

22A:3-4

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NJSA: 22A:3-4

(Municipal courts-
-funding)

LAWS OF: 1990

CHAPTER: 95

Bill No: S2423

Sponsor(s): O'Connor, Jackman

Date Introduced: March 8, 1990

Committee: Assembly: -----

Senate: Judiciary; Revenue, Finance & Appropriations

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 28, 1990

Senate: June 28, 1990

Date of Approval: September 24, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes 3-19-90 & 4-26-90

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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New Jersey. Legislature. Assembly. Judiciary Committee.
Public hearing on...A1787 (municipal court) reform,
held 5-1-86, Paramus, 1986.

note: A1787 same as S2423

KBG/SLJ

STATE OF NEW JERSEY

INTRODUCED MARCH 8, 1990

By Senators O'CONNOR, JACKMAN and COWAN

1 AN ACT concerning municipal courts and amending
2 N.J.S.22A:3-4, R.S.39:5-41, P.L.1976, c.68, P.L.1957, c.167,
3 and supplementing Title 2A of the New Jersey Statutes.

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

7 1. N.J.S.22A:3-4 is amended to read as follows:
8 22A:3-4. The fees provided in the following schedule, and no
9 other charges whatsoever, shall be allowed for court costs in any
10 proceedings of a criminal nature in the special civil part, Law
11 Division, Superior Court, municipal courts[, park police courts, or
12 other inferior courts of limited criminal jurisdiction], but no
13 charge shall be made for the services of any salaried police
14 officer of the State, county or municipal police.

15
16 COURT
17

18 For violations of Title 39 of the Revised Statutes, or of traffic
19 ordinances, at the discretion of the court, [up to but not
20 exceeding \$15.00] not less than \$10.00 or more than \$25.00.

21 For all other cases, at the discretion of the court, up to but not
22 exceeding \$25.00.

23 The provisions of this act shall not prohibit the taxing of
24 additional costs when authorized by R.S.39:5-39.

25 For certificate of judgement \$ 4.00

26 For certified copy of paper filed with the
27 court as a public record:

28 First page 4.00

29 Each additional page or part thereof 1.00

30 For copy of paper filed with the court as a public record:

31 First page 2.00

32 Each additional page or part thereof 1.00

33 In addition to any fine imposed, when a supplemental notice is
34 sent for failure to appear on a return date the cost shall be
35 \$10.00 per notice, unless satisfactory evidence is presented to the
36 court that the notice was not received.

37 Furthermore, \$1.00 of any court costs assessed for a violation
38 of Title 39 or Title 40 of the Revised Statutes or any traffic
39 ordinance shall be collected by the clerk for deposit into the
40 Automated Traffic System Fund created pursuant to P.L. , c.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Senate SJU committee amendments adopted March 19, 1990.

1 (C.) (now pending before the Legislature as Senate Bill No.
2 2424 of 1990). The court shall not suspend the collection of the
3 \$1.00 court cost assessment imposed pursuant to this paragraph.
4

5 CONSTABLES OR OTHER OFFICERS
6

7 From the fees allowed for court costs in the foregoing
8 schedule, the clerk of the court shall pay the following fees to
9 constables or other officers:

10 Serving warrant or summons, \$1.50.

11 Serving every subpoena, \$0.70.

12 Serving every execution, \$1.50.

13 Advertising property under execution, \$0.70.

14 Sale of property under execution, \$1.00.

15 Serving every commitment, \$1.50.

16 Transport of defendant, actual cost.

17 Mileage, for every mile of travel in serving any warrant,
18 summons, commitment, subpoena or other process, computed by
19 counting the number of miles in and out, by the most direct
20 route from the place where such process is returnable, exclusive
21 of the first mile, \$0.20.

22 If defendant is found guilty of the charge laid against him, he
23 shall pay the costs herein provided, but if, on appeal, the
24 judgment is reversed, the costs shall be repaid to defendant. If
25 defendant is found not guilty of the charge laid against him, the
26 costs shall be paid by the prosecutor, except when the Director of
27 Motor Vehicles, a peace officer, or a police officer shall have
28 been prosecutor.

