense was  
39 committed, and costs, fees, and forfeitures of bail shall be apportioned  
40 among the several municipalities to which the court's jurisdiction  
41 extends according to the ratios of the municipalities' contributions to  
42 the total expense of maintaining the court.

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

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

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

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

9 g. All restitution ordered to be paid to the Victims of Crime  
10 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to  
11 the board for deposit in the Victims of Crime Compensation Board  
12 Account.

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

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

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

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

28 l. All mandatory penalties imposed pursuant to section 1 of  
29 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
30 this bill) shall be forwarded and deposited as provided in that section.  
31 (cf: P.L.2001, c.81, s.15)

32

33 6. Section 13 of P.L.1991, c. 329 (C. 2C:46-4.1) is amended to  
34 read as follows:

35 13. Moneys that are collected in satisfaction of any assessment  
36 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
37 in satisfaction of restitution or fines imposed in accordance with the  
38 provisions of Title 2C of the New Jersey Statutes or with the  
39 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be  
40 applied in the following order:

41 a. first, in satisfaction of all assessments imposed pursuant to  
42 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

43 b. second, except as provided in subsection f. of this section, in  
44 satisfaction of any restitution ordered;

45 c. third, in satisfaction of all assessments imposed pursuant to  
46 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

- 1 d. fourth, in satisfaction of any forensic laboratory fee assessed  
2 pursuant to N.J.S.2C:35-20;
- 3 e. fifth, in satisfaction of any mandatory Drug Enforcement and  
4 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;
- 5 f. sixth, in satisfaction of any anti-drug profiteering penalty  
6 imposed pursuant to [section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1  
7 et seq.)] N.J.S.2C:35A-1 et seq.;
- 8 g. seventh, in satisfaction of any anti-money laundering profiteering  
9 penalty imposed pursuant to section 9 of P.L.1999, c.25;
- 10 h. eighth, in satisfaction of restitution for any extradition costs  
11 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
- 12 i. ninth, in satisfaction of any penalty imposed pursuant to section  
13 1 of P.L.1999, c.295 (C.2C:43-3.5);
- 14 j. tenth, in satisfaction of any penalty imposed pursuant to section  
15 11 of P.L.2001, c.81 (C.2C:43-3.6); [and]
- 16 k. eleventh, in satisfaction of the mandatory penalty imposed  
17 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
18 Legislature as section 1 of this bill); and
- 19 l. twelfth, in satisfaction of any fine.  
20 (cf: P.L.2001, c.81, s.16)

21

22 7. This act shall take effect immediately.

23

24

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26

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27 Imposes additional penalties on sex offenders; creates the "Sex Crime  
28 Victim Treatment Fund" to provide counseling and treatment to sex  
29 crime victims and their families.

**SENATE, No. 781**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 5, 2004

**Sponsored by:**

**Senator FRED MADDEN**

**District 4 (Camden and Gloucester)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2004)**

1 AN ACT concerning sex crime victim treatment services, amending  
2 N.J.S. 2C:46-1, N.J.S.2C:46-2, P.L. 1979, c. 396, and P.L. 1991,  
3 c. 329 and supplementing Title 2C of the New Jersey Statutes and  
4 Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) a. In addition to any fine, fee, assessment or  
10 penalty authorized under the provisions of Title 2C of the New Jersey  
11 Statutes, a person convicted of aggravated sexual assault, sexual  
12 assault, aggravated criminal sexual contact, criminal sexual contact,  
13 kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a  
14 child pursuant to N.J.S.2C:24-4, luring and enticing pursuant to  
15 section 1 of P.L.1993, c.291 (C.2C:13-6), or an attempt to commit  
16 any such crime shall be assessed a penalty for each such offense not to  
17 exceed:

18 a. \$2,000, when the conviction is a crime of the first degree;

19 b. \$1,000, when the conviction is a crime of the second degree;

20 c. \$750, when the conviction is a crime of the third degree; and

21 d. \$500, when the conviction is a crime of the fourth degree.

22 b. All penalties provided for in this section shall be collected as  
23 provided for collection of fines and restitutions in section 3 of  
24 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
25 Department of the Treasury as provided in subsection c. of this  
26 section.

27 c. All moneys collected pursuant to this section shall be forwarded  
28 to the Department of the Treasury to be deposited in the "Sex Crime  
29 Victim Treatment Fund" established in the State Treasury by section  
30 2 of P.L. c. (C. ) (now pending before the Legislature as section  
31 2 of this bill).

32

33 2. (New section) a. The "Sex Crime Victim Treatment Fund" shall  
34 be a separate, nonlapsing, revolving fund and shall be administered by  
35 the Division of Criminal Justice, Department of Law and Public Safety  
36 and all moneys deposited in that fund pursuant to this act shall be used  
37 for the provision of counseling and treatment services to victims of  
38 specified sexual offenses as set forth in section 1 of P.L. c. (C. )(now  
39 pending before the Legislature as section 1 of this bill) and the families  
40 of these victims.

41 b. The development and provision of counseling and treatment  
42 services to victims and their families shall be pursuant to rules and  
43 regulations promulgated by the Director of the Division of Criminal

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 Justice. The Director of the Division of Criminal Justice shall  
2 coordinate these counseling and treatment services with other services  
3 offered by the State Office of Victim and Witness Advocacy, the 21  
4 county offices of Victim and Witness Advocacy and as otherwise  
5 deemed appropriate for the implementation of the Attorney General  
6 Standards to Ensure the Rights of Crime Victims.

7  
8 3. N.J.S. 2C:46-1 is amended to read as follows:

9 2C:46-1. Time and Method of Payment; Disposition of Funds.

10 a. When a defendant is sentenced to pay an assessment pursuant  
11 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty  
12 imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
13 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
14 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
15 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
16 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
17 the Legislature as section 1 of this bill) or to make restitution, the  
18 court may grant permission for the payment to be made within a  
19 specified period of time or in specified installments. If no such  
20 permission is embodied in the sentence, the assessment, fine, penalty,  
21 fee or restitution shall be payable forthwith, and the court shall file a  
22 copy of the judgment of conviction with the Clerk of the Superior  
23 Court who shall enter the following information upon the record of  
24 docketed judgments:

25 (1) the name of the convicted person as judgment debtor;

26 (2) the amount of the assessment imposed pursuant to section 2 of  
27 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation  
28 Board as a judgment creditor in that amount;

29 (3) the amount of any restitution ordered and the name of any  
30 persons entitled to receive payment as judgment creditors in the  
31 amount and according to the priority set by the court;

32 (4) the amount of any fine and the governmental entity entitled to  
33 receive payment pursuant to [N.J.S.2C:46-4]; Section 3 of P.L.1979,  
34 c.396(C.2C:46-4)

35 (5) the amount of the mandatory Drug Enforcement and Demand  
36 Reduction penalty imposed;

37 (6) the amount of the forensic laboratory fee imposed;

38 (7) the amount of the penalty imposed pursuant to section 1 of  
39 P.L.1999, c.295 (C.2C:43-3.5);

40 (8) the date of the order; [and]

41 (9) the amount of the penalty imposed pursuant to section 11 of  
42 P.L.2001, c.81 (C.2C:43-3.6) and;

43 (10) the amount of the penalty imposed pursuant to section 1 of  
44 P.L. c. (C. ) (now pending before the Legislature as section 1 of this  
45 bill).

46 b. (1) When a defendant sentenced to pay an assessment imposed

1 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
2 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
3 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
4 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
5 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
6 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
7 the Legislature as section 1 of this bill) or to make restitution is also  
8 sentenced to probation, the court shall make continuing payment of  
9 installments on the assessment and restitution a condition of probation,  
10 and may make continuing payment of installments on the fine, the  
11 mandatory Drug Enforcement and Demand Reduction penalty, the  
12 mandatory penalty pursuant to section 1 of P.L.1999, c.295  
13 (C.2C:43-3.5), the penalty pursuant to section 11 of P.L.2001, c.81  
14 (C.2C:43-3.6), the mandatory penalty pursuant to section 1 of P.L.  
15 c. (C. ) (now pending before the Legislature as section 1 of this bill)  
16 or the forensic laboratory fee a condition of probation.

17 (2) When a defendant sentenced to pay an assessment imposed  
18 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
19 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
20 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
21 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
22 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
23 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
24 the Legislature as section 1 of this bill) or to make restitution is also  
25 sentenced to a custodial term in a State correctional facility, the court  
26 may require the defendant to pay installments on the assessment,  
27 penalty, fee, fine and restitution.

28 c. The defendant shall pay an assessment imposed pursuant to  
29 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or  
30 fine or any installment thereof to the officer entitled by law to collect  
31 the payment. In the event of default in payment, such agency shall  
32 take appropriate action for its collection.

