

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

OTHER: See State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008) cert. den. 197 N.J. 259 (2008)

LAW/KR

P.L.2011, CHAPTER 181, *approved January 17, 2012*
Senate, No. 516

1 AN ACT concerning central municipal courts and amending
2 N.J.S.2B:12-1 and P.L.1981, c.178.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2B:12-1 is amended to read as follows:

8 2B:12-1. Establishment of municipal courts.

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

19 b. Two or more municipalities, by ordinance, may enter into an
20 agreement establishing a single joint municipal court and providing
21 for its administration. A copy of the agreement shall be filed with
22 the Administrative Director of the Courts. As used in this act,
23 “municipal court” includes a joint municipal court.

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

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

36 e. Any county of the first class with a population of over
37 825,000 and a population density of less than 4,000 persons per
38 square mile according to the latest federal decennial census, with a
39 county police department and force established in accordance with
40 N.J.S.40A:14-106 or a county park police system established in
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may

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

Matter underlined thus is new matter.

1 establish, by ordinance, a central municipal court, which shall be an
2 inferior court of limited jurisdiction, to adjudicate cases filed by
3 agents of the county health department, agents of the county office
4 of consumer affairs, members of the county police department and
5 force or county park police system, or other cases within its
6 jurisdiction referred by the vicinage Assignment Judge pursuant to
7 the Rules of Court, and provide for its administration. A copy of
8 that ordinance shall be filed with the Administrative Director of the
9 Courts. As used in this act, “municipal court” includes a central
10 municipal court.

11 (cf: P.L.2008, c.2)

12

13 2. Section 1 of P.L.1981, c.178 (C.56:8-14.1) is amended to
14 read as follows:

15 1. In any action in a court of appropriate jurisdiction initiated
16 by the director of any certified county or municipal office of
17 consumer affairs, the office of consumer affairs shall be entitled, if
18 successful in the action, to such penalties, fines or fees as may be
19 authorized pursuant to chapter 8 of Title 56 of the Revised Statutes
20 and awarded by the court, and to the reasonable costs of any such
21 action, including investigative and legal costs, as may be filed with
22 and approved by the court. Such costs shall be in addition to the
23 taxed costs authorized in successful proceedings under the Rules
24 Governing the Courts of the State of New Jersey.

25 As used in this section, “court of appropriate jurisdiction”
26 includes a municipal court in the municipality where the offense
27 was committed or where the defendant may be found and a central
28 municipal court in the county where the offense was committed or
29 where the defendant may be found. However, the term shall not
30 include a municipal court in a city of the first class if the Chief
31 Justice of the Supreme Court approves a recommendation submitted
32 by the assignment judge of the vicinage in which the court is
33 located to exempt that court from such jurisdiction.

34 All moneys collected pursuant to this section shall be paid to the
35 officer lawfully charged with the custody of the general funds of the
36 county or municipality.

37 (cf: P.L.1991, c.149, s.1)

38

39 3. This act shall take effect on the 60th day after enactment.

40

41

42

43

44 Authorizes central municipal court to hear cases brought by
45 county office of consumer affairs.

SENATE, No. 516

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

Senators Cardinale, Sarlo and Gordon

SYNOPSIS

Authorizes central municipal court to hear cases brought by county office of consumer affairs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S516 WEINBERG, STACK

2

1 AN ACT concerning central municipal courts and amending
2 N.J.S.2B:12-1 and P.L.1981, c.178.

3

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

6

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

8 2B:12-1. Establishment of municipal courts.

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

19 b. Two or more municipalities, by ordinance, may enter into an
20 agreement establishing a single joint municipal court and providing
21 for its administration. A copy of the agreement shall be filed with
22 the Administrative Director of the Courts. As used in this act,
23 “municipal court” includes a joint municipal court.

