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"Governor back in N.J. to act on bills," The Record, 5-12-15

LAW/RWH

P.L.2015, CHAPTER 55, *approved May 11, 2015*
Senate, No. 1521 (*First Reprint*)

1 AN ACT concerning restitution and amending P.L.1979, c.396.

2

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

5

6 ¹**[**1. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to
7 read as follows:

8 3. a. All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L.2009, c.143
14 (C.2C:43-3.8) and restitution shall be collected as follows:

15 (1) All fines, assessments imposed pursuant to section 2 of
16 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
17 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
18 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
19 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
20 penalties imposed pursuant to section 1 of P.L.2009, c.143
21 (C.2C:43-3.8) and restitution imposed by the Superior Court or
22 otherwise imposed at the county level, shall be collected by the
23 county probation division except when such fine, assessment or
24 restitution is imposed in conjunction with a custodial sentence to a
25 State correctional facility or in conjunction with a term of
26 incarceration imposed pursuant to section 25 of P.L.1982, c.77
27 (C.2A:4A-44) in which event such fine, assessment or restitution
28 shall be collected by the Department of Corrections or the Juvenile
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170). An adult prisoner of a State correctional
31 institution or a juvenile serving a term of incarceration imposed
32 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not
33 paid an assessment imposed pursuant to section 2 of P.L.1979,
34 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of
35 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
36 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed
37 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) or restitution
38 shall have the assessment, penalty, fine or restitution deducted from
39 any income the inmate receives as a result of labor performed at the
40 institution or on any type of work release program or, pursuant to

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted October 16, 2014.

1 regulations promulgated by the Commissioner of the Department of
2 Corrections or the Juvenile Justice Commission, from any personal
3 account established in the institution for the benefit of the inmate.

4 (a) A payment of restitution collected by the Department of
5 Corrections pursuant to this paragraph shall be maintained by the
6 department for two years during which the department shall attempt
7 to locate the victim to whom the restitution is owed. If the
8 department has not located the victim and the victim has not come
9 forward to claim the payment within this two-year period, the
10 payment shall be transferred to the Victims of Crime Compensation
11 Office Account to be used in satisfying claims pursuant to the
12 provisions of the "Criminal Injuries Compensation Act of 1971,"
13 P.L.1971, c.317 (C.52:4B-1 et seq.).

14 (b) If the Department of Corrections has transferred a payment of
15 restitution to the Victims of Crime Compensation Office pursuant to
16 subparagraph (a) of this paragraph, the department shall provide the
17 office with the order for restitution and any other information
18 regarding the identity of the victim to whom the payment is owed.
19 The office shall be responsible for maintaining this information and
20 for distributing payments of restitution to victims who can prove
21 they are owed the payments.

22 (2) All fines, assessments imposed pursuant to section 2 of
23 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
25 by a municipal court shall be collected by the municipal court
26 administrator except if such fine, assessments imposed pursuant to
27 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
28 as a condition of probation in which event it shall be collected by
29 the county probation division.

30 b. Except as provided in subsection c. with respect to fines
31 imposed on appeals following convictions in municipal courts and
32 except as provided in subsection i. with respect to restitution
33 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
34 al.), all fines imposed by the Superior Court or otherwise imposed
35 at the county level, shall be paid over by the officer entitled to
36 collect same to:

37 (1) The county treasurer with respect to fines imposed on
38 defendants who are sentenced to and serve a custodial term,
39 including a term as a condition of probation, in the county jail,
40 workhouse or penitentiary except where such county sentence is
41 served concurrently with a sentence to a State institution; or

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

43 c. All fines imposed by municipal courts, except a central
44 municipal court established pursuant to N.J.S.2B:12-1 on
45 defendants convicted of crimes, disorderly persons offenses and
46 petty disorderly persons offenses, and all fines imposed following
47 conviction on appeal therefrom, and all forfeitures of bail shall be

1 paid over by the officer entitled to collect same to the treasury of
2 the municipality wherein the municipal court is located.

