

2A: 166-13

LEGISLATIVE HISTORY CHECKLIST

WSA 2A:166-13; 2C:43-3.1; 2C:46-4
and 2C:46-5; Repeals 2A:8-33;
2A:166-10 and 2A:166-19 (Criminal fines--equitable distribution
of monies collected)

LAWS OF 1979 CHAPTER 396

Bill No. A3648

Sponsor(s) Girgenti

Date Introduced Dec. 6, 1979

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate County and Municipal Government

Amended during passage Yes x10 Amendments during passage
denoted by asterisks

Date of Passage: Assembly Jan. 3, 1980

Senate Jan. 7, 1980

Date of approval Feb. 6, 1980

Following statements are attached if available:

Sponsor statement	Yes	No	Original bill not printed
Committee Statement: Assembly	Yes	x10	
Senate	x10	No	
Fiscal Note	x10	No	
Veto message	x10	No	
Message on signing	Yes	x10	

Following were printed:

Reports	x10	No
Hearings	x10	No

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3648

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1979

By Assemblyman GIRGENTI

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

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.

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

1 1. N. J. S. 2A:166-13 is amended to read as follows:

2 2A:166-13. When a defendant **[in a criminal action]** has paid
3 a fine upon being found guilty of an offense and has taken an appeal
4 and obtained a decision in his favor terminating the case of the
5 State against him, **[the board of chosen freeholders of the county**
6 **wherein the trial was had]** *the treasury of the governmental entity*
7 *which received the fine* shall return to such person the amount of
8 the fine so paid.

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

10 (2) In addition to any other disposition made pursuant to the
11 provisions of N. J. S. 2C:43-2 or any other statute imposing sen-
12 tences for crimes, any person convicted of an offense under N. J. S.
13 2C:12-1a, or any crime not resulting in the injury or death of
14 another person shall be assessed a penalty of \$25.00 for each such
15 offense or crime for which he was convicted.

16 (3) All penalties provided for in this section shall be collected
17 as provided for collection of fines and restitution in section 3 of

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

18 this act and forwarded to the Violent Crimes Compensation Board
19 as provided in subsection (4) hereof.

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

26 b. All moneys, including fines and restitution, collected from a
27 person convicted of an offense under N. J. S. 2C:12-1a, or any crime
28 shall be applied first to any penalty imposed pursuant to this sec-
29 tion upon such a person.

1 3. (New section) a. All fines and restitution shall be collected
2 as follows:

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

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

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

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

20 (1) The county treasurer with respect to fines imposed on de-
21 fendants who are sentenced to and serve a custodial term*, *includ-*
22 *ing a term as a condition of probation,** in the county jail, work-
23 house or penitentiary except where such county sentence is served
24 concurrently with a sentence to a State institution; or

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

26 c. All fines imposed by municipal courts on defendants convicted
27 of crimes, disorderly persons offenses and petty disorderly persons
28 offense, and all fines imposed following conviction on appeal there-
29 from, shall be paid over by the officer entitled to collect same to
30 the treasury of the municipality wherein the municipal court is

31 located. In the case of any intermunicipal court, the fines shall be
32 apportioned among the several municipalities to which the court's
33 jurisdiction extends, according to the ration of the municipalities'
34 contributions to the total expense of maintaining said court.

1 *4. (New section) This act shall not affect fines and restitutions
2 imposed under Title 39 of the Revised Statutes or in proceedings
3 in the juvenile and domestic relations court, which shall remain as
4 heretofore.*

1 *~~[4.]~~* *5.* Sections 2A:8-33, 2A:166-10 and 2A:166-19 of the
2 New Jersey Statutes are repealed.

1 *~~[5.]~~* *6.* This act shall take effect immediately.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3648

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 1979

This bill streamlines and places responsibility for the process of collecting fines in New Jersey and provides for an equitable distribution of the fines collected. The County Probation Department will collect fines imposed at the county level except for State correctional facility inmates; the Department of Corrections (Bureau of Parole) will collect from inmates of the State correctional institutions, and the Municipal Court Clerks will collect from defendants in that court unless placed on probation.

Distribution of the fines collected is as follows: Municipal fines go to the municipality; where the defendant is sentenced to and serves a custodial sentence in county jail, the fine goes to the county; all other fines go to the State.

This bill also provides a levy upon a person convicted of a crime or simple assault. In cases where the crime involves violence, the minimum penalty is \$25.00, and the maximum is \$10,000. The penalty for all other convictions is \$25.00. This penalty is to be collected in the same manner as fines. Moneys derived from this additional penalty shall be deposited for use by the Violent Crimes Compensation Board. The number of claims as well as insufficient funding have created a situation where a claimant may have to wait up to 3-1/2 years before receiving relief. Moneys collected from convicted persons are to be applied first to the penalty imposed for use by the Violent Crimes Compensation Board.

Assembly Judiciary, Law, Public Safety and Defense Committee amendments are to clarify the scope of the act.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 6, 1980

PAT SWEENEY

Governor Brendan Byrne today signed the following bills into law in a public ceremony in his office.

A-3473, sponsored by Assemblyman Raymond Lesniak (D-Union), which provides for criminal penalties for violation of the provisions of the "Solid Waste Management Act," that pertain to the disposal, treatment or storage of hazardous waste.

The bill increases the civil penalty provided by the Solid Waste Management Act from a maximum of \$3,000 per day to a maximum of \$25,000 per day.

Further, the bill creates criminal penalties for violations relating to hazardous waste. Specifically, any person who knowingly: 1) transports hazardous waste to a facility which does not have authorization from the Department of Environmental Protection to accept such waste; 2) disposes, treats or stores hazardous waste without authorization from the DEP; or 3) makes any false statement on any hazardous waste document required to be submitted to the department shall upon conviction be guilty of a crime of the third degree.

This would subject such violator to a specific prison term between three and five years, and subject him to a fine of not more than \$25,000 for the first offense and not more than \$50,000 for the second and each subsequent offense.

A-3648, sponsored by Assemblyman John Girgenti (D-Passaic), which provides for the equitable distribution of criminal fines collected.

The bill assesses a \$25 penalty per conviction on every person convicted of a non-violent criminal offense. This penalty is at least \$25 and up to \$10,000, at the judge's discretion, when the conviction involves a violent crime.

This additional penalty is to be collected in the same manner as other criminal fines, and is earmarked for use by the Violent Crimes Compensation Board.

It is estimated that this penalty will generate over \$1.5 million annually to help compensate victims of violent crimes.

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In addition, the bill streamlines the procedure for collecting all criminal fines.

Formerly, the Probation Department collected most fines, including fines imposed on parolees. This bill provides that the Probation Department will collect from probationers, the Parole Bureau will collect from parolees and the Municipal Court clerks will collect from defendants in that court, except when they are placed on probation, in which case the Probation Department will collect.

The bill provides for the distribution of the criminal fines as follows:

- Fines imposed by the municipal court go to the municipality;
- Fines imposed by the upper court go to the counties in cases where the defendant serves a custodial sentence in county jails;
- All other fines to the State.

S-3415, sponsored by Senator Wynona M. Lipman (D-Essex), which provides that in the month of March the Commissioner of Registration shall arrange for voter registration in all high schools.

Under the former law, the Commissioner of Registration or the County Board of Election was required to conduct a voter registration drive in all high schools on or before the last day of classes.

The bill also requires the Commissioner of Registration to file a report on the results of the drive with the Department of State.

A-3456, sponsored by Assemblyman Vincent Ozzie Pellecchia (D-Passaic), which establishes tenure and other rights of certain municipal officials performing responsibilities under the "State Uniform Construction Code Act."

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