33 d. (1) When, in connection with a sentence of probation, a  
34 defendant is sentenced to pay an assessment imposed pursuant to  
35 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
36 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
37 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
38 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
39 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
40 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
41 Legislature as section 1 of this bill) or to make restitution, the  
42 defendant, in addition, shall be sentenced to pay a transaction fee on  
43 each occasion that the defendant makes a payment or an installment  
44 payment, until the defendant has paid the full amount he is sentenced  
45 to pay. All other individuals making payments on court ordered  
46 financial obligations through the probation division shall also pay a



1 transaction fee on each payment or installment payment. The  
2 Administrative Office of the Courts shall promulgate a transaction fee  
3 schedule for use in connection with installment payments made  
4 pursuant to this paragraph; provided, however, the transaction fee on  
5 an installment payment shall not exceed \$2.00.

6 (2) When, in connection with a custodial sentence in a State  
7 correctional institution, a defendant is sentenced to pay an assessment  
8 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
9 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic  
10 laboratory fee imposed pursuant to N.J.S.2C:35-20, a penalty imposed  
11 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty  
12 imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a  
13 penalty imposed pursuant to section 1 of P.L. c. (C. ) (now pending  
14 before the Legislature as section 1 of this bill) or to make restitution,  
15 the defendant, in addition, shall be sentenced to pay a transaction fee  
16 on each occasion that the defendant makes a payment or an installment  
17 payment until the defendant has paid the full amount he is sentenced  
18 to pay. The Department of Corrections shall promulgate a transaction  
19 fee schedule for use in connection with installment payments made  
20 pursuant to this paragraph; provided, however, the transaction fee on  
21 an installment payment shall not exceed \$1.00.

22 (cf: P.L.2001, c.81, s.13)

23

24 4. N.J.S. 2C:46-2 is amended to read as follows:

25 2C:46-2. Consequences of Nonpayment; Summary Collection. a.  
26 When a defendant sentenced to pay an assessment imposed pursuant  
27 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed  
28 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
29 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
30 the Legislature as section 1 of this bill), monthly probation fee, fine,  
31 a penalty imposed pursuant to section 1 of P.L.1999, c.295  
32 (C.2C:43-3.5), other court imposed financial penalties or to make  
33 restitution defaults in the payment thereof or of any installment, upon  
34 the motion of the person authorized by law to collect the payment, the  
35 motion of the prosecutor, the motion of the victim entitled to payment  
36 of restitution, the motion of the Violent Crimes Compensation Board,  
37 the motion of the State or county Office of Victim and Witness  
38 Advocacy or upon its own motion, the court shall recall him, or issue  
39 a summons or a warrant of arrest for his appearance. The court shall  
40 afford the person notice and an opportunity to be heard on the issue  
41 of default. Failure to make any payment when due shall be considered  
42 a default. The standard of proof shall be by a preponderance of the  
43 evidence, and the burden of establishing good cause for a default shall  
44 be on the person who has defaulted.

45 (1) If the court finds that the person has defaulted without good  
46 cause, the court shall:

- 1 (a) Order the suspension of the driver's license or the nonresident  
2 reciprocity driving privilege of the person; and
- 3 (b) Prohibit the person from obtaining a driver's license or  
4 exercising reciprocity driving privileges until the person has made all  
5 past due payments; and
- 6 (c) Notify the Director of the Division of Motor Vehicles of the  
7 action taken; and
- 8 (d) Take such other actions as may be authorized by law.
- 9 (2) If the court finds that the person defaulted on payment of a  
10 court imposed financial obligation without good cause and finds that  
11 the default was willful, the court may, in addition to the action  
12 required by paragraph (1) of this subsection a., impose a term of  
13 imprisonment or participation in a labor assistance program or  
14 enforced community service to achieve the objective of the court  
15 imposed financial obligation. These options shall not reduce the  
16 amount owed by the person in default. The term of imprisonment or  
17 enforced community service or participation in a labor assistance  
18 program in such case shall be specified in the order of commitment. It  
19 need not be equated with any particular dollar amount but, in the case  
20 of a fine it shall not exceed one day for each \$20.00 of the fine nor 40  
21 days if the fine was imposed upon conviction of a disorderly persons  
22 offense nor 25 days for a petty disorderly persons offense nor one year  
23 in any other case, whichever is the shorter period. In no case shall the  
24 total period of imprisonment in the case of a disorderly persons  
25 offense for both the sentence of imprisonment and for failure to pay a  
26 fine exceed six months.
- 27 (3) Except where incarceration is ordered pursuant to paragraph (2)  
28 of this subsection a., if the court finds that the person has defaulted the  
29 court shall take appropriate action to modify or establish a reasonable  
30 schedule for payment, and, in the case of a fine, if the court finds that  
31 the circumstances that warranted the fine have changed or that it  
32 would be unjust to require payment, the court may revoke or suspend  
33 the fine or the unpaid portion of the fine.
- 34 (4) When failure to pay an assessment imposed pursuant to section  
35 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,  
36 restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295  
37 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001,  
38 c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of  
39 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
40 this bill), or other financial penalties or to perform enforced  
41 community service or to participate in a labor assistance program is  
42 determined to be willful, the failure to do so shall be considered to be  
43 contumacious.
- 44 (5) When a fine, assessment imposed pursuant to section 2 of  
45 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution  
46 is imposed on a corporation, it is the duty of the person or persons

1 authorized to make disbursements from the assets of the corporation  
2 or association to pay it from such assets and their failure so to do may  
3 be held to be contumacious.

4 b. Upon any default in the payment of a fine, assessment imposed  
5 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly  
6 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,  
7 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of  
8 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section  
9 1 of P.L. c. (C. ) (now pending before the Legislature as section  
10 1 of this bill), other financial penalties, restitution, or any installment  
11 thereof, execution may be levied and such other measures may be  
12 taken for collection of it or the unpaid balance thereof as are  
13 authorized for the collection of an unpaid civil judgment entered  
14 against the defendant in an action on a debt.

15 c. Upon any default in the payment of restitution or any installment  
16 thereof, the victim entitled to the payment may institute summary  
17 collection proceedings authorized by subsection b. of this section.

18 d. Upon any default in the payment of an assessment imposed  
19 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any  
20 installment thereof, the Violent Crimes Compensation Board or the  
21 party responsible for collection may institute summary collection  
22 proceedings authorized by subsection b. of this section.

23 e. When a defendant sentenced to make restitution to a public  
24 entity other than the Violent Crimes Compensation Board, defaults in  
25 the payment thereof or any installment, the court may, in lieu of other  
26 modification of the sentence, order the defendant to perform work in  
27 a labor assistance program or enforced community service program.

28 f. If a defendant ordered to participate in a labor assistance  
29 program or enforced community service program fails to report for  
30 work or to perform the assigned work, the comprehensive enforcement  
31 hearing officer may revoke the work order and impose any sentence  
32 permitted as a consequence of the original conviction.

33 g. If a defendant ordered to participate in a labor assistance  
34 program or an enforced community service program pays all  
35 outstanding assessments, the comprehensive enforcement hearing  
36 officer may review the work order, and modify the same to reflect the  
37 objective of the sentence.

38 h. As used in this section:

39 (1) "Comprehensive enforcement program" means the program  
40 established pursuant to the "Comprehensive Enforcement Program  
41 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

42 (2) The terms "labor assistance program" and "enforced community  
43 service" have the same meaning as those terms are defined in section  
44 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,  
45 c.9 (C.2B:19-5).

46 (3) "Public entity" means the State, any county, municipality,

1 district, public authority, public agency and any other political  
2 subdivision or public body in the State.

3 (cf: P.L.2001, c.81, s.14)

4

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

7 3. a. All fines, assessments imposed pursuant to section 2 of  
8 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
10 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
11 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
12 the Legislature as section 1 of this bill) and restitution shall be  
13 collected as follows:

14 (1) All fines, assessments imposed pursuant to section 2 of  
15 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
16 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
17 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
18 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
19 the Legislature as section 1 of this bill) and restitution imposed by the  
20 Superior Court or otherwise imposed at the county level, shall be  
21 collected by the county probation division except when such fine,  
22 assessment or restitution is imposed in conjunction with a custodial  
23 sentence to a State correctional facility or in conjunction with a term  
24 of incarceration imposed pursuant to section 25 of P.L.1982, c.77  
25 (C.2A:4A-44) in which event such fine, assessment or restitution shall  
26 be collected by the Department of Corrections or the Juvenile Justice  
27 Commission established pursuant to section 2 of P.L.1995, c.284  
28 (C.52:17B-170). An adult prisoner of a State correctional institution  
29 or a juvenile serving a term of incarceration imposed pursuant to  
30 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an  
31 assessment imposed pursuant to section 2 of P.L.1979, c.396  
32 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999,  
33 c.295 (C.2C:43-3.5) a penalty imposed pursuant to section 1 of P.L.  
34 c. (C. ) (now pending before the Legislature as section 1 of this  
35 bill) or restitution shall have the assessment, penalty, fine or restitution  
36 deducted from any income the inmate receives as a result of labor  
37 performed at the institution or on any type of work release program  
38 or, pursuant to regulations promulgated by the Commissioner of the  
39 Department of Corrections or the Juvenile Justice Commission, from  
40 any personal account established in the institution for the benefit of the  
41 inmate.