3 In the case of an intermunicipal court, fines shall be paid into the
4 municipal treasury of the municipality in which the offense was
5 committed, and costs, fees, and forfeitures of bail shall be
6 apportioned among the several municipalities to which the court's
7 jurisdiction extends according to the ratios of the municipalities'
8 contributions to the total expense of maintaining the court.

9 In the case of a central municipal court, established by a county
10 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
11 bail shall be paid into the county treasury of the county where the
12 central municipal court is located.

13 d. All assessments imposed pursuant to section 2 of P.L.1979,
14 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
15 in that section.

16 e. All mandatory Drug Enforcement and Demand Reduction
17 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
18 and deposited as provided for in that section.

19 f. All forensic laboratory fees assessed pursuant to
20 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
21 that section.

22 g. All restitution ordered to be paid to the Victims of Crime
23 Compensation **【Agency】 Office** pursuant to N.J.S.2C:44-2 shall be
24 forwarded to the **【agency】 office** for deposit in the Victims of
25 Crime Compensation **【Agency】 Office Account**.

26 h. All assessments imposed pursuant to section 11 of P.L.1993,
27 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
28 in that section.

29 i. All restitution imposed on defendants under the provisions
30 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
31 enforcement entity in extraditing the defendant from another
32 jurisdiction shall be paid over by the officer entitled to collect same
33 to the law enforcement entities which participated in the extradition
34 of the defendant.

35 j. All penalties imposed pursuant to section 1 of P.L.1999,
36 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
37 in that section.

38 k. All penalties imposed pursuant to section 11 of P.L.2001,
39 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
40 that section.

41 l. All mandatory penalties imposed pursuant to section 1 of
42 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
43 provided in that section.

44 m. All mandatory Computer Crime Prevention penalties
45 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
46 shall be forwarded and deposited as provided in that section.

47 (cf: P.L.2009, c.143, s.2)】¹

1 ¹1. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
2 as follows:

3 3. a. All fines, assessments imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
6 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
7 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
8 penalties imposed pursuant to section 1 of P.L.2009, c.143
9 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
10 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as
11 follows:

12 (1) All fines, assessments imposed pursuant to section 2 of
13 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
14 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
15 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
16 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
17 penalties imposed pursuant to section 1 of P.L.2009, c.143
18 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
19 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the
20 Superior Court or otherwise imposed at the county level, shall be
21 collected by the county probation division except when such fine,
22 assessment or restitution is imposed in conjunction with a custodial
23 sentence to a State correctional facility or in conjunction with a
24 term of incarceration imposed pursuant to section 25 of P.L.1982,
25 c.77 (C.2A:4A-44) in which event such fine, assessment or
26 restitution shall be collected by the Department of Corrections or
27 the Juvenile Justice Commission established pursuant to section 2
28 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
29 correctional institution or a juvenile serving a term of incarceration
30 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
31 who has not paid an assessment imposed pursuant to section 2 of
32 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
33 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
34 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
35 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
36 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-
37 123.97) or restitution shall have the assessment, penalty, fine or
38 restitution deducted from any income the inmate receives as a result
39 of labor performed at the institution or on any type of work release
40 program or, pursuant to regulations promulgated by the
41 Commissioner of the Department of Corrections or the Juvenile
42 Justice Commission, from any personal account established in the
43 institution for the benefit of the inmate.

44 (a) A payment of restitution collected by the Department of
45 Corrections pursuant to this paragraph shall be maintained by the
46 department for two years during which the department shall attempt
47 to locate the victim to whom the restitution is owed. If the
48 department has not located the victim and the victim has not come

1 forward to claim the payment within this two-year period, the
2 payment shall be transferred to the Victims of Crime Compensation
3 Office Account to be used in satisfying claims pursuant to the
4 provisions of the "Criminal Injuries Compensation Act of 1971,"
5 P.L.1971, c.317 (C.52:4B-1 et seq.).

6 (b) If the Department of Corrections has transferred a payment of
7 restitution to the Victims of Crime Compensation Office pursuant to
8 subparagraph (a) of this paragraph, the department shall provide the
9 office with the order for restitution and any other information
10 regarding the identity of the victim to whom the payment is owed.
11 The office shall be responsible for maintaining this information and
12 for distributing payments of restitution to victims who can prove
13 they are owed the payments.

