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LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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LAW/KR

P.L.2013, CHAPTER 255, *approved January 17, 2014*
Assembly, No. 3254

1 AN ACT concerning municipal court and amending P.L. 2009,
2 c.317.

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

6
7 1. Section 1 of P.L. 2009, c. 317 (C.2B:12-23.1) is amended to
8 read as follows:

9 1. a. Notwithstanding any other provision of law to the
10 contrary, if a municipal court finds that a person does not have the
11 ability to pay a penalty in full on the date of the hearing or has
12 failed to pay a previously imposed penalty, the court may order the
13 person to perform community service in lieu of the payment of a
14 penalty; or, order the payment of the penalty in installments for a
15 period of time determined by the court. If a person defaults on any
16 payment and a municipal court finds that the defendant does not
17 have the ability to pay, the court may:

18 (1) reduce the penalty, suspend the penalty, or modify the
19 installment plan;

20 (2) order that credit be given against the amount owed for each
21 day of confinement, if the court finds that the person has served jail
22 time for the default;

23 (3) revoke any unpaid portion of the penalty, if the court finds
24 that the circumstances that warranted the imposition have changed
25 or that it would be unjust to require payment;

26 (4) order the person to perform community service in lieu of
27 payment of the penalty; or

28 (5) impose any other alternative permitted by law in lieu of
29 payment of the penalty.

30 b. For the purposes of this section, "penalty" means any fine,
31 statutorily-mandated assessment, surcharge or other financial
32 penalty imposed by a municipal court, except restitution or a
33 surcharge assessed pursuant to subsection f. of section 1 of
34 P.L.2000, c.75 (C.39:4-97.2).

35 (cf: P.L.2009, c.317, s.1

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37 2. This act shall take effect immediately.

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.

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STATEMENT

This bill amends section 1 of P.L. 2009, c.317 (C.2B:12-23.1), to give the municipal court the authority to impose community service in lieu of the payment of a penalty, as an initial order.

At present, the municipal court can order an offender to perform community service only after there has been a finding that the person can not pay a penalty in full or has defaulted on an installment payment.

Permits municipal court to order certain offenders to perform community service in lieu of payment of penalty.

ASSEMBLY, No. 3254

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2012

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman ALBERT COUTINHO

District 29 (Essex)

Co-Sponsored by:

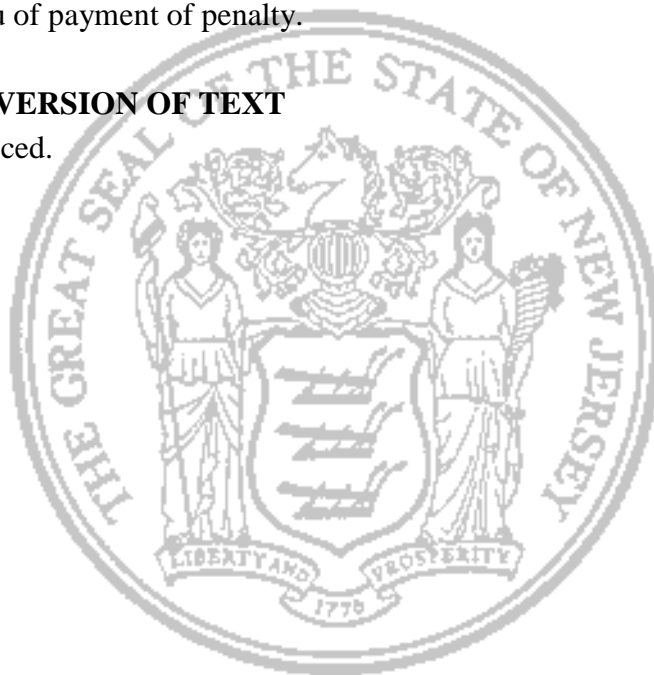
**Assemblymen Diegnan, C.A.Brown, Senators Vitale, Buono, Bateman,
Stack and Turner**

SYNOPSIS

Permits municipal court to order certain offenders to perform community service in lieu of payment of penalty.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2014)

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17 have the ability to pay, the court may:

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STATEMENT

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42 This bill amends section 1 of P.L. 2009, c.317 (C.2B:12-23.1), to
43 give the municipal court the authority to impose community service
44 in lieu of the payment of a penalty, as an initial order.

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.

A3254 COUGHLIN, JOHNSON

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1 At present, the municipal court can order an offender to perform
2 community service only after there has been a finding that the
3 person can not pay a penalty in full or has defaulted on an
4 installment payment.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3254

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2012

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3254.

This bill amends section 1 of P.L.2009, c.317 (C.2B:12-23.1) to give the municipal court the authority to impose community service in lieu of the payment of a penalty, as an initial order of the court.

At present, N.J.S.2B:12-23 provides that a person sentenced by a municipal court to pay a fine who defaults in payment may be ordered by the court to perform community service. Section 1 of P.L.2009, c.317 (C.2B:12-23.1) provides that a person who is ordered by the court to pay a penalty and who is allowed to pay the penalty in installments may be ordered to perform community service in lieu of payment if the person defaults on an installment payment and the court finds that the person does not have the ability to pay.

Under the bill, the municipal court would be able to order community service regardless of whether the person defaulted on the payment. The bill provides that if the municipal court finds that a person does not have the ability to pay a penalty in full on the date of the hearing or has failed to pay a previously imposed penalty, the municipal court may order the person to perform community service in lieu of the payment.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3254

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2013

The Senate Judiciary Committee reports favorably Senate Bill No. 3254.

This bill would broaden the ability of municipal courts to order community service as an alternative to the payment of a penalty. A municipal court would be permitted to order community service in lieu of the payment of the penalty upon finding that a person does not have the ability to pay the penalty in full on the date of a hearing, or has failed to pay a previously imposed penalty.

Under existing law, a municipal court may order community service only when a person defaults on payment of a penalty, or only after ordering the payment of a penalty in installments and a subsequent default occurs. See P.L.1993, c.293, s.1 (C.2B:12-23) and P.L.2009, c.317, s.1 (C.2B:12-23.1). The bill would instead permit the court to order community service as an initial option, prior to any such default or ordering of an installment plan.

This bill as reported is identical to Senate Bill No. 2309, also reported by the committee today.

SENATE, No. 2309

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED NOVEMBER 19, 2012

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

Senators Bateman, Stack and Turner

SYNOPSIS

Permits municipal court to order certain offenders to perform community service in lieu of payment of penalty.

CURRENT VERSION OF TEXT

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(Sponsorship Updated As Of: 1/14/2014)

S2309 VITALE, BUONO

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S2309 VITALE, BUONO

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- 1 community service only after there has been a finding that the
- 2 person can not pay a penalty in full or has defaulted on an
- 3 installment payment.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2309

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2013

The Senate Judiciary Committee reports favorably Senate Bill No. 2309.

This bill would broaden the ability of municipal courts to order community service as an alternative to the payment of a penalty. A municipal court would be permitted to order community service in lieu of the payment of the penalty upon finding that a person does not have the ability to pay the penalty in full on the date of a hearing, or has failed to pay a previously imposed penalty.

Under existing law, a municipal court may order community service only when a person defaults on payment of a penalty, or only after ordering the payment of a penalty in installments and a subsequent default occurs. See P.L.1993, c.293, s.1 (C.2B:12-23) and P.L.2009, c.317, s.1 (C.2B:12-23.1). The bill would instead permit the court to order community service as an initial option, prior to any such default or ordering of an installment plan.

This bill as reported is identical to Assembly Bill No. 3254, also reported by the committee today.