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

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

36 e. Any county of the first class with a population of over
37 825,000 and a population density of less than 4,000 persons per
38 square mile according to the latest federal decennial census, with a
39 county police department and force established in accordance with
40 N.J.S.40A:14-106 or a county park police system established in
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may
42 establish, by ordinance, a central municipal court, which shall be an
43 inferior court of limited jurisdiction, to adjudicate cases filed by
44 agents of the county health department, agents of the county office

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.

S516 WEINBERG, STACK

1 of consumer affairs, members of the county police department and
2 force or county park police system, or other cases within its
3 jurisdiction referred by the vicinage Assignment Judge pursuant to
4 the Rules of Court, and provide for its administration. A copy of
5 that ordinance shall be filed with the Administrative Director of the
6 Courts. As used in this act, “municipal court” includes a central
7 municipal court.

8 (cf: P.L.2008, c.2)

9

10 2. Section 1 of P.L.1981, c.178 (C.56:8-14.1) is amended to
11 read as follows:

12 1. In any action in a court of appropriate jurisdiction initiated
13 by the director of any certified county or municipal office of
14 consumer affairs, the office of consumer affairs shall be entitled, if
15 successful in the action, to such penalties, fines or fees as may be
16 authorized pursuant to chapter 8 of Title 56 of the Revised Statutes
17 and awarded by the court, and to the reasonable costs of any such
18 action, including investigative and legal costs, as may be filed with
19 and approved by the court. Such costs shall be in addition to the
20 taxed costs authorized in successful proceedings under the Rules
21 Governing the Courts of the State of New Jersey.

22 As used in this section, “court of appropriate jurisdiction”
23 includes a municipal court in the municipality where the offense
24 was committed or where the defendant may be found and a central
25 municipal court in the county where the offense was committed or
26 where the defendant may be found. However, the term shall not
27 include a municipal court in a city of the first class if the Chief
28 Justice of the Supreme Court approves a recommendation submitted
29 by the assignment judge of the vicinage in which the court is
30 located to exempt that court from such jurisdiction.

31 All moneys collected pursuant to this section shall be paid to the
32 officer lawfully charged with the custody of the general funds of the
33 county or municipality.

34 (cf: P.L. 1991, c.149, s.1)

35

36 3. This act shall take effect on the 60th day after enactment.

37

38

39

STATEMENT

40

41 This bill would authorize a central municipal court to hear cases
42 brought by the county office of consumer affairs. A central
43 municipal court is a type of municipal court that has been
44 established by a county (rather than a municipality) pursuant to the
45 requirements set out in N.J.S.2B:12-1. Currently, only Bergen
46 County meets these requirements and has established a central
47 municipal court.

1 N.J.S.2B:12-1 authorizes a central municipal court to adjudicate
2 cases filed by agents of the county health department, members of
3 the county police department and force or county park police
4 system. In addition, the statute provides that a central municipal
5 court may adjudicate other cases within its jurisdiction referred by
6 the vicinage Assignment Judge pursuant to the Rules of Court.

7 In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008),
8 *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that
9 the central municipal court of Bergen County did not have
10 jurisdiction to hear a consumer fraud case brought by the county
11 Division of Consumer Affairs. The court held that the authority of
12 the vicinage Assignment Judge to refer cases to a central municipal
13 court is limited to the types of cases specified in N.J.S.2B:12-1,
14 which does not include consumer fraud.

15 The court also held that another applicable statute, N.J.S.A.56:8-
16 14.1, does not grant authority to bring consumer fraud cases in a
17 central municipal court, because the authority applies only to a
18 “municipal court in the municipality where the offense was
19 committed or where the defendant may be found.”

20 This bill would address the court’s concerns with the statutory
21 language and remedy this situation by amending both N.J.S.2B:12-1
22 and N.J.S.A.56:8-14.1 to provide that a county office of consumer
23 affairs may bring an action in a central municipal court.

