

2C:43-3.1

LEGISLATIVE HISTORY CHECKLIST

(Violent Crimes Compensation Board - required payments increase)

NJSA 2C:43-3.1

LAWS 1982

CHAPTER 164

Bill No. A953

Sponsor(s) Karcher

Date Introduced Feb. 25, 1982

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage **Yes** ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 20, 1982

Senate June 28, 1982

Date of approval Nov. 1, 1982

Following statements are attached if available:

Sponsor statement **Yes** ~~No~~ Also attached: Assembly amendments (adopted 8-5-82) with statement

Committee Statement: Assembly **Yes** ~~No~~

Senate **Yes** ~~No~~

Fiscal Note ~~Yes~~ **No**

Veto Message ~~Yes~~ **No**

Message on signing ~~Yes~~ **No**

Following were printed:

Reports ~~Yes~~ **No**

Hearings ~~Yes~~ **No**

6/22/81

AUG 1983

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ASSEMBLY, No. 953

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 25, 1982

By Assemblymen KARCHER, ZANGARI, PATERNITI, MAZUR, FORTUNATO, NAPLES, BROWN, BAER, OTLOWSKI, VAN WAGNER, McENROE, LESNIAK, Assemblywoman COSTA and Assemblyman SCHWARTZ

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT to amend "An act concerning the disposition of fines in criminal matters, amending N. J. S. 2A:166-13, repealing sections 2A:8-33, 2A:166-10 and 2A:166-19 of the New Jersey Statutes, and supplementing Title 2C of the New Jersey Statutes," approved February 6, 1980 (P. L. 1979, c. 396).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1979, c. 396 (C. 2C:43-3.1) is amended to
2 read as follows:

3 2. a. (1) In addition to any disposition made pursuant to the
4 provisions of N. J. S. 2C:43-2, any person convicted of a crime of
5 violence resulting in the injury or death of another person, shall
6 be assessed a penalty of at least \$25.00, but not to exceed \$10,000.00
7 for each such crime for which he was convicted. In imposing this
8 penalty the court shall consider factors such as the severity of the
9 crime, the defendant's criminal record, the defendant's ability to
10 pay and the economic impact of the penalty on the defendant's
11 dependents.

12 (2) (a) In addition to any other disposition made pursuant to
13 the provisions of N. J. S. 2C:43-2 or any other statute imposing
14 sentences for crimes, any person convicted of **[an]** *any disorderly*
15 *persons offense**, *any petty disorderly persons offense, violation*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 3, 1982.

**—Senate committee amendment adopted June 21, 1982.

***Assembly amendments adopted August 5, 1982.

16 of the "New Jersey Controlled Dangerous Substances Act," P. L.
 17 1970, c. 226 (C. 24:21-1 et seq.),* **[under N. J. S. 2C:12-1a,]** or
 18 any crime not resulting in the injury or death of any other person
 18A shall be assessed a penalty of \$25.00 for each such offense or crime
 18B for which he was convicted.

19 (b) *In addition to any other disposition made pursuant to the*
 20 *provisions of section 20 of P. L. 1973, c. 306 (C. 2A:4-61) or any*
 21 *other statute indicating the dispositions that can be ordered for*
 22 *adjudications of delinquency, any juvenile adjudicated delinquent*
 23 *according to the definition of "delinquency" established in section*
 24 *3 of P. L. 1973, c. 306 (C. 2A:4-44) shall be assessed a penalty of*
 25 *at least \$10.00 for each such adjudication*, but shall not exceed the*
 25A *amount which could be assessed, if the offense was committed by*
 25B *an adult*.*

26 (3) All penalties provided for in this section shall be collected
 27 as provided for collection of fines and restitution in section 3 of
 28 this act and forwarded to the Violent Crimes Compensation Board
 29 as provided in subsection (4) hereof.

30 (4) All moneys collected pursuant to subsections 1 and 2 shall
 31 be forwarded to the State Treasury to be deposited in a separate
 32 account for use by the Violent Crimes Compensation Board in
 33 satisfying claims ****[filed]**** *and for related administrative*
 34 *costs*** pursuant to the provisions of the "Criminal Injuries Com-
 35 pensation Act of 1971," P. L. 1971, c. 317 (C. 52:4B-1 et seq.).

36 b. All moneys, including fines and restitution, collected from a
 37 person convicted of **[an]** *any disorderly persons offense*, any*
 38 *petty disorderly persons offense, violation of the "New Jersey*
 39 *Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C.*
 40 *24:21-1 et seq.),* [under N. J. S. 2C:12-1a,] *[or]* from any*
 41 *juvenile adjudicated delinquent or any crime shall be applied first*
 42 *to any penalty imposed pursuant to this section upon such a person.*

1 2. This act shall take effect *****[immediately]***** *****90 days**
 2 *after enactment and shall apply to all convictions and sentencing*
 3 *occurring on or after the effective date***.*

16 sulting in the injury or death of another person shall be assessed
 17 a penalty of \$25.00 for each such offense or crime for which he
 18 was convicted.