14 (2) All fines, assessments imposed pursuant to section 2 of
15 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
16 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
17 by a municipal court shall be collected by the municipal court
18 administrator except if such fine, assessments imposed pursuant to
19 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
20 as a condition of probation in which event it shall be collected by
21 the county probation division.

22 b. Except as provided in subsection c. with respect to fines
23 imposed on appeals following convictions in municipal courts and
24 except as provided in subsection i. with respect to restitution
25 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
26 al.), all fines imposed by the Superior Court or otherwise imposed
27 at the county level, shall be paid over by the officer entitled to
28 collect same to:

29 (1) The county treasurer with respect to fines imposed on
30 defendants who are sentenced to and serve a custodial term,
31 including a term as a condition of probation, in the county jail,
32 workhouse or penitentiary except where such county sentence is
33 served concurrently with a sentence to a State institution; or

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

35 c. All fines imposed by municipal courts, except a central
36 municipal court established pursuant to N.J.S.2B:12-1 on
37 defendants convicted of crimes, disorderly persons offenses and
38 petty disorderly persons offenses, and all fines imposed following
39 conviction on appeal therefrom, and all forfeitures of bail shall be
40 paid over by the officer entitled to collect same to the treasury of
41 the municipality wherein the municipal court is located.

42 In the case of an intermunicipal court, fines shall be paid into the
43 municipal treasury of the municipality in which the offense was
44 committed, and costs, fees, and forfeitures of bail shall be
45 apportioned among the several municipalities to which the court's
46 jurisdiction extends according to the ratios of the municipalities'
47 contributions to the total expense of maintaining the court.

1 In the case of a central municipal court, established by a county
2 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
3 bail shall be paid into the county treasury of the county where the
4 central municipal court is located.

5 d. All assessments imposed pursuant to section 2 of P.L.1979,
6 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
7 in that section.

8 e. All mandatory Drug Enforcement and Demand Reduction
9 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
10 and deposited as provided for in that section.

11 f. All forensic laboratory fees assessed pursuant to
12 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
13 that section.

14 g. All restitution ordered to be paid to the Victims of Crime
15 Compensation **[Agency] Office** pursuant to N.J.S.2C:44-2 shall be
16 forwarded to the **[agency] office** for deposit in the Victims of
17 Crime Compensation **[Agency] Office** Account.

18 h. All assessments imposed pursuant to section 11 of P.L.1993,
19 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
20 in that section.

21 i. All restitution imposed on defendants under the provisions
22 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
23 enforcement entity in extraditing the defendant from another
24 jurisdiction shall be paid over by the officer entitled to collect same
25 to the law enforcement entities which participated in the extradition
26 of the defendant.

27 j. All penalties imposed pursuant to section 1 of P.L.1999,
28 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
29 in that section.

30 k. All penalties imposed pursuant to section 11 of P.L.2001,
31 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
32 that section.

33 l. All mandatory penalties imposed pursuant to section 1 of
34 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
35 provided in that section.

36 m. All mandatory Computer Crime Prevention penalties
37 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
38 shall be forwarded and deposited as provided in that section.

39 n. All mandatory Sex Offender Supervision penalties imposed
40 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
41 forwarded and deposited as provided in that section.¹

42 (cf: P.L.2013, c.214, s.5)

43

44 2. This act shall take effect on the first day of the seventh
45 month after enactment.

S1521 [1R]

7

1

2

3

4

Requires DOC to transfer certain payments of restitution to
Victims of Crime Compensation Office.

SENATE, No. 1521

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Requires DOC to transfer certain payments of restitution to Victims of Crime Compensation Office.

CURRENT VERSION OF TEXT

As introduced.