29 (cf: P.L.1987, c.114)

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

31 39:5-41. a. All fines, penalties and forfeitures imposed and
32 collected under authority of law for any violations of R.S.39:4-63
33 and R.S.39:4-64, shall be forwarded by the judge to whom the
34 same have been paid to the proper financial officer of the
35 municipality wherein the violation occurred, to be used by the
36 municipality to help finance litter control activities in addition to
37 or supplementing existing litter pickup and removal activities in
38 the municipality.

39 b. Except as otherwise provided by subsection a. of this
40 section, all fines, penalties and forfeitures imposed and collected
41 under authority of law for any violations of the provisions of this
42 Title, other than those violations in which the complainant is the
43 director, a member of his staff, a member of the State Police, an
44 inspector of the Board of Public Utilities, or a law enforcement
45 officer of any other State agency, shall be forwarded by the judge
46 to whom the same have been paid as follows: one-half of the
47 total amount collected to the financial officer, as designated by
48 the local governing body, of the respective municipalities wherein
49 the violations occurred, to be used by the municipality for

1 general municipal use and to defray the cost for operating the
2 municipal court; and one-half of the total amount collected to
3 the proper financial officer of the county wherein they were
4 collected, to be used by the county as a fund for the construction,
5 reconstruction, maintenance and repair of roads and bridges,
6 snow removal, the acquisition and purchase of rights-of-way, and
7 the purchase, replacement and repair of equipment for use on
8 said roads and bridges therein. Up to 25% of the money received
9 by a municipality pursuant to this subsection, but not more than
10 the actual amount budgeted for the municipal court, whichever is
11 less, may be used to upgrade case processing.

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

20 (cf: P.L.1986, c.197)

21 3. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to
22 read as follows:

23 3. In the preparation of its budget a municipality shall limit
24 any increase in said budget to 5% or the index rate, whichever is
25 less, over the previous year's final appropriations subject to the
26 following exceptions:

27 a. The amount of revenue generated by the increase in
28 valuations, based solely on applying the preceding year's general
29 tax rate of the municipality to the assessed value of new
30 construction or improvements, or by payments in lieu of taxes
31 made by a tax-exempt public entity to the extent that the
32 payment received for any single property exceeds the amount of
33 property taxes received on that property in the year immediately
34 preceding the acquisition of that property by the public entity,
35 or, in the case of State property subject to the provisions of
36 P.L.1977, c.272 (C.54:4-2.2a et seq.), to the extent that the total
37 State payment exceeds the amount received in the 1982 budget
38 year;

39 b. Capital expenditures, including appropriations for current
40 capital expenditures, whether in the capital improvement fund or
41 as a component of a line item elsewhere in the budget, provided
42 that any such current capital expenditure would be otherwise
43 bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

44 c. (1) An increase based upon emergency temporary
45 appropriations made pursuant to N.J.S.40A:4-20 to meet an
46 urgent situation or event which immediately endangers the
47 health, safety or property of the residents of the municipality,
48 and over which the governing body had no control and for which it
49 could not plan and emergency appropriations made pursuant to

1 N.J.S.40A:4-46. Emergency temporary appropriations and
2 emergency appropriations shall be approved by at least
3 two-thirds of the governing body and by the Director of the
4 Division of Local Government Services, and shall not exceed in
5 the aggregate 3% of the previous year's final current operating
6 appropriations.

7 (2) An increase based upon special emergency appropriations
8 made pursuant to N.J.S.40A:4-53, N.J.S.40A:4-54, section 1 of
9 P.L.1961, c.22 (C.40A:4-55.1) or section 1 of P.L.1968, c.194
10 (C.40A:4-55.13). Special emergency appropriations shall be
11 approved by at least two-thirds of the governing body and the
12 Director of the Division of Local Government Services. Neither
13 approval procedure in paragraph (1) or (2) of this subsection shall
14 apply to appropriations adopted for a purpose referred to in
15 subsection d. or j. below;

16 d. All debt service, including that of a Type I school district;

