

2A: 8-30 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:8-30 et al.

Laws of 1975 Chapter 141

Bill No. A1650

Sponsor(s) Perskie & Worthington

Date Introduced May 2, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage  Yes  No

Date of passage: Assembly January 23, 1975

Senate May 27, 1975

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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  No

Following were printed:

Reports  Yes  No

Hearings  Yes  No

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CHAPTER 144 LAWS OF N. J. 1975  
APPROVED 7-7-75

ASSEMBLY, No. 1650

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

AN ACT concerning jail time in default of payment of fines and amending sections 2A:8-30, 2A:166-16 and 2A:169-5 of the New Jersey Statutes and R. S. 39:5-36.

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

1 1. N. J. S. 2A:8-30 is amended to read as follows:

2 2A:8-30. Any magistrate of a municipal court by whom judg-  
3 ment or sentence of imprisonment shall be given may issue his  
4 warrant under his hand and seal to any peace officer or other  
5 person authorized by law, commanding him to take and convey the  
6 defendant to the county jail or workhouse, there to remain until  
7 the term of imprisonment shall have expired, and from thence  
8 until the costs of the prosecution be paid. In case the judgment  
9 is for the payment of a penalty or a fine, then such magistrate may  
10 either order the defendant to be committed to the county jail or  
11 workhouse for a period not exceeding 1 day for each **[\$5.00]**  
12 **\$20.00** of the penalty or fine and costs not paid, unless the period  
13 of imprisonment shall otherwise be expressly provided by law, or  
14 issue an execution to any officer or person as aforesaid, command-  
15 ing him to levy and make such penalty or fine and costs of the goods  
16 and chattels of the defendant and, for want of goods and chattels,  
17 to take and convey such defendant to the county jail or workhouse,  
18 there to remain for a period not exceeding 1 day for each **[\$5.00]**  
19 **\$20.00** of the penalty or fine and costs not paid, unless the period  
20 of imprisonment shall be otherwise expressly provided by law.

1 2. N. J. S. 2A:166-16 is amended to read as follows:

2 2A:166-16. Whenever it shall appear that a person is confined  
3 in a State penal or correctional institution by reason of default  
4 in the payment of fines and costs of prosecution and wherein the

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

5 committing court, as part of the sentence of imprisonment, ordered  
 6 that the prisoner stand committed until such fine and costs are  
 7 paid, such prisoner shall be given credit against the amount of such  
 8 fines and costs at the rate of **[\$5.00]** \$20.00 for each day of con-  
 9 finement. When the prisoner shall have been confined for a  
 10 sufficient number of days to establish credits equal to the total  
 11 aggregate amount of such fines and costs, and is not held by reason  
 12 of any other sentence or commitment, he shall be discharged from  
 13 imprisonment by the chief executive officer of the State penal or  
 14 correctional institution wherein he is so confined.

1 3. N. J. S. 2A:169-5 is amended to read as follows:

2 2A:169-5. Any person adjudged a disorderly person who de-  
 3 faults in the payment of a fine duly imposed upon him may be  
 4 committed by the court to the county workhouse, penitentiary or  
 5 jail until the fine has been paid. The person so committed shall be  
 6 credited with **[\$5.00]** \$20.00 of fine paid for each day he serves in  
 7 such custody.

1 4. R. S. 39:5-36 is amended to read as follows:

2 39:5-36. Unless otherwise expressly provided in this subtitle,  
 3 any person who shall be convicted of a violation of any of the pro-  
 4 visions of this subtitle, and upon whom a fine shall be imposed,  
 5 shall, in default of payment thereof, be imprisoned in the county  
 6 jail or workhouse of the county where the offense was committed,  
 7 but in no case shall such imprisonment exceed 1 day for each  
 8 **[\$5.00]** \$20.00 of the fine so imposed, nor shall such imprisonment  
 9 exceed, in any case, a period of 3 months.

10 Whenever a person is imprisoned by reason of default in the  
 11 payment of a fine or fines and costs imposed and assessed upon  
 12 conviction of any violation of this subtitle wherein the committing  
 13 court, as a part of the sentence, ordered that such person stand  
 14 committed to the county jail or workhouse until such fine and  
 15 costs are paid, he shall be given credit against the amount of such  
 16 fines and costs at the rate of **[\$5.00]** \$20.00 for each day of such  
 17 confinement. When such person shall have been confined for a  
 18 sufficient number of days to establish credits equal to the aggre-  
 19 gate amount of such fines and costs, and is not held by reason of  
 20 any other sentence or commitment, he shall be discharged from  
 21 such imprisonment by the officer in charge of the county jail or  
 22 workhouse.

1 5. This act shall take effect immediately.

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STATEMENT

Under our present laws, persons who default in the payment of fines, penalties or costs of prosecutions may be committed by a court to a county jail, workhouse or State penal or correctional institution, and are given credit against such defaulted payments at a rate of \$5.00 for each day of confinement until such fines, penalties or costs are repaid. This bill would increase the amount credited against such defaulted payment to \$20.00 per day, which more realistically reflects today's higher wage rates, increased costs of keeping persons in confinement, and other inflationary trends.