S1521 WEINBERG

2

1 AN ACT concerning restitution and amending P.L.1979, c.396.

2

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

5

6 1. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
7 as follows:

8 3. a. All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L.2009, c.143
14 (C.2C:43-3.8) and restitution shall be collected as follows:

15 (1) All fines, assessments imposed pursuant to section 2 of
16 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
17 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
18 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
19 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
20 penalties imposed pursuant to section 1 of P.L.2009, c.143
21 (C.2C:43-3.8) and restitution imposed by the Superior Court or
22 otherwise imposed at the county level, shall be collected by the
23 county probation division except when such fine, assessment or
24 restitution is imposed in conjunction with a custodial sentence to a
25 State correctional facility or in conjunction with a term of
26 incarceration imposed pursuant to section 25 of P.L.1982, c.77
27 (C.2A:4A-44) in which event such fine, assessment or restitution
28 shall be collected by the Department of Corrections or the Juvenile
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170). An adult prisoner of a State correctional
31 institution or a juvenile serving a term of incarceration imposed
32 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not
33 paid an assessment imposed pursuant to section 2 of P.L.1979,
34 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of
35 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
36 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed
37 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) or restitution
38 shall have the assessment, penalty, fine or restitution deducted from
39 any income the inmate receives as a result of labor performed at the
40 institution or on any type of work release program or, pursuant to
41 regulations promulgated by the Commissioner of the Department of
42 Corrections or the Juvenile Justice Commission, from any personal
43 account established in the institution for the benefit of the inmate.

44 (a) A payment of restitution collected by the Department 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.

Matter underlined thus is new matter.

1 Corrections pursuant to this paragraph shall be maintained by the
2 department for two years during which the department shall attempt
3 to locate the victim to whom the restitution is owed. If the
4 department has not located the victim and the victim has not come
5 forward to claim the payment within this two-year period, the
6 payment shall be transferred to the Victims of Crime Compensation
7 Office Account to be used in satisfying claims pursuant to the
8 provisions of the "Criminal Injuries Compensation Act of 1971,"
9 P.L.1971, c.317 (C.52:4B-1 et seq.).

10 (b) If the Department of Corrections has transferred a payment of
11 restitution to the Victims of Crime Compensation Office pursuant to
12 subparagraph (a) of this paragraph, the department shall provide the
13 office with the order for restitution and any other information
14 regarding the identity of the victim to whom the payment is owed.
15 The office shall be responsible for maintaining this information and
16 for distributing payments of restitution to victims who can prove
17 they are owed the payments.

18 (2) All fines, assessments imposed pursuant to section 2 of
19 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
20 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
21 by a municipal court shall be collected by the municipal court
22 administrator except if such fine, assessments imposed pursuant to
23 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
24 as a condition of probation in which event it shall be collected by
25 the county probation division.

26 b. Except as provided in subsection c. with respect to fines
27 imposed on appeals following convictions in municipal courts and
28 except as provided in subsection i. with respect to restitution
29 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
30 al.), all fines imposed by the Superior Court or otherwise imposed
31 at the county level, shall be paid over by the officer entitled to
32 collect same to:

33 (1) The county treasurer with respect to fines imposed on
34 defendants who are sentenced to and serve a custodial term,
35 including a term as a condition of probation, in the county jail,
36 workhouse or penitentiary except where such county sentence is
37 served concurrently with a sentence to a State institution; or

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

39 c. All fines imposed by municipal courts, except a central
40 municipal court established pursuant to N.J.S.2B:12-1 on
41 defendants convicted of crimes, disorderly persons offenses and
42 petty disorderly persons offenses, and all fines imposed following
43 conviction on appeal therefrom, and all forfeitures of bail shall be
44 paid over by the officer entitled to collect same to the treasury of
45 the municipality wherein the municipal court is located.

46 In the case of an intermunicipal court, fines shall be paid into the
47 municipal treasury of the municipality in which the offense was
48 committed, and costs, fees, and forfeitures of bail shall be

1 apportioned among the several municipalities to which the court's
2 jurisdiction extends according to the ratios of the municipalities'
3 contributions to the total expense of maintaining the court.

4 In the case of a central municipal court, established by a county
5 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
6 bail shall be paid into the county treasury of the county where the
7 central municipal court is located.

8 d. All assessments imposed pursuant to section 2 of P.L.1979,
9 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
10 in that section.

11 e. All mandatory Drug Enforcement and Demand Reduction
12 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
13 and deposited as provided for in that section.