42 (2) All fines, assessments imposed pursuant to section 2 of  
43 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
44 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by  
45 a municipal court shall be collected by the municipal court  
46 administrator except if such fine, assessments imposed pursuant to

1 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered  
2 as a condition of probation in which event it shall be collected by the  
3 county probation division.

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

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

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

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

23 In the case of an intermunicipal court, fines shall be paid into the  
24 municipal treasury of the municipality in which the offense was  
25 committed, and costs, fees, and forfeitures of bail shall be apportioned  
26 among the several municipalities to which the court's jurisdiction  
27 extends according to the ratios of the municipalities' contributions to  
28 the total expense of maintaining the court.

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

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

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

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

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

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

1 that section.

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

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

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

14 l. All mandatory penalties imposed pursuant to section 1 of  
15 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
16 this bill) shall be forwarded and deposited as provided in that section.  
17 (cf: P.L.2001, c.81, s.15)

18

19 6. Section 13 of P.L.1991, c. 329 (C. 2C:46-4.1) is amended to  
20 read as follows:

21 13. Moneys that are collected in satisfaction of any assessment  
22 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
23 in satisfaction of restitution or fines imposed in accordance with the  
24 provisions of Title 2C of the New Jersey Statutes or with the  
25 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be  
26 applied in the following order:

27 a. first, in satisfaction of all assessments imposed pursuant to  
28 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

29 b. second, except as provided in subsection f. of this section, in  
30 satisfaction of any restitution ordered;

31 c. third, in satisfaction of all assessments imposed pursuant to  
32 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

33 d. fourth, in satisfaction of any forensic laboratory fee assessed  
34 pursuant to N.J.S.2C:35-20;

35 e. fifth, in satisfaction of any mandatory Drug Enforcement and  
36 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

37 f. sixth, in satisfaction of any anti-drug profiteering penalty  
38 imposed pursuant to [section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1  
39 et seq.)]N.J.S.2C:35A-1 et seq.;

40 g. seventh, in satisfaction of any anti-money laundering profiteering  
41 penalty imposed pursuant to section 9 of P.L.1999, c.25;

42 h. eighth, in satisfaction of restitution for any extradition costs  
43 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

44 i. ninth, in satisfaction of any penalty imposed pursuant to section  
45 1 of P.L.1999, c.295 (C.2C:43-3.5);

46 j. tenth, in satisfaction of any penalty imposed pursuant to section

1 11 of P.L.2001, c.81 (C.2C:43-3.6); [and]  
2 k. eleventh, in satisfaction of the mandatory penalty imposed  
3 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
4 Legislature as section 1 of this bill); and  
5 l. twelfth, in satisfaction of any fine.  
6 (cf: P.L.2001, c.81, s.16)

7

8 7. This act shall take effect immediately.

9

10

11

#### STATEMENT

12

13 This bill provides that a monetary penalty be assessed against sex  
14 offenders in order to provide funding for the counseling and treatment  
15 of victims and their families.

16 Under the provisions of the bill any person convicted of aggravated  
17 sexual assault, sexual assault, aggravated criminal sexual contact,  
18 criminal sexual contact, kidnappng, endangering the welfare of a child,  
19 luring and enticing or an attempt to commit any such crime would be  
20 assessed a penalty for each such offense not to exceed: \$2,000.00 for  
21 a crime of the first degree; \$1,000.00 for a crime of the second  
22 degree; \$750.00 for a crime of the third degree; and \$500.00 for a  
23 crime of the fourth degree. These penalties would be in addition to  
24 and not in lieu of any fine authorized by law.

25 All penalties provided for in section one of the bill shall be collected  
26 as provided for collection of fines and restitutions in N.J.S.A.2C:46-4,  
27 and the monies shall be forwarded to the Department of the Treasury  
28 to be deposited in a separate, nonlapsing, revolving fund to be known  
29 as the "Sex Crime Victim Treatment Fund." Monies in the fund shall  
30 be administered by the Division of Criminal Justice, Department of  
31 Law and Public Safety and all moneys deposited in that fund would be  
32 used for the provision of counseling and treatment services to victims  
33 of specified sexual offenses and their families.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

### **SENATE, No. 781**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: DECEMBER 2, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 781 (1R).

Senate Bill No. 781 (1R) provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the bill, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the bill's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

As reported by the committee, Senate Bill No. 781 (1R) is identical to the Assembly Committee Substitute for Assembly Bill Nos. 3551 and 2034, also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee:

(1) amended section 2 of the bill to specify that the Victims of Crime Compensation Board, not the Chairman of that board, is to promulgate rules and regulation governing the development and provision of counseling and treatment services to victims as required by the bill; and

(2) made technical corrections to sections 1, 3, 4 and 5 of the bill.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**SENATE, No. 781**

# STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Assembly Appropriations Committee reports favorably Senate Bill No. 781 (2R).

Senate Bill No. 781 (2R) provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the bill, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the bill's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

As reported, this bill is identical to Assembly Bill Nos. 3551 and 2034 (ACS), as also reported by the committee.

### FISCAL IMPACT:

The initial estimate of \$1.5 million in penalties is based on the 1,500 convictions specified in the legislation in CY 2003. At this point it is not known how much the expenditures would be for the provision of counseling and treatment services to the victims and their families or how much of the estimated amount from penalties would be collectible.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 781**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 17, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 781.

This bill provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the bill, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the bill's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

The committee amended the bill to expand the bill's provisions by providing that the penalty would be assessed against any person convicted of a sex offense as defined in Megan's Law. As introduced, the penalty would have been assessed against persons convicted of a more limited list of crimes, including aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, kidnapping, endangering the welfare of a child, and luring and enticing.

The committee amendments further provide that the Victims of Crime Compensation Board (VCCB) would administer the "Sex Crime Victim Treatment Fund" which the bill creates. As introduced, the

Division of Criminal Justice would have administered the fund. In addition, the Chairman of the VCCB, rather than the Director of the Division of Criminal Justice, would coordinate the services offered pursuant to the bill's provisions with services offered by other agencies.

**FISCAL NOTE**  
[Second Reprint]  
**SENATE, No. 781**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: APRIL 12, 2005

**SUMMARY**

**Synopsis:** Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.

**Type of Impact:** Revenue gain. Sex Crime Victim Treatment Fund.

**Agencies Affected:** The Judiciary; The Department of Law and Public Safety; The Victims of Crime Compensation Board; Department of the Treasury.

**Executive Estimate**

<b>Fiscal Impact</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>State Cost</b>	\$100,000	Minimal	Minimal
<b>State Revenue</b>	\$1,985,250	\$1,985,250	\$1,985,250

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Creates additional penalties for convicted sex offenders.
- ! Establishes a "Sex Crime Victim Treatment Fund" to assist in the payment of counseling and treatment to victims and families of victims of sexual offenses.
- ! Requires the Victims of Crime Compensation Board to administer funds.
- ! In CY 03 there were 1,572 convictions for the offenses specified by this bill.

**BILL DESCRIPTION**

Senate Bill No. 781 (2R) of 2004 establishes that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under this bill, anyone convicted of a sex offense would be assessed a monetary penalty; first time offenders will be subject to a penalty for each offense not to exceed \$2,000 for a crime of the first degree; \$1,000 for a crime of the second degree; \$750 for a crime of the third degree; and \$500 for a crime of the fourth degree. These penalties would be in addition to any fine

authorized by law.

Monies collected pursuant to this legislation would be forwarded to the Department of the Treasury and deposited into a separate, non-lapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." The Victims of Crime Compensation Board in the Department of Law and Public Safety is directed to administer all funds. The money deposited into the "Sex Crime Victim Treatment Fund" would be used to provide counseling and treatment to victims of specified sexual offenses and their families.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Judiciary estimated that during the period from January 1, 2004 through December 31, 2004, there were a total of 1,869 convictions for the offenses specified. From January 1, 2003 through December 31, 2003, there were a total of 1,572 convictions for the offenses specified. Based on statistics from prior calendar years, the number of convictions remains relatively flat from year to year. In this regard, in estimating the number of convictions for future fiscal years, no significant increase or decrease in the number of convictions is anticipated. As a result of the legislation, revenues would be \$1,574,250 in FY 2005.

<b>Type of Crime</b>	<b>FY 2004 Convictions</b>	<b>Proposed Amount of Penalty</b>	<b>Total Amount of Penalties</b>
First Degree	334	\$2,000	\$668,000
Second Degree	850	\$1,000	\$850,000
Third Degree	499	\$750	\$374,250
Fourth Degree	186	\$500	\$93,000
<b>TOTAL</b>	<b>1,869</b>		<b>\$1,985,250</b>

According to the Judiciary, the implementation of this bill would require minor information system modifications to ensure the penalties are recorded and forwarded appropriately. In this regard, a one-time charge of \$50,000 is anticipated.

