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No

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Yes

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No

P.L. 1999, CHAPTER 295, *approved December 23, 1999*
Assembly, No. 194 (*Third Reprint*)

1 AN ACT concerning drug abuse ¹**[resistance]**¹ education,
2 supplementing Title 2C of the New Jersey Statutes and amending
3 N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 and P.L.1991,
4 c.329.

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

8
9 1. (New section) a. In addition to any term or condition that may
10 be included in an agreement for supervisory treatment pursuant to
11 N.J.S.2C:43-13 or imposed as a term or condition of conditional
12 discharge pursuant to N.J.S.2C:36A-1 for a violation of any offense
13 defined in chapters 35 or 36 of Title 2C of the New Jersey Statutes,
14 each participant shall be assessed a ¹**[fine]** penalty¹ of \$50 for each
15 adjudication or conviction.

16 b. All ¹**[fines]** penalties¹ provided by this section shall be collected
17 as provided for collection of fines and restitutions in section 3 of
18 P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to the
19 Department of Treasury as provided in subsection c. of this section.

20 c. All monies collected pursuant to this section shall be forwarded
21 to the Department of Treasury to be deposited in ³**[a nonlapsing**
22 **revolving fund to be known as]**³ the " Drug Abuse ¹**[Resistance]**¹
23 **Education** ¹**[(DARE)]**¹ ³**[Fund.]** Fund" established pursuant to
24 section 1 of P.L.1999, c.12 (C.54A:9-25.12).³

25 d. Monies in the fund shall be appropriated by the Legislature on
26 an annual basis ³**in the manner and**³ for the purposes ³**[of]**³ ¹**[funding**
27 **the Drug Abuse Resistance Education (DARE) programs in this State**
28 **and shall not be used to fund administrative costs]**³ ³**[distributing funds**
29 **to non-governmental entities operating in the public interest that,**
30 **utilizing law enforcement personnel, provide drug abuse education**
31 **programs on a Statewide basis, such as Project DARE**¹ ¹**]** prescribed by
32 section 2 of P.L.1999, c.12 (C.54A:9-25.13)³.

33
34 2. N.J.S.2C:46-1 is amended to read as follows:

35 2C:46-1. Time and Method of Payment; Disposition of Funds.

36 a. When a defendant is sentenced to pay an assessment pursuant to
37 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
38 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted March 2, 1998.

² Assembly Floor amendments adopted February 18, 1999.

³ Senate SBA committee amendments adopted September 23, 1999.

1 pursuant to N.J.S.2C:35-20, a **1**[fine] penalty¹ imposed pursuant to
2 section 1 of P.L. , c. (C.) (now pending before the Legislature
3 as this bill) or to make restitution, the court may grant permission for
4 the payment to be made within a specified period of time or in
5 specified installments. If no such permission is embodied in the
6 sentence, the assessment, fine, penalty, fee or restitution shall be
7 payable forthwith, and the court shall file a copy of the judgment of
8 conviction with the Clerk of the Superior Court who shall enter the
9 following information upon the record of docketed judgments:

10 (1) the name of the convicted person as judgment debtor;

11 (2) the amount of the assessment imposed pursuant to section 2 of
12 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation
13 Board as a judgment creditor in that amount;

14 (3) the amount of any restitution ordered and the name of any
15 persons entitled to receive payment as judgment creditors in the
16 amount and according to the priority set by the court;

17 (4) the amount of any fine and the governmental entity entitled to
18 receive payment pursuant to N.J.S.2C:46-4;

19 (5) the amount of the mandatory Drug Enforcement and Demand
20 Reduction penalty imposed;

21 (6) the amount of the forensic laboratory fee imposed;**[and]**

22 (7) the amount of the **1**[fine]penalty¹ imposed pursuant to section
23 1 of P.L. , c. (C.) (now pending before the Legislature as this
24 bill); and

25 (8) the date of the order.

26 Where there is more than one judgment creditor the creditors shall
27 be given priority consistent with the provisions of section 13 of
28 P.L.1991, c.329 (C.2C:46-4.1). These entries shall have the same
29 force as a civil judgment docketed in the Superior Court.

30 b. (1) When a defendant sentenced to pay an assessment imposed
31 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
32 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
33 imposed pursuant to N.J.S.2C:35-20 , a **1**[fine] penalty¹ imposed
34 pursuant to section 1 of P.L. , c. (C.) (now pending before the
35 Legislature as this bill) or to make restitution is also sentenced to
36 probation, the court shall make continuing payment of installments on
37 the assessment and restitution a condition of probation, and may make
38 continuing payment of installments on the fine, the mandatory Drug
39 Enforcement and Demand Reduction penalty, the mandatory
40 **1**[fine]penalty¹ pursuant to section 1 of P.L. , c. (C.) (now
41 pending before the Legislature as this bill) or the forensic laboratory
42 fee a condition of probation.

43 (2) When a defendant sentenced to pay an assessment imposed
44 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
45 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
46 imposed pursuant to N.J.S.2C:35-20 , a **1**[fine] penalty¹ imposed

1 pursuant to section 1 of P.L. , c. (C.)(now pending before the
2 Legislature as this bill) or to make restitution is also sentenced to a
3 custodial term in a State correctional facility, the court may require the
4 defendant to pay installments on the assessment, penalty, fee, fine and
5 restitution.

6 c. The defendant shall pay an assessment imposed pursuant to
7 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or
8 fine or any installment thereof to the officer entitled by law to collect
9 the payment. In the event of default in payment, such agency shall
10 take appropriate action for its collection.