24 In the view of the sponsor, if the statute is not amended to
25 specifically grant this authority, the county office of consumer
26 affairs will be required to file cases in the various municipal courts
27 throughout the county, which is an inefficient and time-consuming
28 process.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 516

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Senate Judiciary Committee reports favorably Senate Bill No. 516.

This bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 516

STATE OF NEW JERSEY

DATED: MARCH 3, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 516.

This bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In *State v. Tri-Way Kars*, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

FISCAL IMPACT:

The AOC states that at this time, enactment of this legislation would only impact Bergen County. Future changes in legislation to expand the number of central municipal courts would add to any impact.

The AOC notes that this legislation would not increase the number of complaints generated but would shift certain matters away from the local municipal courts in Bergen County to the Bergen County Central Municipal Court. Presently, all fines collected in these cases handled by the local municipal courts are disbursed to the local municipality. With the transfer of these cases to the Central Municipal Court, costs for handling consumer fraud complaints would shift from the municipality to the county and, correspondingly, all fines collected would be disbursed to the county.

FISCAL NOTE
SENATE, No. 516
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: MARCH 31, 2011

SUMMARY

Synopsis: Authorizes central municipal court to hear cases brought by county office of consumer affairs.

Type of Impact: Revenue shift from municipalities to county.

Agencies Affected: Bergen County, Bergen County municipalities

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$0	\$0	\$0
Local Cost	Revenue shift from municipalities to county – See comments below		
Local Revenue	Revenue shift from municipalities to county – See comments below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs.
- The Administrative Office of the Courts (AOC) states that the bill would not increase the number of complaints generated but would shift certain matters away from the local municipal courts in Bergen County to the Bergen County Central Municipal Court. Presently, all fine amounts on these cases handled by the local municipal courts are disbursed to the local municipality. With the transfer of these cases to the Central Municipal Court, all fines and costs collected would be disbursed to the county.
- The AOC further notes that passage of this bill would have no cost implications for the State, counties or municipalities.

BILL DESCRIPTION

Senate Bill No. 516 of 2010 would authorize a central municipal court to hear cases brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that at this time, passage of this legislation would only impact Bergen County. Future changes in legislation to expand the number of central municipal courts would add to any impact.

Revenue

The AOC notes that while the Division of Consumer Affairs has its own unique law enforcement code, they can also file complaints under the individual municipality codes. According to AOC records, the Bergen County Department has filed an average of 122 complaints per year in the last three years (2008-2010) using their own agency code. However that number may not be indicative of the total complaints filed as Bergen County could have filed complaints using a municipality code as previously indicated. Because of this, it is not possible to identify the exact fiscal impact of this bill.

The AOC notes that this legislation would not increase the number of complaints generated but would shift certain matters away from the local municipal courts in Bergen County to the Bergen County Central Municipal Court. Presently, all fines collected in these cases handled by the local municipal courts are disbursed to the local municipality. With the transfer of these cases to the Central Municipal Court, all fines and costs collected would be disbursed to the county.

Cost

The AOC states that passage of this bill would have no cost implications for the State, counties, or municipalities.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

*Analyst: Anne Raughley
 Principal Fiscal Analyst*

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

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 516

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2011

The Assembly Judiciary Committee reports favorably Senate Bill No. 516.

This bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.A.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.A.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.A.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.A.2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

This bill is identical Assembly Bill No. 3170.

ASSEMBLY, No. 3170

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED SEPTEMBER 16, 2010

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Caputo and Assemblywoman Wagner

SYNOPSIS

Authorizes central municipal court to hear cases brought by county office of consumer affairs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2012)

1 AN ACT concerning central municipal courts and amending
2 N.J.S.2B:12-1 and P.L.1981, c.178.

3

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

6

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

8 2B:12-1. Establishment of municipal courts.

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

19 b. Two or more municipalities, by ordinance, may enter into an
20 agreement establishing a single joint municipal court and providing
21 for its administration. A copy of the agreement shall be filed with
22 the Administrative Director of the Courts. As used in this act,
23 “municipal court” includes a joint municipal court.