14 f. All forensic laboratory fees assessed pursuant to
15 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
16 that section.

17 g. All restitution ordered to be paid to the Victims of Crime
18 Compensation **【Agency】 Office** pursuant to N.J.S.2C:44-2 shall be
19 forwarded to the **【agency】 office** for deposit in the Victims of
20 Crime Compensation **【Agency】 Office** Account.

21 h. All assessments imposed pursuant to section 11 of P.L.1993,
22 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
23 in that section.

24 i. All restitution imposed on defendants under the provisions
25 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
26 enforcement entity in extraditing the defendant from another
27 jurisdiction shall be paid over by the officer entitled to collect same
28 to the law enforcement entities which participated in the extradition
29 of the defendant.

30 j. All penalties imposed pursuant to section 1 of P.L.1999,
31 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
32 in that section.

33 k. All penalties imposed pursuant to section 11 of P.L.2001,
34 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
35 that section.

36 l. All mandatory penalties imposed pursuant to section 1 of
37 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
38 provided in that section.

39 m. All mandatory Computer Crime Prevention penalties
40 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
41 shall be forwarded and deposited as provided in that section.

42 (cf: P.L.2009, c.143, s.2)

43

44 2. This act shall take effect on the first day of the seventh
45 month after enactment.

1 STATEMENT

2

3 This bill requires the Department of Corrections (DOC) to
4 transfer to the Victims of Crime Compensation Office (VCCO)
5 restitution payments owed to victims who have not been located by
6 the DOC and have not come forward to claim the payment for two
7 years. Payments that have been transferred to the VCCO would be
8 used to satisfy claims under the Criminal Injuries Compensation
9 Act of 1971.

10 Under the bill, when a restitution payment is transferred to the
11 VCCO, the DOC also would provide the VCCO with the order of
12 restitution and any other information concerning the identity of the
13 victim. The office would be responsible for maintaining this
14 information and distributing restitution payments to victims who
15 later prove they are owed the payment.

16 Under current law, restitution payments ordered by a court from
17 persons sentenced to a State correctional facility are collected by
18 the DOC. The monies are collected in what is referred to as the
19 "CREST" (criminal restitution) account. When the DOC cannot
20 find a victim who is owed the restitution payment, the payment
21 remains in the CREST account indefinitely. This bill requires these
22 accumulating funds to be used to compensate victims of crime

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1521

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 16, 2014

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1521.

As amended and reported by the committee, Senate Bill No. 1521 requires the Department of Corrections (DOC) to transfer to the Victims of Crime Compensation Office (VCCO) restitution payments owed to victims who have not been located by the DOC and have not come forward to claim the payment for two years. Payments that have been transferred to the VCCO would be used to satisfy claims under the Criminal Injuries Compensation Act of 1971.

Under the amended bill, when a restitution payment is transferred to the VCCO, the DOC also would provide the VCCO with the order of restitution and any other information concerning the identity of the victim. The office would be responsible for maintaining this information and distributing restitution payments to victims who later prove they are owed the payment.

Under current law, restitution payments ordered by a court from persons sentenced to a State correctional facility are collected by the DOC. The monies are collected in what is referred to as the "CREST" (criminal restitution) account. When the DOC cannot find a victim who is owed the restitution payment, the payment remains in the CREST account indefinitely. This bill requires these accumulating funds to be used to compensate victims of crime

The committee amended the bill to conform with the provisions of P.L.2013, c.214.

ASSEMBLY, No. 2618

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 20, 2014

Sponsored by:
Assemblyman GORDON M. JOHNSON
District 37 (Bergen)

SYNOPSIS

Requires DOC to transfer certain payments of restitution to VCCB.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning restitution and amending P.L.1979, c.396.

