

39:4-203.1 and 39:4-203.2

LEGISLATIVE HISTORY CHECKLIST

(Traffic offenses--certain fines--allow payment in installments)

NJSA 39:4-203.1 and 39:4-203.2

LAWS 1981 CHAPTER 365

Bill No. A2031

Sponsor(s) Flynn

Date Introduced Sept. 29, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense  
Senate Law, Public Safety & Defense

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

Date of Passage: Assembly April 27, 1981  
Senate Dec. 10, 1981

Date of approval Dec. 30, 1981

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	Yes	<del>No</del>
Senate	Yes	<del>No</del>
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	Yes	<del>No</del>
Hearings	<del>Yes</del>	No

Mentioned in sponsor's statement:  
State v. DeBonis: 58 NJ 182

Report:  
974.90 New Jersey. Legislature. Assembly. Legislative Oversight Committee.  
C866 Court fines on the installment plan: the default problem.  
1980a August, 1980. Trenton, 1980.

6/22/81

12-30-81

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 2031

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1980

By Assemblyman FLYNN

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

AN ACT concerning motor vehicle offenses in certain cases.

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

1 1. Any defendant convicted of a traffic offense, other than a  
 2 parking offense, pursuant to Title 39 of the Revised Statutes, shall,  
 3 upon a satisfactory showing of a condition of indigency, be per-  
 4 mitted by the court to pay the fine in installments. The court shall  
 5 set the amount and frequency of each installment, except that the  
 6 final installment shall be due no later than 6 months from the date  
 7 of conviction.

1 \***[2.** Upon the issuance of the installment order, the defendant  
 2 shall surrender his driver's license to the court and shall be issued  
 3 by the court a temporary license which expires on the due date of the  
 4 final installment. The court shall send notice of this action to the  
 5 Director of the Division of Motor Vehicles. In the event that the  
 6 defendant's driver's license expires during the installment period,  
 7 the director shall send the renewal application to the court to be  
 8 held on behalf of the defendant.]\*

1 \***[3.** Upon the defendant's completion of all payments in accord-  
 2 ance with the terms of the installment order, the court shall return  
 3 the driver's license, and any renewal application, to the defendant.  
 4 In the event that the defendant's license has expired during the  
 5 installment period, the court shall extend the temporary license  
 6 for such time as is necessary to allow for the renewal application  
 7 to be processed by the Division of Motor Vehicles.]\*

1 \***[4.]** \*2.\* If the defendant fails to comply with any of the terms  
 2 of the installment order, the court may, in addition to any other  
 3 penalties it may impose, order the suspension of the defendant's  
 4 driver's license and notify the Director of the Division of Motor  
 5 Vehicles of the action.

1 \***[5.]** \*3.\* This act shall take effect \***[inmediately]**\* \*120 days  
 2 following its enactment\*.

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

## STATEMENT

The New Jersey Supreme Court ruled in the 1971 case of *State v. DeBonis* that an indigent defendant could not be jailed merely for an inability to pay a fine, but must be afforded the right to pay the fine in installments.

This decision has had its greatest impact in the State's 530 municipal courts, where thousands of motor vehicle and disorderly persons cases involving monetary penalties are heard. Approximately \$11 million is owed to municipal courts by defendants who have pleaded poverty and who have been placed on installment payments. Unfortunately, as reported in a recent study by the Assembly Legislative Oversight Committee, much of this money will never be collected as defendants simply fail to keep up payments or move away without notice.

The Oversight Committee has recommended that installment payments be limited to those who are truly indigent. In many cases the fines are rather modest and could be paid at the time of conviction. The committee further urged that municipal courts be given greater powers to insure that defendants would adhere to the installment schedule.

This bill attempts to serve these two aims as regards motor vehicle offenses, which account for perhaps half of the installment cases. It requires a defendant to provide evidence of indigency when making a plea for installment payments. The bill also limits the installment period to 6 months. This follows from the Supreme Courts' stipulation in *DeBonis* that the installments should be "reasonable" and "consistent with the objective of achieving the punishment the fine is intended to inflict."

The bill further requires the defendant to surrender his or her driver's license to the court upon the granting of an installment schedule. The defendant is provided a temporary license during the installment period. Failure to adhere to the schedule can lead to a suspension of the license by the court.

A2031 (1981)

---

LAW LIBRARY COPY  
DO NOT REMOVE

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 2031

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

This bill is in response to the case of *State v. Debonis* holding that an indigent could not be jailed for mere inability to pay a fine and therefore must be afforded the right to pay the fine in installments. It is based on recommendations of the Assembly Legislative Oversight Committee which recommended that installment payments be limited to those who are truly indigent. The committee further urged that municipal courts be given greater powers to insure that defendants would adhere to the installment schedule

This bill serves two aims as regards motor vehicle offenses which account for perhaps half of the installment cases by regarding a defendant to provide evidence of indigency when making a plea for installment payments and limiting the installment period to 6 months.

The bill further requires the defendant to surrender his or her driver's license to the court upon the granting of an installment schedule. The defendant is provided a temporary license during the installment period which may be suspended for failure to make payments.

LAW LIBRARY COPY  
DO NOT REMOVE

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 2031**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: JUNE 18, 1981

This bill is in response to the case of *State v. Debonis* holding that an indigent could not be jailed for mere inability to pay a fine and therefore must be afforded the right to pay the fine in installments. It is based on recommendations of the Assembly Legislative Oversight Committee which recommended that installment payments be limited to those who are truly indigent.

This bill serves two aims as regards motor vehicle offenses, which account for perhaps half of all installment cases. It requires a defendant to provide evidence of indigency when making a plea for installment payments and limits the installment period to 6 months.