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

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

36 e. Any county of the first class with a population of over
37 825,000 and a population density of less than 4,000 persons per
38 square mile according to the latest federal decennial census, with a
39 county police department and force established in accordance with
40 N.J.S.40A:14-106 or a county park police system established in
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may
42 establish, by ordinance, a central municipal court, which shall be an
43 inferior court of limited jurisdiction, to adjudicate cases filed by
44 agents of the county health department, agents of the county office

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

Matter underlined thus is new matter.

1 of consumer affairs, members of the county police department and
2 force or county park police system, or other cases within its
3 jurisdiction referred by the vicinage Assignment Judge pursuant to
4 the Rules of Court, and provide for its administration. A copy of
5 that ordinance shall be filed with the Administrative Director of the
6 Courts. As used in this act, “municipal court” includes a central
7 municipal court.

8 (cf: P.L.2008, c.2)

9

10 2. Section 1 of P.L.1981, c.178 (C.56:8-14.1) is amended to
11 read as follows:

12 1. In any action in a court of appropriate jurisdiction initiated
13 by the director of any certified county or municipal office of
14 consumer affairs, the office of consumer affairs shall be entitled, if
15 successful in the action, to such penalties, fines or fees as may be
16 authorized pursuant to chapter 8 of Title 56 of the Revised Statutes
17 and awarded by the court, and to the reasonable costs of any such
18 action, including investigative and legal costs, as may be filed with
19 and approved by the court. Such costs shall be in addition to the
20 taxed costs authorized in successful proceedings under the Rules
21 Governing the Courts of the State of New Jersey.

22 As used in this section, “court of appropriate jurisdiction”
23 includes a municipal court in the municipality where the offense
24 was committed or where the defendant may be found and a central
25 municipal court in the county where the offense was committed or
26 where the defendant may be found. However, the term shall not
27 include a municipal court in a city of the first class if the Chief
28 Justice of the Supreme Court approves a recommendation submitted
29 by the assignment judge of the vicinage in which the court is
30 located to exempt that court from such jurisdiction.

31 All moneys collected pursuant to this section shall be paid to the
32 officer lawfully charged with the custody of the general funds of the
33 county or municipality.

34 (cf: P.L.1991, c.149, s.1)

35

36 3. This act shall take effect on the 60th day after enactment.

37

38

39

STATEMENT

40

41 This bill would authorize a central municipal court to hear cases
42 brought by the county office of consumer affairs. A central
43 municipal court is a type of municipal court that has been
44 established by a county (rather than a municipality) pursuant to the
45 requirements set out in N.J.S.2B:12-1. Currently, only Bergen
46 County meets these requirements and has established a central
47 municipal court.

1 N.J.S.2B:12-1 authorizes a central municipal court to adjudicate
2 cases filed by agents of the county health department, members of
3 the county police department and force or county park police
4 system. In addition, the statute provides that a central municipal
5 court may adjudicate other cases within its jurisdiction referred by
6 the vicinage Assignment Judge pursuant to the Rules of Court.

7 In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008),
8 *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that
9 the central municipal court of Bergen County did not have
10 jurisdiction to hear a consumer fraud case brought by the county
11 Division of Consumer Affairs. The court held that the authority of
12 the vicinage Assignment Judge to refer cases to a central municipal
13 court is limited to the types of cases specified in N.J.S.2B:12-1,
14 which does not include consumer fraud.

15 The court also held that another applicable statute, N.J.S.A.56:8-
16 14.1, does not grant authority to bring consumer fraud cases in a
17 central municipal court, because the authority applies only to a
18 “municipal court in the municipality where the offense was
19 committed or where the defendant may be found.”

20 This bill would address the court’s concerns with the statutory
21 language and remedy this situation by amending both N.J.S.2B:12-1
22 and N.J.S.A.56:8-14.1 to provide that a county office of consumer
23 affairs may bring an action in a central municipal court.