2

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

5

6 1. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
7 as follows:

8 3. a. All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L.2009, c.143
14 (C.2C:43-3.8), all penalties imposed pursuant to section 8 of
15 P.L.2013, c.214 (C.30:4-123.98), all penalties imposed pursuant to
16 section 1 of P.L.2009, c.143 (C.2C:43-3.8) and restitution shall be
17 collected as follows:

18 (1) All fines, assessments imposed pursuant to section 2 of
19 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
20 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
21 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
22 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
23 penalties imposed pursuant to section 1 of P.L.2009, c.143
24 (C.2C:43-3.8), all penalties imposed pursuant to section 8 of
25 P.L.2013, c.214 (C.30:4-123.98) , all penalties imposed pursuant to
26 section 1 of P.L.2009, c.143 (C.2C:43-3.8) and restitution imposed
27 by the Superior Court or otherwise imposed at the county level,
28 shall be collected by the county probation division except when
29 such fine, assessment or restitution is imposed in conjunction with a
30 custodial sentence to a State correctional facility or in conjunction
31 with a term of incarceration imposed pursuant to section 25 of
32 P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment
33 or restitution shall be collected by the Department of Corrections or
34 the Juvenile Justice Commission established pursuant to section 2
35 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
36 correctional institution or a juvenile serving a term of incarceration
37 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
38 who has not paid an assessment imposed pursuant to section 2 of
39 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
40 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
41 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
42 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
43 penalty imposed pursuant to section 8 of P.L.2013, c.214 (C.30:4-
44 123.98) , a penalty imposed pursuant to section 1 of P.L.2009, c.143
45 (C.2C:43-3.8) or restitution shall have the assessment, penalty, fine

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.

1 or restitution deducted from any income the inmate receives as a
2 result of labor performed at the institution or on any type of work
3 release program or, pursuant to regulations promulgated by the
4 Commissioner of the Department of Corrections or the Juvenile
5 Justice Commission, from any personal account established in the
6 institution for the benefit of the inmate.

7 (a) A payment of restitution collected by the Department of
8 Corrections pursuant to this paragraph shall be maintained by the
9 department for two years during which the department shall attempt
10 to locate the victim to whom the restitution is owed. If the
11 department has not located the victim and the victim has not come
12 forward to claim the payment within this two-year period, the
13 payment shall be transferred to the Victims of Crime Compensation
14 Office Account to be used in satisfying claims pursuant to the
15 provisions of the "Criminal Injuries Compensation Act of 1971,"
16 P.L.1971, c.317 (C.52:4B-1 et seq.).

17 (b) If the Department of Corrections has transferred a payment
18 of restitution to the Victims of Crime Compensation Office
19 pursuant to subparagraph (a) of this paragraph, the department shall
20 provide the office with the order for restitution and any other
21 information regarding the identity of the victim to whom the
22 payment is owed. The office shall be responsible for maintaining
23 this information and for distributing payments of restitution to
24 victims who can prove they are owed the payments.

25 (2) All fines, assessments imposed pursuant to section 2 of
26 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
27 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
28 by a municipal court shall be collected by the municipal court
29 administrator except if such fine, assessments imposed pursuant to
30 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
31 as a condition of probation in which event it shall be collected by
32 the county probation division.

33 b. Except as provided in subsection c. with respect to fines
34 imposed on appeals following convictions in municipal courts and
35 except as provided in subsection i. with respect to restitution
36 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
37 al.), all fines imposed by the Superior Court or otherwise imposed
38 at the county level, shall be paid over by the officer entitled to
39 collect same to:

40 (1) The county treasurer with respect to fines imposed on
41 defendants who are sentenced to and serve a custodial term,
42 including a term as a condition of probation, in the county jail,
43 workhouse or penitentiary except where such county sentence is
44 served concurrently with a sentence to a State institution; or

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

46 c. All fines imposed by municipal courts, except a central
47 municipal court established pursuant to N.J.S.2B:12-1 on
48 defendants convicted of crimes, disorderly persons offenses and

1 petty disorderly persons offenses, and all fines imposed following
2 conviction on appeal therefrom, and all forfeitures of bail shall be
3 paid over by the officer entitled to collect same to the treasury of
4 the municipality wherein the municipal court is located.

5 In the case of an intermunicipal court, fines shall be paid into the
6 municipal treasury of the municipality in which the offense was
7 committed, and costs, fees, and forfeitures of bail shall be
8 apportioned among the several municipalities to which the court's
9 jurisdiction extends according to the ratios of the municipalities'
10 contributions to the total expense of maintaining the court.