19 *(b) In addition to any other disposition made pursuant to the*
 20 *provisions of section 20 of P. L. 1973, c. 306 (C. 2A:4-61) or any*
 21 *other statute indicating the dispositions that can be ordered for*
 22 *adjudications of delinquency, any juvenile adjudicated delinquent*
 23 *according to the definition of "delinquency" established in section*
 24 *3 of P. L. 1973, c. 306 (C. 2A:4-44) shall be assessed a penalty of*
 25 *at least \$10.00 for each such adjudication.*

26 (3) All penalties provided for in this section shall be collected
 27 as provided for collection of fines and restitution in section 3 of
 28 this act and forwarded to the Violent Crimes Compensation Board
 29 as provided in subsection (4) hereof.

30 (4) All moneys collected pursuant to subsections 1 and 2 shall
 31 be forwarded to the State Treasury to be deposited in a separate
 32 account for use by the Violent Crimes Compensation Board in
 33 satisfying claims filed pursuant to the provisions of the "Criminal
 34 Injuries Compensation Act of 1971," P. L. 1971, c. 317 (C. 52:4B-1
 35 et seq.).

36 b. All moneys, including fines and restitution, collected from a
 37 person convicted of **[an]** *any disorderly persons offense* **[under**
 38 *N. J. S. 2C:12-1a,* **]** *or from any juvenile adjudicated delinquent*
 39 *or any crime shall be applied first to any penalty imposed pursuant*
 40 *to this section upon such a person.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase the funds available to the Violent Crimes Compensation Board, to compensate the victims of violent crime. The bill would require that anyone convicted of any disorderly persons offense be assessed a penalty of at least \$25.00 in addition to any other sentence imposed by the court. This money would be forwarded to the Violent Crimes Compensation Board. Under current law, simple assault is the only disorderly persons offense for which the \$25.00 penalty is assessed.

The bill also would require that any juvenile adjudicated delinquent be assessed a penalty of at least \$10.00, in addition to any other disposition ordered by the court, to be forwarded to the Violent Crimes Compensation Board. Under current law, juveniles adjudicated delinquent are not required to pay penalties to the Violent Crimes Compensation Board.

A 953 (1982)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 953
with Assembly committee amendment

STATE OF NEW JERSEY

DATED: MAY 3, 1982

This bill would require that anyone convicted of any disorderly persons offense be assessed a penalty of at least \$25.00 in addition to any other sentence imposed by the court. This money would be forwarded to the Violent Crimes Compensation Board. Under current law, simple assault is the only disorderly persons offense for which the \$25.00 penalty is assessed.

The bill also would require that any juvenile adjudicated delinquent be assessed a penalty of at least \$10.00, in addition to any other disposition ordered by the court, to be forwarded to the Violent Crimes Compensation Board.

The committee amendments additionally require a penalty for:

- (1) Petty disorderly persons offenses, and
- (2) Violations of the "Controlled Dangerous Substances Act," (C. 24:21-1 et seq.).

R-61
8/5/82

Handwritten initials

ADOPTED
AUG 5 1982

Assembly Amendments

to

SENATE
OC

Assembly Bill No. 953 Acq. Sec.

by Assemblyman Karcher 8/5/82

~~ADOPTED
AUG 5 1982~~

Amend:

Page Sec. Line

2 2 1

Omit "immediately" insert "90 days after enactment and shall apply to all convictions and sentencings occurring on or after the effective date"

STATEMENT

The purpose of these amendments is to change the the effective date from "immediately." to "90 days after enactment" and to ensure that the additional penalties established by the bill will apply only to persons convicted, sentenced, or adjudicated delinquent on or after the effective date.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 953

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1982

This bill as amended would require that anyone convicted of any disorderly persons offense, any petty disorderly persons offense, or any violation of the "Controlled Dangerous Substances Act" be assessed a penalty of at least \$25.00 in addition to any other sentence imposed by the court. Under current law, simple assault is the only disorderly persons offense for which the \$25.00 penalty is assessed.

This bill would also require that any juvenile adjudicated delinquent be assessed a penalty of at least \$10.00 in addition to any other disposition ordered by the court.

All funds collected from the penalties established by the bill would be forwarded to the Violent Crimes Compensation Board for its use in satisfying claims made by or on behalf of victims of violent crime for unreimbursable medical expenses or other expenses necessary as a result of injury.

The committee amended the bill to establish that the board can use funds generated by the penalty provisions to pay for administrative costs as well as for satisfying claims.