

2C:46-4

LEGISLATIVE HISTORY CHECKLIST

(Intermunicipal courts--disposition of fines, costs and forfeitures of bail)

NJSA 2C:46-4

LAWS 1981

CHAPTER 224

Bill No. A1954

Sponsor(s) Littell

Date Introduced July 28, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate County and Municipal Government

Amended during passage ~~Yes~~ No

Date of Passage: Assembly Jan. 22, 1981

Senate June 15, 1981

Date of approval July 20, 1981

Following statements are attached if available:

Sponsor statement ~~Yes~~ ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

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

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

6/22 **APR** - 1982

ASSEMBLY, No. 1954

STATE OF NEW JERSEY

INTRODUCED JULY 28, 1980

By Assemblyman LITTELL

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

AN ACT concerning the disposition of fines, costs, fees, and forfeitures of bail in intermunicipal courts and amending 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 3 of P. L. 1979, c. 396 (C. 2C:46-4) is amended to read
2 as follows:

3 3. a. All fines and restitution shall be collected as follows:

4 (1) All fines and restitution imposed by the Superior Court or
5 county district court, or otherwise imposed at the county level,
6 shall be collected by the county probation department except when
7 such fine or restitution is imposed in conjunction with a custodial
8 sentence to a State correctional facility in which event such fine
9 or restitution shall be collected by the Department of Corrections.

10 (2) All fines and restitution imposed by a municipal court shall
11 be collected by the municipal court clerk except if such fine or resti-
12 tution is ordered as a condition of probation in which event it shall
13 be collected by the county probation department.

14 All fines so collected shall be distributed to the appropriate gov-
15 ernmental treasury as provided herein.

16 b. Except as provided in subsection c. with respect to fines im-
17 posed on appeals following convictions in municipal courts, all
18 fines imposed by the Superior Court, county district court, or other-
19 wise imposed at the county level, shall be paid over by the officer
20 entitled to collect same to:

21 (1) The county treasurer with respect to fines imposed on de-
22 fendants who are sentenced to and serve a custodial term, including
23 a term as a condition of probation, in the county jail, workhouse
24 or penitentiary except where such county sentence is served con-
25 currently with a sentence to a State institution; or

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

- 26 (2) The State Treasurer with respect to all other fines.
 27 c. All fines imposed by municipal courts on defendants convicted
 28 of crimes, disorderly persons offenses and petty disorderly persons
 29 offense, and all fines imposed following conviction on appeal there-
 30 from, shall be paid over by the officer entitled to collect same to
 31 the treasury of the municipality wherein the municipal court is
 32 located. [In the case of any intermunicipal court, the fines shall be
 33 apportioned among the several municipalities to which the court's
 34 jurisdiction extends, according to the ratios of the municipalities'
 35 contributions to the total expense of maintaining said court.]
 36 *In the case of an intermunicipal court, fines shall be paid into the*
 37 *municipal treasury of the municipality in which the offense was*
 38 *committed, and costs, fees, and forfeitures of bail shall be appor-*
 39 *tioned among the several municipalities to which the court's juris-*
 40 *isdiction extends according to the ratios of the municipalities' con-*
 41 *tributions to the total expense of maintaining the court.*
- 1 2. This act shall take effect immediately.

STATEMENT

The purpose of the bill is to correct a problem which has arisen with respect to intermunicipal courts as a result of the enactment of the penal code and a subsequent law, P. L. 1979, c. 396, which dealt with the disposition of fines in criminal matters. The penal code repealed a section in the old law relative to disorderly persons which provided that fines collected under the law be distributed to the treasury of the municipality wherein the offense was committed. Chapter 396 of the Laws of 1979 revised the law relative to the disposition of fines in criminal matters. It repealed a section of law which dealt with the disposition of costs, fees, and forfeitures of bail in municipal courts. This repealed section provided that costs, fees, and forfeitures of bail in an intermunicipal court be apportioned among the municipalities involved according to the ratios of their contributions to the total expense of maintaining the court. The revised provision in Chapter 396 provides that *fines* in intermunicipal courts be apportioned according to the ratios of the municipalities' contributions to the total expense of maintaining the court. It does not mention costs, fees, and forfeitures of bail.

The combined effect of these two enactments is that the scheme for distribution of funds received by intermunicipal courts has been changed. Fines which had been distributed on the basis of where an offense occurred are now distributed on the basis of the contributions of the municipalities to the support of the court.

There is now no provision for the distribution of fees, costs, and forfeitures of bail.

This bill amends Chapter 396 to reinstate the old law relative to the distribution of fines, costs, fees, and forfeiture of bail in intermunicipal courts.

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

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 28 of crimes, disorderly persons offenses and petty disorderly persons
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July 20, 1981

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Since 1969, in an effort to conserve and replenish taxpayer funds for health assistance programs, the Department of Human Services has been recovering payments made to Medicaid recipients from their estates when there were no surviving dependents. The original version of this bill, conditionally vetoed by Governor Byrne on March 26, 1981, was introduced to stop this same recovery system from being instituted in the case of PAA recipients. The Governor cited a public obligation to recover taxpayer funds where possible in conditionally vetoing the bill.

The amended version prevents the recovery of paid benefits when the amount to be recovered is less than \$500.00, the estate valued at less than \$3,000.00, or when the deceased is survived by a spouse or child.

A-917, sponsored by Assemblyman John A. Girgenti (D-Passaic), which allows public utility and postal employees -- whose duties require regular visits to private homes -- to carry devices designed to repel dog or other animal attacks.

The bill stipulates that all devices used must be chosen from a list approved by the Department of Health and must be noninjurious to animals. The original bill was amended to bar the use of tear gas.

A-1887, sponsored by Assemblyman Harry A. McEnroe (D-Essex), increases the monetary ceiling of cases heard in both county district and small claims courts.

The bill raises the ceiling in county district court from \$3,000.00, set in 1969 to \$5,000.00 and empowers small claims court to hear disputes involving a maximum of \$1,000.00, up from \$500.00, set in 1975. Supporters of the bill had cited inflation as warranting the change in jurisdiction.

A-1954, sponsored by Assemblyman Robert E. Littell (R-Sussex), reinstating the old law, inadvertently revised with the enactment of the penal code, directing payments of intermunicipal court-imposed fines to be made to the municipality where the offense was committed.

The bill also requires that bail forfeitures, and fees in intermunicipal courts be distributed to municipalities within the court's jurisdiction according to the relative contribution of each municipality toward maintaining the court.