According to a spokesman with the Victims of Crime Compensation Board, there would be minimal first year administrative costs associated with this bill. An estimate of \$50,000 was provided for initial expenditures such as clerical and system modifications.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Executive estimate.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

# ASSEMBLY, No. 3551

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED DECEMBER 2, 2004

**Sponsored by:**

**Assemblywoman JOAN VOSS**

**District 38 (Bergen)**

**Assemblyman DAVID R. MAYER**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

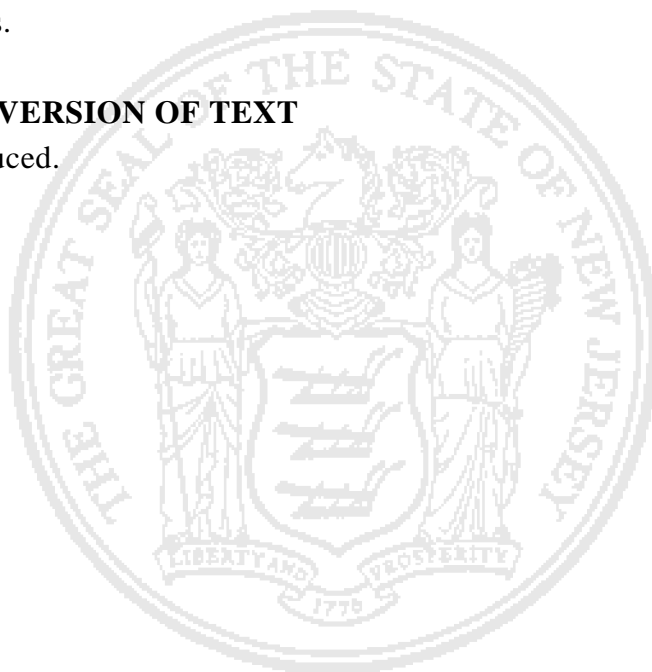
**Assemblywoman Pou and Assemblyman Vas**

**SYNOPSIS**

Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning sex crime victim treatment services, amending  
2 N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396, and P.L.1991, c.  
3 329 and supplementing Title 2C of the New Jersey Statutes and  
4 Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) a. In addition to any fine, fee, assessment or  
10 penalty authorized under the provisions of Title 2C of the New Jersey  
11 Statutes, a person convicted of a sex offense, as defined in section 2  
12 of P.L.1994, c.133 (C.2C:7-2), shall be assessed a penalty for each  
13 such offense not to exceed:

14 a. \$2,000, when the conviction is a crime of the first degree;

15 b. \$1,000, when the conviction is a crime of the second degree;

16 c. \$750, when the conviction is a crime of the third degree; and

17 d. \$500, when the conviction is a crime of the fourth degree.

18 b. All penalties provided for in this section shall be collected as  
19 provided for collection of fines and restitutions in section 3 of  
20 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
21 Department of the Treasury as provided in subsection c. of this  
22 section.

23 c. All moneys collected pursuant to this section shall be forwarded  
24 to the Department of the Treasury to be deposited in the "Sex Crime  
25 Victim Treatment Fund" established in the State Treasury by section  
26 2 of P.L. c. (C. ) (now pending before the Legislature as section  
27 2 of this bill).

28

29 2. (New section) a. The "Sex Crime Victim Treatment Fund" shall  
30 be a separate, nonlapsing, revolving fund and shall be administered by  
31 the Victims of Crime Compensation Board established pursuant to  
32 section 3 of P.L.1971, c.317 (C.52:4B-3), and all moneys deposited  
33 in that fund pursuant to this act shall be used for the provision of  
34 counseling and treatment services to victims of specified sex offenses  
35 as set forth in section 1 of P.L. c. (C. ) (now pending before the  
36 Legislature as section 1 of this bill) and the families of these victims.

37 b. The development and provision of counseling and treatment  
38 services to victims and their families shall be pursuant to rules and  
39 regulations promulgated by the Chairman of the Victims of Crime  
40 Compensation Board. The chairman shall coordinate these counseling  
41 and treatment services with other services offered by the State Office  
42 of Victim and Witness Advocacy, the 21 county offices of Victim and  
43 Witness Advocacy and as otherwise deemed appropriate for the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 implementation of the Attorney General Standards to Ensure the  
2 Rights of Crime Victims.

3

4 3. N.J.S. 2C:46-1 is amended to read as follows:

5 2C:46-1. Time and Method of Payment; Disposition of Funds.

6 a. When a defendant is sentenced to pay an assessment pursuant to  
7 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
8 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
9 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
10 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
11 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
12 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
13 Legislature as section 1 of this bill) or to make restitution, the court  
14 may grant permission for the payment to be made within a specified  
15 period of time or in specified installments. If no such permission is  
16 embodied in the sentence, the assessment, fine, penalty, fee or  
17 restitution shall be payable forthwith, and the court shall file a copy of  
18 the judgment of conviction with the Clerk of the Superior Court who  
19 shall enter the following information upon the record of docketed  
20 judgments:

21 (1) the name of the convicted person as judgment debtor;

22 (2) the amount of the assessment imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation  
24 Board as a judgment creditor in that amount;

25 (3) the amount of any restitution ordered and the name of any  
26 persons entitled to receive payment as judgment creditors in the  
27 amount and according to the priority set by the court;

28 (4) the amount of any fine and the governmental entity entitled to  
29 receive payment pursuant to [N.J.S.2C:46-4]; Section 3 of P.L.1979,  
30 c.396(C.2C:46-4)

31 (5) the amount of the mandatory Drug Enforcement and Demand  
32 Reduction penalty imposed;

33 (6) the amount of the forensic laboratory fee imposed;

34 (7) the amount of the penalty imposed pursuant to section 1 of  
35 P.L.1999, c.295 (C.2C:43-3.5);

36 (8) the date of the order; [and]

37 (9) the amount of the penalty imposed pursuant to section 11 of  
38 P.L.2001, c.81 (C.2C:43-3.6) and;

39 (10) the amount of the penalty imposed pursuant to section 1 of  
40 P.L. c. (C. ) (now pending before the Legislature as section 1 of this  
41 bill).

42 b. (1) When a defendant sentenced to pay an assessment imposed  
43 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
44 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
45 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
46 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed



1 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
2 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
3 the Legislature as section 1 of this bill) or to make restitution is also  
4 sentenced to probation, the court shall make continuing payment of  
5 installments on the assessment and restitution a condition of probation,  
6 and may make continuing payment of installments on the fine, the  
7 mandatory Drug Enforcement and Demand Reduction penalty, the  
8 mandatory penalty pursuant to section 1 of P.L.1999, c.295  
9 (C.2C:43-3.5), the penalty pursuant to section 11 of P.L.2001, c.81  
10 (C.2C:43-3.6), the mandatory penalty pursuant to section 1 of P.L.  
11 c. (C. ) (now pending before the Legislature as section 1 of this bill)  
12 or the forensic laboratory fee a condition of probation.

13 (2) When a defendant sentenced to pay an assessment imposed  
14 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
15 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
16 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
17 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
18 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
19 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
20 the Legislature as section 1 of this bill) or to make restitution is also  
21 sentenced to a custodial term in a State correctional facility, the court  
22 may require the defendant to pay installments on the assessment,  
23 penalty, fee, fine and restitution.

24 c. The defendant shall pay an assessment imposed pursuant to  
25 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or  
26 fine or any installment thereof to the officer entitled by law to collect  
27 the payment. In the event of default in payment, such agency shall  
28 take appropriate action for its collection.

29 d. (1) When, in connection with a sentence of probation, a  
30 defendant is sentenced to pay an assessment imposed pursuant to  
31 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
32 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
33 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
34 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
35 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
36 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
37 Legislature as section 1 of this bill) or to make restitution, the  
38 defendant, in addition, shall be sentenced to pay a transaction fee on  
39 each occasion that the defendant makes a payment or an installment  
40 payment, until the defendant has paid the full amount he is sentenced  
41 to pay. All other individuals making payments on court ordered  
42 financial obligations through the probation division shall also pay a  
43 transaction fee on each payment or installment payment. The  
44 Administrative Office of the Courts shall promulgate a transaction fee  
45 schedule for use in connection with installment payments made  
46 pursuant to this paragraph; provided, however, the transaction fee on

1 an installment payment shall not exceed \$2.00.

2 (2) When, in connection with a custodial sentence in a State  
3 correctional institution, a defendant is sentenced to pay an assessment  
4 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
5 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic  
6 laboratory fee imposed pursuant to N.J.S.2C:35-20, a penalty imposed  
7 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty  
8 imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a  
9 penalty imposed pursuant to section 1 of P.L. c. (C. ) (now pending  
10 before the Legislature as section 1 of this bill) or to make restitution,  
11 the defendant, in addition, shall be sentenced to pay a transaction fee  
12 on each occasion that the defendant makes a payment or an installment  
13 payment until the defendant has paid the full amount he is sentenced  
14 to pay. The Department of Corrections shall promulgate a transaction  
15 fee schedule for use in connection with installment payments made  
16 pursuant to this paragraph; provided, however, the transaction fee on  
17 an installment payment shall not exceed \$1.00.