24 In the view of the sponsor, if the statute is not amended to
25 specifically grant this authority, the county office of consumer
26 affairs will be required to file cases in the various municipal courts
27 throughout the county, which is an inefficient and time-consuming
28 process.

FISCAL NOTE
ASSEMBLY, No. 3170
STATE OF NEW JERSEY
214th LEGISLATURE

DATED: MARCH 31, 2011

SUMMARY

Synopsis: Authorizes central municipal court to hear cases brought by county office of consumer affairs.

Type of Impact: Revenue shift from municipalities to county.

Agencies Affected: Bergen County, Bergen County municipalities

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$0	\$0	\$0
Local Cost	Revenue shift from municipalities to county – See comments below		
Local Revenue	Revenue shift from municipalities to county – See comments below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs.
- The Administrative Office of the Courts (AOC) states that the bill would not increase the number of complaints generated but would shift certain matters away from the local municipal courts in Bergen County to the Bergen County Central Municipal Court. Presently, all fine amounts on these cases handled by the local municipal courts are disbursed to the local municipality. With the transfer of these cases to the Central Municipal Court, all fines and costs collected would be disbursed to the county.
- The AOC further notes that passage of this bill would have no cost implications for the State, counties or municipalities.

BILL DESCRIPTION

Assembly Bill No. 3170 of 2010 would authorize a central municipal court to hear cases

brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The AOC states that at this time, passage of this legislation would only impact Bergen County. Future changes in legislation to expand the number of central municipal courts would add to any impact.

Revenue

The AOC notes that while the Division of Consumer Affairs has its own unique law enforcement code, they can also file complaints under the individual municipality codes. According to AOC records, the Bergen County Department has filed an average of 122 complaints per year in the last three years (2008-2010) using their own agency code. However that number may not be indicative of the total complaints filed as Bergen County could have filed complaints using a municipality code as previously indicated. Because of this, it is not possible to identify the exact fiscal impact of this bill.

The AOC notes that this legislation would not increase the number of complaints generated but would shift certain matters away from the local municipal courts in Bergen County to the Bergen County Central Municipal Court. Presently, all fines collected in these cases handled by the local municipal courts are disbursed to the local municipality. With the transfer of these cases to the Central Municipal Court, all fines and costs collected would be disbursed to the county.

Cost

The AOC states that passage of this bill would have no cost implications for the State, counties, or municipalities.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3170

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2011

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3170.

This bill would authorize a central municipal court to hear cases brought by the county office of consumer affairs. A central municipal court is a type of municipal court that has been established by a county (rather than a municipality) pursuant to the requirements set out in N.J.S.A.2B:12-1. Currently, only Bergen County meets these requirements and has established a central municipal court.

N.J.S.A.2B:12-1 authorizes a central municipal court to adjudicate cases filed by agents of the county health department, members of the county police department and force or county park police system. In addition, the statute provides that a central municipal court may adjudicate other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court.

In State v. Tri-Way Kars, 402 N.J. Super. 215 (App. Div. 2008), *cert. denied*, 197 N.J. 259 (2008), the Appellate Division held that the central municipal court of Bergen County did not have jurisdiction to hear a consumer fraud case brought by the county Division of Consumer Affairs. The court held that the authority of the vicinage Assignment Judge to refer cases to a central municipal court is limited to the types of cases specified in N.J.S.A.2B:12-1, which does not include consumer fraud.

The court also held that another applicable statute, N.J.S.A.56:8-14.1, does not grant authority to bring consumer fraud cases in a central municipal court, because the authority applies only to a “municipal court in the municipality where the offense was committed or where the defendant may be found.”

This bill would address the court’s concerns with the statutory language and remedy this situation by amending both N.J.S.A 2B:12-1 and N.J.S.A.56:8-14.1 to provide that a county office of consumer affairs may bring an action in a central municipal court.

This bill is identical to Senate Bill No. 516.