17 e. Upon the approval of the Local Finance Board in the
18 Division of Local Government Services, amounts required for
19 funding a preceding year's deficit;

20 f. Amounts reserved for uncollected taxes;

21 g. Expenditures mandated after the effective date of this act
22 pursuant to State or federal law;

23 h. Expenditure of amounts derived from new or increased
24 construction, housing, health or fire safety inspection or other
25 service fees imposed by State law, rule or regulation or by local
26 ordinance, or derived from the sale of municipal assets;

27 i. Any amount approved by any referendum or any amount
28 expended to conduct a special election required by law to be held
29 at a time other than the time of a general election or regular
30 municipal election, as appropriate;

31 j. Amounts required to be paid pursuant to (1) any contract
32 with respect to use, service or provision of any project, facility
33 or public improvement for water, sewerage, parking, senior
34 citizen housing or any similar purpose, or payments on account of
35 debt service therefor, between a municipality and any other
36 municipality, county, school or other district, agency, authority,
37 commission, instrumentality, public corporation, body corporate
38 and politic or political subdivision of this State; (2) the provisions
39 of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a
40 constituent municipality to the intermunicipal account; and (3)
41 any lease of a facility owned by a county improvement authority
42 when the lease payment represents the proportionate amount
43 necessary to amortize the debt incurred by the authority in
44 providing the facility which is leased, in whole or in part;

45 k. (Deleted by amendment, P.L.1987, c.74.)

46 l. Programs funded wholly or in part by federal or State funds
47 and amounts received or to be received from federal, State or
48 other funds in reimbursement for local expenditures. If a
49 municipality provides matching funds in order to receive the

- 1 federal or State funds, only the amount of the match which is
2 required by law to be provided by the municipality shall be
3 excepted;
- 4 m. (Deleted by amendment, P.L.1987, c.74.)
- 5 n. (Deleted by amendment, P.L.1987, c.74.)
- 6 o. Any decrease in amounts received pursuant to any federal
7 general purposes aid program from the amounts received in local
8 budget year 1982, after deducting from the decrease any amount
9 of new or increased federal or State general purposes aid
10 explicitly provided for the purpose of replacing the decrease in
11 federal aid;
- 12 p. (Deleted by amendment, P.L.1987, c.74.)
- 13 q. Expenditures of amounts to fund the purchase of vehicles
14 used solely for police purposes by the municipal police
15 department and all equipment installed in or on the vehicles;
- 16 r. Amounts expended to fund a free public library established
17 pursuant to the provisions of R.S.40:54-1 through 40:54-29,
18 inclusive;
- 19 s. Any additional expenditures for the testing of water supplies
20 pursuant to P.L.1983, c.443 (C.58:12A-12 et al.) or any
21 expenditures necessary to comply with an order or permit issued
22 by the Department of Environmental Protection for the
23 construction, improvement, repair or rehabilitation of public
24 water supply systems pursuant to P.L.1981, c.262 (C.58:1A-1 et
25 seq.);
- 26 t. Amounts expended in preparing and implementing a housing
27 element and fair share plan pursuant to the provisions of
28 P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received
29 by a municipality under a regional contribution agreement
30 pursuant to section 12 of that act;
- 31 u. Amounts expended to meet the standards established
32 pursuant to the "New Jersey Public Employees' Occupational
33 Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);
- 34 v. Amounts appropriated for the cost of providing insurance
35 coverage for the municipality, its departments, boards, agencies,
36 commissions, officers and employees, which exceed the amount
37 appropriated therefor, in the 1985 local budget;
- 38 w. Amounts appropriated for expenditures resulting from the
39 impact of a hazardous waste facility as described in subsection c.
40 of section 32 of P.L.1981, c.279 (C.13:1E-80);
- 41 x. Amounts expended to aid privately owned libraries and
42 reading rooms, pursuant to R.S.40:54-35;
- 43 y. Amounts appropriated for the cost of purchasing, leasing
44 and maintaining enhanced 9-1-1 termination equipment pursuant
45 to the provisions of P.L.1989, c.3 (C.52:17C-1 et al.); [or]
- 46 z. Amounts appropriated for a project in a transportation
47 development district as may be provided in a project agreement
48 pursuant to the provisions of P.L.1989, c.100 (C.27:1C-1 et seq.);
49 or

1 court judge.