18 (cf: P.L.2001, c.81, s.13)

19

20 4. N.J.S. 2C:46-2 is amended to read as follows:

21 2C:46-2. Consequences of Nonpayment; Summary Collection. a.  
22 When a defendant sentenced to pay an assessment imposed pursuant  
23 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed  
24 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
25 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
26 the Legislature as section 1 of this bill), monthly probation fee, fine,  
27 a penalty imposed pursuant to section 1 of P.L.1999, c.295  
28 (C.2C:43-3.5), other court imposed financial penalties or to make  
29 restitution defaults in the payment thereof or of any installment, upon  
30 the motion of the person authorized by law to collect the payment, the  
31 motion of the prosecutor, the motion of the victim entitled to payment  
32 of restitution, the motion of the Violent Crimes Compensation Board,  
33 the motion of the State or county Office of Victim and Witness  
34 Advocacy or upon its own motion, the court shall recall him, or issue  
35 a summons or a warrant of arrest for his appearance. The court shall  
36 afford the person notice and an opportunity to be heard on the issue  
37 of default. Failure to make any payment when due shall be considered  
38 a default. The standard of proof shall be by a preponderance of the  
39 evidence, and the burden of establishing good cause for a default shall  
40 be on the person who has defaulted.

41 (1) If the court finds that the person has defaulted without good  
42 cause, the court shall:

43 (a) Order the suspension of the driver's license or the nonresident  
44 reciprocity driving privilege of the person; and

45 (b) Prohibit the person from obtaining a driver's license or  
46 exercising reciprocity driving privileges until the person has made all

1 past due payments; and

2 (c) Notify the Director of the Division of Motor Vehicles of the  
3 action taken; and

4 (d) Take such other actions as may be authorized by law.

5 (2) If the court finds that the person defaulted on payment of a  
6 court imposed financial obligation without good cause and finds that  
7 the default was willful, the court may, in addition to the action  
8 required by paragraph (1) of this subsection a., impose a term of  
9 imprisonment or participation in a labor assistance program or  
10 enforced community service to achieve the objective of the court  
11 imposed financial obligation. These options shall not reduce the  
12 amount owed by the person in default. The term of imprisonment or  
13 enforced community service or participation in a labor assistance  
14 program in such case shall be specified in the order of commitment. It  
15 need not be equated with any particular dollar amount but, in the case  
16 of a fine it shall not exceed one day for each \$20.00 of the fine nor 40  
17 days if the fine was imposed upon conviction of a disorderly persons  
18 offense nor 25 days for a petty disorderly persons offense nor one year  
19 in any other case, whichever is the shorter period. In no case shall the  
20 total period of imprisonment in the case of a disorderly persons  
21 offense for both the sentence of imprisonment and for failure to pay a  
22 fine exceed six months.

23 (3) Except where incarceration is ordered pursuant to paragraph (2)  
24 of this subsection a., if the court finds that the person has defaulted the  
25 court shall take appropriate action to modify or establish a reasonable  
26 schedule for payment, and, in the case of a fine, if the court finds that  
27 the circumstances that warranted the fine have changed or that it  
28 would be unjust to require payment, the court may revoke or suspend  
29 the fine or the unpaid portion of the fine.

30 (4) When failure to pay an assessment imposed pursuant to section  
31 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,  
32 restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295  
33 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001,  
34 c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of  
35 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
36 this bill), or other financial penalties or to perform enforced  
37 community service or to participate in a labor assistance program is  
38 determined to be willful, the failure to do so shall be considered to be  
39 contumacious.

40 (5) When a fine, assessment imposed pursuant to section 2 of  
41 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution  
42 is imposed on a corporation, it is the duty of the person or persons  
43 authorized to make disbursements from the assets of the corporation  
44 or association to pay it from such assets and their failure so to do may  
45 be held to be contumacious.

46 b. Upon any default in the payment of a fine, assessment imposed

1 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly  
2 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,  
3 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of  
4 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section  
5 1 of P.L. c. (C. ) (now pending before the Legislature as section  
6 1 of this bill), other financial penalties, restitution, or any installment  
7 thereof, execution may be levied and such other measures may be  
8 taken for collection of it or the unpaid balance thereof as are  
9 authorized for the collection of an unpaid civil judgment entered  
10 against the defendant in an action on a debt.

11 c. Upon any default in the payment of restitution or any installment  
12 thereof, the victim entitled to the payment may institute summary  
13 collection proceedings authorized by subsection b. of this section.

14 d. Upon any default in the payment of an assessment imposed  
15 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any  
16 installment thereof, the Violent Crimes Compensation Board or the  
17 party responsible for collection may institute summary collection  
18 proceedings authorized by subsection b. of this section.

19 e. When a defendant sentenced to make restitution to a public  
20 entity other than the Violent Crimes Compensation Board, defaults in  
21 the payment thereof or any installment, the court may, in lieu of other  
22 modification of the sentence, order the defendant to perform work in  
23 a labor assistance program or enforced community service program.

24 f. If a defendant ordered to participate in a labor assistance  
25 program or enforced community service program fails to report for  
26 work or to perform the assigned work, the comprehensive enforcement  
27 hearing officer may revoke the work order and impose any sentence  
28 permitted as a consequence of the original conviction.

29 g. If a defendant ordered to participate in a labor assistance  
30 program or an enforced community service program pays all  
31 outstanding assessments, the comprehensive enforcement hearing  
32 officer may review the work order, and modify the same to reflect the  
33 objective of the sentence.

34 h. As used in this section:

35 (1) "Comprehensive enforcement program" means the program  
36 established pursuant to the "Comprehensive Enforcement Program  
37 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

38 (2) The terms "labor assistance program" and "enforced community  
39 service" have the same meaning as those terms are defined in section  
40 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,  
41 c.9 (C.2B:19-5).

42 (3) "Public entity" means the State, any county, municipality,  
43 district, public authority, public agency and any other political  
44 subdivision or public body in the State.

45 (cf: P.L.2001, c.81, s.14)

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

3       3. a. All fines, assessments imposed pursuant to section 2 of  
4 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
6 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
7 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
8 the Legislature as section 1 of this bill) and restitution shall be  
9 collected as follows:

10       (1) All fines, assessments imposed pursuant to section 2 of  
11 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
12 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
13 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
14 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
15 the Legislature as section 1 of this bill) and restitution imposed by the  
16 Superior Court or otherwise imposed at the county level, shall be  
17 collected by the county probation division except when such fine,  
18 assessment or restitution is imposed in conjunction with a custodial  
19 sentence to a State correctional facility or in conjunction with a term  
20 of incarceration imposed pursuant to section 25 of P.L.1982, c.77  
21 (C.2A:4A-44) in which event such fine, assessment or restitution shall  
22 be collected by the Department of Corrections or the Juvenile Justice  
23 Commission established pursuant to section 2 of P.L.1995, c.284  
24 (C.52:17B-170). An adult prisoner of a State correctional institution  
25 or a juvenile serving a term of incarceration imposed pursuant to  
26 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an  
27 assessment imposed pursuant to section 2 of P.L.1979, c.396  
28 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999,  
29 c.295 (C.2C:43-3.5) a penalty imposed pursuant to section 1 of P.L.  
30 c. (C. ) (now pending before the Legislature as section 1 of this  
31 bill) or restitution shall have the assessment, penalty, fine or restitution  
32 deducted from any income the inmate receives as a result of labor  
33 performed at the institution or on any type of work release program  
34 or, pursuant to regulations promulgated by the Commissioner of the  
35 Department of Corrections or the Juvenile Justice Commission, from  
36 any personal account established in the institution for the benefit of the  
37 inmate.

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

46       b. Except as provided in subsection c. with respect to fines

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

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

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

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

19 In the case of an intermunicipal court, fines shall be paid into the  
20 municipal treasury of the municipality in which the offense was  
21 committed, and costs, fees, and forfeitures of bail shall be apportioned  
22 among the several municipalities to which the court's jurisdiction  
23 extends according to the ratios of the municipalities' contributions to  
24 the total expense of maintaining the court.

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

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

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

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

37 g. All restitution ordered to be paid to the Victims of Crime  
38 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to  
39 the board for deposit in the Victims of Crime Compensation Board  
40 Account.

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

44 i. All restitution imposed on defendants under the provisions of  
45 P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
46 enforcement entity in extraditing the defendant from another

1 jurisdiction shall be paid over by the officer entitled to collect same to  
2 the law enforcement entities which participated in the extradition of  
3 the defendant.