11 In the case of a central municipal court, established by a county
12 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
13 bail shall be paid into the county treasury of the county where the
14 central municipal court is located.

15 d. All assessments imposed pursuant to section 2 of P.L.1979,
16 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
17 in that section.

18 e. All mandatory Drug Enforcement and Demand Reduction
19 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
20 and deposited as provided for in that section.

21 f. All forensic laboratory fees assessed pursuant to
22 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
23 that section.

24 g. All restitution ordered to be paid to the Victims of Crime
25 Compensation **【Agency】** Office pursuant to N.J.S.2C:44-2 shall be
26 forwarded to the agency for deposit in the Victims of Crime
27 Compensation **【Agency】** Office Account.

28 h. All assessments imposed pursuant to section 11 of P.L.1993,
29 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
30 in that section.

31 i. All restitution imposed on defendants under the provisions
32 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
33 enforcement entity in extraditing the defendant from another
34 jurisdiction shall be paid over by the officer entitled to collect same
35 to the law enforcement entities which participated in the extradition
36 of the defendant.

37 j. All penalties imposed pursuant to section 1 of P.L.1999,
38 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
39 in that section.

40 k. All penalties imposed pursuant to section 11 of P.L.2001,
41 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
42 that section.

43 l. All mandatory penalties imposed pursuant to section 1 of
44 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
45 provided in that section.

46 m. All mandatory Computer Crime Prevention penalties
47 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
48 shall be forwarded and deposited as provided in that section.

1 n. All mandatory Sex Offender Supervision penalties imposed
2 pursuant to section 8 of P.L.2013, c.214 (C.30:4-123.98) shall be
3 forwarded and deposited as provided in that section.
4 (cf: P.L.2013, c.214, s.5)

5
6 2. This act shall take effect on the first day of the seventh
7 month after enactment.

8
9

10 STATEMENT

11

12 This bill would require the Department of Corrections (DOC) to
13 transfer to the Victims of Crime Compensation Office (VCCO)
14 restitution payments owed to victims who have not been located by
15 the DOC and have not come forward to claim the payment for two
16 years. Payments that have been transferred to the VCCO would be
17 used to satisfy claims under the Criminal Injuries Compensation
18 Act of 1971.

19 Under the bill, when a restitution payment is transferred to the
20 VCCO, the DOC also would provide the VCCO with the order of
21 restitution and any other information concerning the identity of the
22 victim. The VCCO would be responsible for maintaining this
23 information and distributing restitution payments to victims who
24 later prove they are owed the payment.

25 Under current law, restitution payments ordered by a court from
26 persons sentenced to a State correctional facility are collected by
27 the DOC. The monies are collected in what is referred to as the
28 "CREST" account. When the DOC cannot find a victim who is
29 owed the restitution payment, the payment remains in the CREST
30 account indefinitely. Under the bill, these increasingly
31 accumulating funds would be used to compensate victims of crime.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2618

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 12, 2015

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2618.

As amended and reported by the committee, Assembly Bill No. 2618 would require the Department of Corrections (DOC) to transfer to the Victims of Crime Compensation Office (VCCO) restitution payments owed to victims who have not been located by the DOC and have not come forward to claim the payment for two years. Payments that have been transferred to the VCCO would be used to satisfy claims under the Criminal Injuries Compensation Act of 1971.

Under the bill, when a restitution payment is transferred to the VCCO, the DOC also would provide the VCCO with the order of restitution and any other information concerning the identity of the victim. The VCCO would be responsible for maintaining this information and distributing restitution payments to victims who later prove they are owed the payment.

Under current law, restitution payments ordered by a court from persons sentenced to a State correctional facility are collected by the DOC. The monies are collected in what is referred to as the "CREST" account. When the DOC cannot find a victim who is owed the restitution payment, the payment remains in the CREST account indefinitely. Under the bill, these increasingly accumulating funds would be used to compensate victims of crime.

As amended and reported by the committee, this bill is identical to Senate No. 1521 (1R).

COMMITTEE AMENDMENTS:

The committee made technical amendments to the bill.