2 Under the provisions of this bill two or more municipalities
3 may agree to consolidate their municipal court operations in any
4 of the municipalities which are a party to the agreement. The
5 jurisdiction of the courts remains separate and each municipality
6 is free to appoint the judge of its municipal court.

7

8

9

JUDICIARY

10

11 Amends and supplements statutes concerning municipal court
12 funding.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2423

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2423.

The Automated Traffic System (ATS) is a computer system which is intended to link the municipal courts, the Division of Motor Vehicles and law enforcement agencies with a statewide common database for all parking and traffic matters and to establish the first statewide electronic traffic warrant system. To date ATS has been installed in 104 municipal courts processing nearly 36% of the State's parking and traffic summons with installation scheduled for 38 additional courts and another 271 courts awaiting scheduling. According to data provided by the AOC, the collection rate on traffic and parking tickets in courts with ATS has substantially improved.

During FY 87 and 88 installation of the ATS was initially funded by an \$8.4 million transfer from the Insurance Surcharge Fund administered by DMV. This bill is intended to provide a permanent funding source for the ATS System. Under The bill, a funding source would be established by dedicating \$1.00 of the court costs assessed in connection with a parking or traffic ticket to the Automated Traffic System Fund. Currently, courts are authorized to impose up to \$5.00 in court costs for traffic and parking violations. This bill would provide for court costs of not less than \$10.00 nor more than \$25.00 in those cases.

S-2423 also provides:

1. That up to 25% of all fines collected in connection with motor vehicles summons may be used by the municipal courts to upgrade case processing.
2. That amounts expended on operating of municipal courts are exempt from the municipal "cap" law.
3. That two or more municipalities may agree to consolidate their municipal court operations but that the jurisdiction of each court shall remain separate.

By amendment the committee deleted a language which provided that if there is an impasse between the municipal governing body and the municipal court concerning the court budget, that the impasse would have been presented for resolution to either the presiding municipal court judge or the Assignment Judge for the vicinage in which the court is located.

By amendment, the committee also deleted language which delayed the bill's effective date for 90 days. As amended, the bill takes effect immediately.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2423

STATE OF NEW JERSEY

DATED: APRIL 26, 1990

The Senate Revenue, Finance and Appropriations Committee favorably reports Senate Bill No. 2423 1R.

Senate Bill No. 2423 1R establishes a funding source for the Automated Traffic System (ATS) by dedicating \$1.00 of the court costs assessed in connection with a parking or traffic ticket to an Automated Traffic System Fund.

Currently, courts are authorized to impose up to \$15.00 in court costs for traffic and parking violations. This bill provides for court costs of not less than \$10.00 nor more than \$25.00 in those cases and provides that \$1.00 of the cost shall be collected for the ATS program. The collection of the \$1.00 may not be suspended.

The ATS is a computer system which is intended to link the municipal courts, the Division of Motor Vehicles and law enforcement agencies with a statewide common database for all parking and traffic matters and to establish the first statewide electronic traffic warrant system.

This bill also provides:

1. That up to 25% of the municipal share of all fines collected in connection with motor vehicles summons may be used by the municipal courts to upgrade case processing.
2. That amounts expended on operating of municipal courts are exempt from the municipal "cap" law.
3. That two or more municipalities may agree to consolidate their municipal court operations but that the jurisdiction of each court shall remain separate.

FISCAL IMPACT

This bill contains no appropriation. During FY 1988 and 1989 installation of the ATS was funded by an \$8.4 million transfer from the Insurance Surcharge Fund administered by the Division of Motor Vehicles. Since February 1990, the salaries have been funded by a federal grant which ends July 31, 1990. The Administrative Office of the Courts estimates that approximately \$4 million will be generated annually from the \$1.00 dedication of certain court costs to the ATS program.