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

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

10 l. All mandatory penalties imposed pursuant to section 1 of  
11 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
12 this bill) shall be forwarded and deposited as provided in that section.  
13 (cf: P.L.2001, c.81, s.15)

14

15 6. Section 13 of P.L.1991, c. 329 (C. 2C:46-4.1) is amended to  
16 read as follows:

17 13. Moneys that are collected in satisfaction of any assessment  
18 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
19 in satisfaction of restitution or fines imposed in accordance with the  
20 provisions of Title 2C of the New Jersey Statutes or with the  
21 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be  
22 applied in the following order:

23 a. first, in satisfaction of all assessments imposed pursuant to  
24 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

25 b. second, except as provided in subsection f. of this section, in  
26 satisfaction of any restitution ordered;

27 c. third, in satisfaction of all assessments imposed pursuant to  
28 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

29 d. fourth, in satisfaction of any forensic laboratory fee assessed  
30 pursuant to N.J.S.2C:35-20;

31 e. fifth, in satisfaction of any mandatory Drug Enforcement and  
32 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

33 f. sixth, in satisfaction of any anti-drug profiteering penalty  
34 imposed pursuant to [section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1  
35 et seq.)]N.J.S.2C:35A-1 et seq.;

36 g. seventh, in satisfaction of any anti-money laundering profiteering  
37 penalty imposed pursuant to section 9 of P.L.1999, c.25;

38 h. eighth, in satisfaction of restitution for any extradition costs  
39 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

40 i. ninth, in satisfaction of any penalty imposed pursuant to section  
41 1 of P.L.1999, c.295 (C.2C:43-3.5);

42 j. tenth, in satisfaction of any penalty imposed pursuant to section  
43 11 of P.L.2001, c.81 (C.2C:43-3.6); [and]

44 k. eleventh, in satisfaction of the mandatory penalty imposed  
45 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
46 Legislature as section 1 of this bill); and

1     l. twelfth, in satisfaction of any fine.  
2 (cf: P.L.2001, c.81, s.16)

3

4     7. This act shall take effect immediately.

5

6

7

STATEMENT

8

9     This bill provides that a monetary penalty be assessed against sex  
10 offenders in order to provide funding for the counseling and treatment  
11 of victims and their families.

12     Under the provisions of the bill, any person who is convicted of a  
13 sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2)  
14 would be assessed a penalty for each such offense not to exceed  
15 \$2,000 for a crime of the first degree, \$1,000 for a crime of the second  
16 degree, \$750 for a crime of the third degree, and \$500 for a crime of  
17 the fourth degree. These penalties would be in addition to and not in  
18 lieu of any fine authorized by law.

19     The penalty imposed under the bill's provisions is to be collected as  
20 provided for collection of fines and restitutions in section 3 of  
21 P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to  
22 the Department of the Treasury to be deposited in a separate,  
23 nonlapsing, revolving fund to be known as the "Sex Crime Victim  
24 Treatment Fund." Monies in the fund would be administered by the  
25 Victims of Crime Compensation Board and all moneys deposited in  
26 that fund would be used for the provision of counseling and treatment  
27 services to victims of specified sex offenses and their families.



# ASSEMBLY, No. 2034

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 5, 2004

**Sponsored by:**

**Assemblyman ERIC MUNOZ**

**District 21 (Essex, Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Bramnick**

**SYNOPSIS**

Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/20/2004)**

A2034 MUNOZ

2

1 AN ACT concerning sex crime victim treatment services, amending  
2 N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396, and P.L.1991,  
3 c.329 and supplementing Title 2C of the New Jersey Statutes and  
4 Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. (New section) a. In addition to any fine, fee, assessment or  
10 penalty authorized under the provisions of Title 2C of the New Jersey  
11 Statutes, a person convicted of aggravated sexual assault, sexual  
12 assault, aggravated criminal sexual contact, criminal sexual contact,  
13 kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a  
14 child pursuant to N.J.S.2C:24-4, luring and enticing pursuant to  
15 section 1 of P.L.1993, c.291 (C.2C:13-6), or an attempt to commit  
16 any such crime shall be assessed a penalty for each such offense not to  
17 exceed:

18 a. \$2,000, when the conviction is a crime of the first degree;

19 b. \$1,000, when the conviction is a crime of the second degree;

20 c. \$750, when the conviction is a crime of the third degree; and

21 d. \$500, when the conviction is a crime of the fourth degree.

22 b. All penalties provided for in this section shall be collected as  
23 provided for collection of fines and restitutions in section 3 of  
24 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
25 Department of the Treasury as provided in subsection c. of this  
26 section.

27 c. All moneys collected pursuant to this section shall be forwarded  
28 to the Department of the Treasury to be deposited in the "Sex Crime  
29 Victim Treatment Fund" established in the State Treasury by section  
30 2 of P.L. c. (C. ) (now pending before the Legislature as section  
31 2 of this bill).

32

33 2. (New section) a. The "Sex Crime Victim Treatment Fund" shall  
34 be a separate, nonlapsing, revolving fund and shall be administered by  
35 the Division of Criminal Justice, Department of Law and Public Safety  
36 and all moneys deposited in that fund pursuant to this act shall be used  
37 for the provision of counseling and treatment services to victims of  
38 specified sexual offenses as set forth in section 1 of P.L. c.  
39 (C. )(now pending before the Legislature as section 1 of this bill)  
40 and the families of these victims.

41 b. The development and provision of counseling and treatment  
42 services to victims and their families shall be pursuant to rules and  
43 regulations promulgated by the Director of the Division of Criminal  
44 Justice. The Director of the Division of Criminal Justice shall

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 coordinate these counseling and treatment services with other services  
2 offered by the State Office of Victim and Witness Advocacy, the 21  
3 county offices of Victim and Witness Advocacy and as otherwise  
4 deemed appropriate for the implementation of the Attorney General  
5 Standards to Ensure the Rights of Crime Victims.

6  
7 3. N.J.S.2C:46-1 is amended to read as follows:

8 2C:46-1. Time and Method of Payment; Disposition of Funds.

9 a. When a defendant is sentenced to pay an assessment pursuant to  
10 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
11 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
12 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
13 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
14 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
15 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
16 Legislature as section 1 of this bill) or to make restitution, the court  
17 may grant permission for the payment to be made within a specified  
18 period of time or in specified installments. If no such permission is  
19 embodied in the sentence, the assessment, fine, penalty, fee or  
20 restitution shall be payable forthwith, and the court shall file a copy of  
21 the judgment of conviction with the Clerk of the Superior Court who  
22 shall enter the following information upon the record of docketed  
23 judgments:

24 (1) the name of the convicted person as judgment debtor;

25 (2) the amount of the assessment imposed pursuant to section 2 of  
26 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation  
27 Board as a judgment creditor in that amount;

28 (3) the amount of any restitution ordered and the name of any  
29 persons entitled to receive payment as judgment creditors in the  
30 amount and according to the priority set by the court;

31 (4) the amount of any fine and the governmental entity entitled to  
32 receive payment pursuant to [N.J.S.2C:46-4] Section 3 of P.L.1979,  
33 c.396(C.2C:46-4);

34 (5) the amount of the mandatory Drug Enforcement and Demand  
35 Reduction penalty imposed;

36 (6) the amount of the forensic laboratory fee imposed;

37 (7) the amount of the penalty imposed pursuant to section 1 of  
38 P.L.1999, c.295 (C.2C:43-3.5);

39 (8) the date of the order; [and]

40 (9) the amount of the penalty imposed pursuant to section 11 of  
41 P.L.2001, c.81 (C.2C:43-3.6) and;

42 (10) the amount of the penalty imposed pursuant to section 1 of  
43 P.L. c. (C. ) (now pending before the Legislature as section 1 of  
44 this bill).

45 b. (1) When a defendant sentenced to pay an assessment imposed  
46 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
47 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee

1 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
2 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
3 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
4 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
5 the Legislature as section 1 of this bill) or to make restitution is also  
6 sentenced to probation, the court shall make continuing payment of  
7 installments on the assessment and restitution a condition of probation,  
8 and may make continuing payment of installments on the fine, the  
9 mandatory Drug Enforcement and Demand Reduction penalty, the  
10 mandatory penalty pursuant to section 1 of P.L.1999, c.295  
11 (C.2C:43-3.5), the penalty pursuant to section 11 of P.L.2001, c.81  
12 (C.2C:43-3.6), the mandatory penalty pursuant to section 1 of P.L.  
13 c. (C. ) (now pending before the Legislature as section 1 of this  
14 bill) or the forensic laboratory fee a condition of probation.

15 (2) When a defendant sentenced to pay an assessment imposed  
16 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a  
17 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee  
18 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to  
19 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
20 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
21 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
22 the Legislature as section 1 of this bill) or to make restitution is also  
23 sentenced to a custodial term in a State correctional facility, the court  
24 may require the defendant to pay installments on the assessment,  
25 penalty, fee, fine and restitution.

26 c. The defendant shall pay an assessment imposed pursuant to  
27 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or  
28 fine or any installment thereof to the officer entitled by law to collect  
29 the payment. In the event of default in payment, such agency shall  
30 take appropriate action for its collection.

31 d. (1) When, in connection with a sentence of probation, a  
32 defendant is sentenced to pay an assessment imposed pursuant to  
33 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed  
34 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed  
35 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1  
36 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to  
37 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed  
38 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
39 Legislature as section 1 of this bill) or to make restitution, the  
40 defendant, in addition, shall be sentenced to pay a transaction fee on  
41 each occasion that the defendant makes a payment or an installment  
42 payment, until the defendant has paid the full amount he is sentenced  
43 to pay. All other individuals making payments on court ordered  
44 financial obligations through the probation division shall also pay a  
45 transaction fee on each payment or installment payment. The  
46 Administrative Office of the Courts shall promulgate a transaction fee  
47 schedule for use in connection with installment payments made

1 pursuant to this paragraph; provided, however, the transaction fee on  
2 an installment payment shall not exceed \$2.00.

3 (2) When, in connection with a custodial sentence in a State  
4 correctional institution, a defendant is sentenced to pay an assessment  
5 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a  
6 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic  
7 laboratory fee imposed pursuant to N.J.S.2C:35-20, a penalty imposed  
8 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty  
9 imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a  
10 penalty imposed pursuant to section 1 of P.L. c. (C. ) (now pending  
11 before the Legislature as section 1 of this bill) or to make restitution,  
12 the defendant, in addition, shall be sentenced to pay a transaction fee  
13 on each occasion that the defendant makes a payment or an installment  
14 payment until the defendant has paid the full amount he is sentenced  
15 to pay. The Department of Corrections shall promulgate a transaction  
16 fee schedule for use in connection with installment payments made  
17 pursuant to this paragraph; provided, however, the transaction fee on  
18 an installment payment shall not exceed \$1.00.  
19 (cf: 2001, c.81, s.13)

20

21 4. N.J.S. 2C:46-2 is amended to read as follows:

22 2C:46-2. Consequences of Nonpayment; Summary Collection. a.  
23 When a defendant sentenced to pay an assessment imposed pursuant  
24 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed  
25 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty  
26 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
27 the Legislature as section 1 of this bill), monthly probation fee, fine,  
28 a penalty imposed pursuant to section 1 of P.L.1999, c.295  
29 (C.2C:43-3.5), other court imposed financial penalties or to make  
30 restitution defaults in the payment thereof or of any installment, upon  
31 the motion of the person authorized by law to collect the payment, the  
32 motion of the prosecutor, the motion of the victim entitled to payment  
33 of restitution, the motion of the Violent Crimes Compensation Board,  
34 the motion of the State or county Office of Victim and Witness  
35 Advocacy or upon its own motion, the court shall recall him, or issue  
36 a summons or a warrant of arrest for his appearance. The court shall  
37 afford the person notice and an opportunity to be heard on the issue  
38 of default. Failure to make any payment when due shall be considered  
39 a default. The standard of proof shall be by a preponderance of the  
40 evidence, and the burden of establishing good cause for a default shall  
41 be on the person who has defaulted.

42 (1) If the court finds that the person has defaulted without good  
43 cause, the court shall:

44 (a) Order the suspension of the driver's license or the nonresident  
45 reciprocity driving privilege of the person; and

46 (b) Prohibit the person from obtaining a driver's license or  
47 exercising reciprocity driving privileges until the person has made all

1 past due payments; and

2 (c) Notify the Director of the Division of Motor Vehicles of the  
3 action taken; and

4 (d) Take such other actions as may be authorized by law.

5 (2) If the court finds that the person defaulted on payment of a  
6 court imposed financial obligation without good cause and finds that  
7 the default was willful, the court may, in addition to the action  
8 required by paragraph (1) of this subsection a., impose a term of  
9 imprisonment or participation in a labor assistance program or  
10 enforced community service to achieve the objective of the court  
11 imposed financial obligation. These options shall not reduce the  
12 amount owed by the person in default. The term of imprisonment or  
13 enforced community service or participation in a labor assistance  
14 program in such case shall be specified in the order of commitment. It  
15 need not be equated with any particular dollar amount but, in the case  
16 of a fine it shall not exceed one day for each \$20.00 of the fine nor 40  
17 days if the fine was imposed upon conviction of a disorderly persons  
18 offense nor 25 days for a petty disorderly persons offense nor one year  
19 in any other case, whichever is the shorter period. In no case shall the  
20 total period of imprisonment in the case of a disorderly persons  
21 offense for both the sentence of imprisonment and for failure to pay a  
22 fine exceed six months.

23 (3) Except where incarceration is ordered pursuant to paragraph  
24 (2) of this subsection a., if the court finds that the person has defaulted  
25 the court shall take appropriate action to modify or establish a  
26 reasonable schedule for payment, and, in the case of a fine, if the court  
27 finds that the circumstances that warranted the fine have changed or  
28 that it would be unjust to require payment, the court may revoke or  
29 suspend the fine or the unpaid portion of the fine.

30 (4) When failure to pay an assessment imposed pursuant to section  
31 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,  
32 restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295  
33 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001,  
34 c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of P.L.  
35 c. (C. ) (now pending before the Legislature as section 1 of this bill),  
36 or other financial penalties or to perform enforced community service  
37 or to participate in a labor assistance program is determined to be  
38 willful, the failure to do so shall be considered to be contumacious.

39 (5) When a fine, assessment imposed pursuant to section 2 of  
40 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution  
41 is imposed on a corporation, it is the duty of the person or persons  
42 authorized to make disbursements from the assets of the corporation  
43 or association to pay it from such assets and their failure so to do may  
44 be held to be contumacious.

45 b. Upon any default in the payment of a fine, assessment imposed  
46 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly  
47 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,

1 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of  
2 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section  
3 1 of P.L. c. (C. ) (now pending before the Legislature as section  
4 1 of this bill), other financial penalties, restitution, or any installment  
5 thereof, execution may be levied and such other measures may be  
6 taken for collection of it or the unpaid balance thereof as are  
7 authorized for the collection of an unpaid civil judgment entered  
8 against the defendant in an action on a debt.

9 c. Upon any default in the payment of restitution or any installment  
10 thereof, the victim entitled to the payment may institute summary  
11 collection proceedings authorized by subsection b. of this section.

12 d. Upon any default in the payment of an assessment imposed  
13 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any  
14 installment thereof, the Violent Crimes Compensation Board or the  
15 party responsible for collection may institute summary collection  
16 proceedings authorized by subsection b. of this section.

17 e. When a defendant sentenced to make restitution to a public  
18 entity other than the Violent Crimes Compensation Board, defaults in  
19 the payment thereof or any installment, the court may, in lieu of other  
20 modification of the sentence, order the defendant to perform work in  
21 a labor assistance program or enforced community service program.

22 f. If a defendant ordered to participate in a labor assistance  
23 program or enforced community service program fails to report for  
24 work or to perform the assigned work, the comprehensive enforcement  
25 hearing officer may revoke the work order and impose any sentence  
26 permitted as a consequence of the original conviction.

27 g. If a defendant ordered to participate in a labor assistance  
28 program or an enforced community service program pays all  
29 outstanding assessments, the comprehensive enforcement hearing  
30 officer may review the work order, and modify the same to reflect the  
31 objective of the sentence.

32 h. As used in this section:

33 (1) "Comprehensive enforcement program" means the program  
34 established pursuant to the "Comprehensive Enforcement Program  
35 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

36 (2) The terms "labor assistance program" and "enforced community  
37 service" have the same meaning as those terms are defined in section  
38 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,  
39 c.9 (C.2B:19-5).

40 (3) "Public entity" means the State, any county, municipality,  
41 district, public authority, public agency and any other political  
42 subdivision or public body in the State.

43 (cf: P.L.2001, c.81, s.14)

44

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

47 3. a. All fines, assessments imposed pursuant to section 2 of

1 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
2 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
3 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
4 imposed pursuant to section 1 of P.L. c. (C. ) (now pending  
5 before the Legislature as section 1 of this bill) and restitution shall be  
6 collected as follows:

7 (1) All fines, assessments imposed pursuant to section 2 of  
8 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
9 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
10 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
11 imposed pursuant to section 1 of P.L. c. (C. ) (now pending before  
12 the Legislature as section 1 of this bill) and restitution imposed by the  
13 Superior Court or otherwise imposed at the county level, shall be  
14 collected by the county probation division except when such fine,  
15 assessment or restitution is imposed in conjunction with a custodial  
16 sentence to a State correctional facility or in conjunction with a term  
17 of incarceration imposed pursuant to section 25 of P.L.1982, c.77  
18 (C.2A:4A-44) in which event such fine, assessment or restitution shall  
19 be collected by the Department of Corrections or the Juvenile Justice  
20 Commission established pursuant to section 2 of P.L.1995, c.284  
21 (C.52:17B-170). An adult prisoner of a State correctional institution  
22 or a juvenile serving a term of incarceration imposed pursuant to  
23 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an  
24 assessment imposed pursuant to section 2 of P.L.1979, c.396  
25 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999,  
26 c.295 (C.2C:43-3.5) a penalty imposed pursuant to section 1 of P.L.  
27 c. (C. ) (now pending before the Legislature as section 1 of this bill)  
28 or restitution shall have the assessment, penalty, fine or restitution  
29 deducted from any income the inmate receives as a result of labor  
30 performed at the institution or on any type of work release program  
31 or, pursuant to regulations promulgated by the Commissioner of the  
32 Department of Corrections or the Juvenile Justice Commission, from  
33 any personal account established in the institution for the benefit of the  
34 inmate.

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

43 b. Except as provided in subsection c. with respect to fines  
44 imposed on appeals following convictions in municipal courts and  
45 except as provided in subsection i. with respect to restitution imposed  
46 under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines  
47 imposed by the Superior Court or otherwise imposed at the county



1 level, shall be paid over by the officer entitled to collect same to:

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

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

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

15 In the case of an intermunicipal court, fines shall be paid into the  
16 municipal treasury of the municipality in which the offense was  
17 committed, and costs, fees, and forfeitures of bail shall be apportioned  
18 among the several municipalities to which the court's jurisdiction  
19 extends according to the ratios of the municipalities' contributions to  
20 the total expense of maintaining the court.

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

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

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

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

33 g. All restitution ordered to be paid to the Victims of Crime  
34 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to  
35 the board for deposit in the Victims of Crime Compensation Board  
36 Account.

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

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

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

1 section.

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

5 l. All mandatory penalties imposed pursuant to section 1 of P.L. ,  
6 c. (C. ) (now pending before the Legislature as section 1 of this bill)  
7 shall be forwarded and deposited as provided in that section.

8 (cf: P.L. 2001, c.81, s.15)

9

10 6. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read  
11 as follows:

12 13. Moneys that are collected in satisfaction of any assessment  
13 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
14 in satisfaction of restitution or fines imposed in accordance with the  
15 provisions of Title 2C of the New Jersey Statutes or with the  
16 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be  
17 applied in the following order:

18 a. first, in satisfaction of all assessments imposed pursuant to  
19 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

20 b. second, except as provided in subsection f. of this section, in  
21 satisfaction of any restitution ordered;

22 c. third, in satisfaction of all assessments imposed pursuant to  
23 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

24 d. fourth, in satisfaction of any forensic laboratory fee assessed  
25 pursuant to N.J.S.2C:35-20;

26 e. fifth, in satisfaction of any mandatory Drug Enforcement and  
27 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

28 f. sixth, in satisfaction of any anti-drug profiteering penalty  
29 imposed pursuant to [section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1  
30 et seq.)]N.J.S.2C:35A-1 et seq.;

31 g. seventh, in satisfaction of any anti-money laundering profiteering  
32 penalty imposed pursuant to section 9 of P.L.1999, c.25;

33 h. eighth, in satisfaction of restitution for any extradition costs  
34 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

35 i. ninth, in satisfaction of any penalty imposed pursuant to section  
36 1 of P.L.1999, c.295 (C.2C:43-3.5);

37 j. tenth, in satisfaction of any penalty imposed pursuant to section  
38 11 of P.L.2001, c.81 (C.2C:43-3.6); [and]

39 k. eleventh, in satisfaction of the mandatory penalty imposed  
40 pursuant to section 1 of P.L. c. (C. ) (now pending before the  
41 Legislature as section 1 of this bill); and

42 l. twelfth, in satisfaction of any fine.

43 (cf: P.L.2001, c.81, s.16)

44

45 7. This act shall take effect immediately.

1 STATEMENT

2

3 This bill provides that a monetary penalty be assessed against sex  
4 offenders in order to provide funding for the counseling and treatment  
5 of victims and their families.

6 Under the provisions of the bill any person convicted of aggravated  
7 sexual assault, sexual assault, aggravated criminal sexual contact,  
8 criminal sexual contact, kidnappng, endangering the welfare of a child,  
9 luring and enticing or an attempt to commit any such crime would be  
10 assessed a penalty for each such offense not to exceed: \$2,000.00 for  
11 a crime of the first degree; \$1,000.00 for a crime of the second degree;  
12 \$750.00 for a crime of the third degree; and \$500.00 for a crime of the  
13 fourth degree. These penalties would be in addition to and not in lieu  
14 of any fine authorized by law.

15 All penalties provided for in section one of the bill shall be collected  
16 as provided for collection of fines and restitutions in N.J.S.A.2C:46-4,  
17 and the monies shall be forwarded to the Department of the Treasury  
18 to be deposited in a separate, nonlapsing, revolving fund to be known  
19 as the "Sex Crime Victim Treatment Fund." Monies in the fund shall  
20 be administered by the Division of Criminal Justice, Department of  
21 Law and Public Safety and all moneys deposited in that fund would be  
22 used for the provision of counseling and treatment services to victims  
23 of specified sexual offenses and their families.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 3551 and 2034**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 2, 2004

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3551 and 2034.

This Assembly Committee Substitute for Assembly Bill Nos. 3551 and 2034 provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the committee substitute, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the committee substitute's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

As reported by the committee, the Assembly Committee Substitute for Assembly Bill Nos. 3551 and 2034 is identical to Senate Bill No. 781 (1R), also reported by the committee on this same date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3551 and 2034**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 3551 and 2034 (ACS).

Assembly Bill Nos. 3551 and 2034 (ACS) provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the committee substitute, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the committee substitute's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

As reported, this bill is identical to Senate Bill No. 781 (2R), as also reported by the committee.

FISCAL IMPACT:

The initial estimate of \$1.5 million in penalties is based on the 1,500 convictions specified in the legislation in CY 2003. At this point it is not known how much the expenditures would be for the provision of counseling and treatment services to the victims and their families or how much of the estimated amount from penalties would be collectible.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3551 and 2034**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 3551 and 2034 (ACS).

Assembly Bill Nos. 3551 and 2034 (ACS) provides that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under the provisions of the committee substitute, any person who is convicted of a sex offense as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) would be assessed a penalty for each such offense not to exceed \$2,000 for a crime of the first degree, \$1,000 for a crime of the second degree, \$750 for a crime of the third degree, and \$500 for a crime of the fourth degree. These penalties would be in addition to and not in lieu of any fine authorized by law.

The penalty imposed under the committee substitute's provisions is to be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and the monies would be forwarded to the Department of the Treasury to be deposited in a separate, nonlapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." Monies in the fund would be administered by the Victims of Crime Compensation Board and all moneys deposited in that fund would be used for the provision of counseling and treatment services to victims of specified sex offenses and their families.

As reported, this bill is identical to Senate Bill No. 781 (2R), as also reported by the committee.

FISCAL IMPACT:

The initial estimate of \$1.5 million in penalties is based on the 1,500 convictions specified in the legislation in CY 2003. At this point it is not known how much the expenditures would be for the provision of counseling and treatment services to the victims and their families or how much of the estimated amount from penalties would be collectible.

**FISCAL NOTE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 3551 and 2034**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: APRIL 12, 2005

**SUMMARY**

- Synopsis:** Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.
- Type of Impact:** Revenue gain. Sex Crime Victim Treatment Fund.
- Agencies Affected:** The Judiciary; The Department of Law and Public Safety; Victims of Crime Compensation Board; Department of the Treasury.

**Executive Estimate**

<b>Fiscal Impact</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>State Cost</b>	\$100,000	Minimal	Minimal
<b>State Revenue</b>	\$1,985,250	\$1,985,250	\$1,985,250

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Creates additional penalties for convicted sex offenders.
- ! Establishes a "Sex Crime Victim Treatment Fund" to assist in the payment of counseling and treatment to victims and families of victims of sexual offenses.
- ! Requires the Victims of Crime Compensation Board to administer funds.
- ! In CY 03 there were 1,572 convictions for the offenses specified by this bill.

**BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill Nos. 3551 and 2034 of 2004 establishes that a monetary penalty be assessed against sex offenders in order to provide funding for the counseling and treatment of victims and their families.

Under this bill, anyone convicted of a sex offense would be assessed a monetary penalty; first time offenders will be subject to a penalty for each offense not to exceed \$2,000 for a crime of the first degree; \$1,000 for a crime of the second degree; \$750 for a crime of the third degree; and \$500 for a crime of the fourth degree. These penalties would be in addition to any fine

authorized by law.

Monies collected pursuant to this legislation would be forwarded to the Department of the Treasury and deposited into a separate, non-lapsing, revolving fund to be known as the "Sex Crime Victim Treatment Fund." The Victims of Crime Compensation Board in the Department of Law and Public Safety is directed to administer all funds. The money deposited into the "Sex Crime Victim Treatment Fund" would be used to provide counseling and treatment to victims of specified sexual offenses and their families.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Judiciary estimated that during the period from January 1, 2004 through December 31, 2004, there were a total of 1,869 convictions for the offenses specified. From January 1, 2003 through December 31, 2003, there were a total of 1,572 convictions for the offenses specified. Based on statistics from prior calendar years, the number of convictions remains relatively flat from year to year. In this regard, in estimating the number of convictions for future fiscal years, no significant increase or decrease in the number of convictions is anticipated. As a result of the legislation, revenues would be \$1,985,250 in FY 2005.

<b>Type of Crime</b>	<b>FY 2004 Convictions</b>	<b>Proposed Amount of Penalty</b>	<b>Total Amount of Penalties</b>
First Degree	334	\$2,000	\$668,000
Second Degree	850	\$1,000	\$850,000
Third Degree	499	\$750	\$374,250
Fourth Degree	186	\$500	\$93,000
<b>TOTAL</b>	1,869		\$1,985,250

According to the Judiciary, the implementation of this bill would require minor information system modifications to ensure the penalties are recorded and forwarded appropriately. In this regard, a one-time charge of \$50,000 is anticipated.

As per a spokesman with the Victims of Crime Compensation Board, there would be minimal first year administrative costs associated with this bill. An estimate of \$50,000 was provided for initial expenditures such as clerical and system modifications.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Executive estimate.



ACS for A3551

3

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.