11 d. (1) When, in connection with a sentence of probation, a
12 defendant is sentenced to pay an assessment imposed pursuant to
13 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
14 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
15 pursuant to N.J.S.2C:35-20 , a ¹**[fine]** penalty¹ imposed pursuant to
16 section 1 of P.L. , c. (C.)(now pending before the Legislature
17 as this bill) or to make restitution, the defendant, in addition, shall be
18 sentenced to pay a transaction fee on each occasion that the defendant
19 makes a payment or an installment payment, until the defendant has
20 paid the full amount he is sentenced to pay. All other individuals
21 making payments on court ordered financial obligations through the
22 probation division shall also pay a transaction fee on each payment or
23 installment payment. The Administrative Office of the Courts shall
24 promulgate a transaction fee schedule for use in connection with
25 installment payments made pursuant to this paragraph; provided,
26 however, the transaction fee on an installment payment shall not
27 exceed \$2.00.

28 (2) When, in connection with a custodial sentence in a State
29 correctional institution, a defendant is sentenced to pay an assessment
30 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
31 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic
32 laboratory fee imposed pursuant to N.J.S.2C:35-20 , a ¹**[fine]**
33 penalty¹ imposed pursuant to section 1 of P.L. , c. (C.)(now
34 pending before the Legislature as this bill) or to make restitution, the
35 defendant, in addition, shall be sentenced to pay a transaction fee on
36 each occasion that the defendant makes a payment or an installment
37 payment until the defendant has paid the full amount he is sentenced
38 to pay. The Department of Corrections shall promulgate a transaction
39 fee schedule for use in connection with installment payments made
40 pursuant to this paragraph; provided, however, the transaction fee on
41 an installment payment shall not exceed \$1.00.

42 (cf: P.L.1995, c.9, s.10)

43

44 3. N.J.S.2C:46-2 is amended to read as follows:

45 2C:46-2. Consequences of Nonpayment; Summary Collection. a.
46 When a defendant sentenced to pay an assessment imposed pursuant

1 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
2 fine , a ¹**[fine]** penalty¹ imposed pursuant to section 1 of P.L. , c.
3 (C.)(now pending before the Legislature as this bill) , other court
4 imposed financial penalties or to make restitution defaults in the
5 payment thereof or of any installment, upon the motion of the person
6 authorized by law to collect the payment, the motion of the
7 prosecutor, the motion of the victim entitled to payment of restitution,
8 the motion of the Violent Crimes Compensation Board, the motion of
9 the State or county Office of Victim and Witness Advocacy or upon
10 its own motion, the court shall recall him, or issue a summons or a
11 warrant of arrest for his appearance. The court shall afford the person
12 notice and an opportunity to be heard on the issue of default. Failure
13 to make any payment when due shall be considered a default. The
14 standard of proof shall be by a preponderance of the evidence, and the
15 burden of establishing good cause for a default shall be on the person
16 who has defaulted.

17 (1) If the court finds that the person has defaulted without good
18 cause, the court shall:

19 (a) Order the suspension of the driver's license or the nonresident
20 reciprocity driving privilege of the person; and

21 (b) Prohibit the person from obtaining a driver's license or
22 exercising reciprocity driving privileges until the person has made all
23 past due payments; and

24 (c) Notify the Director of the Division of Motor Vehicles of the
25 action taken; and

26 (d) Take such other actions as may be authorized by law.

27 (2) If the court finds that the person defaulted on payment of a
28 court imposed financial obligation without good cause and finds that
29 the default was willful, the court may, in addition to the action
30 required by paragraph (1) of this subsection a., impose a term of
31 imprisonment or participation in a labor assistance program or
32 enforced community service to achieve the objective of the court
33 imposed financial obligation. These options shall not reduce the
34 amount owed by the person in default. The term of imprisonment or
35 enforced community service or participation in a labor assistance
36 program in such case shall be specified in the order of commitment. It
37 need not be equated with any particular dollar amount but, in the case
38 of a fine it shall not exceed one day for each \$20.00 of the fine nor
39 40 days if the fine was imposed upon conviction of a disorderly
40 persons offense nor 25 days for a petty disorderly persons offense nor
41 one year in any other case, whichever is the shorter period. In no case
42 shall the total period of imprisonment in the case of a disorderly
43 persons offense for both the sentence of imprisonment and for failure
44 to pay a fine exceed six months.

45 (3) Except where incarceration is ordered pursuant to paragraph
46 (2) of this subsection a., if the court finds that the person has defaulted

1 the court shall take appropriate action to modify or establish a
2 reasonable schedule for payment, and, in the case of a fine, if the court
3 finds that the circumstances that warranted the fine have changed or
4 that it would be unjust to require payment, the court may revoke or
5 suspend the fine or the unpaid portion of the fine.

6 (4) When failure to pay an assessment imposed pursuant to section
7 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
8 restitution, a 'fine' penalty' imposed pursuant to section 1
9 of P.L. , c. (C.)(now pending before the Legislature as this bill)
10 or other financial penalties or to perform enforced community service
11 or to participate in a labor assistance program is determined to be
12 willful, the failure to do so shall be considered to be contumacious.

13 (5) When a fine, assessment imposed pursuant to section 2 of
14 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
15 is imposed on a corporation, it is the duty of the person or persons
16 authorized to make disbursements from the assets of the corporation
17 or association to pay it from such assets and their failure so to do may
18 be held to be contumacious.

19 b. Upon any default in the payment of a fine, assessment imposed
20 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
21 probation fee, a 'fine' penalty' imposed pursuant to section 1 of
22 P.L. , c. (C.)(now pending before the Legislature as this bill),
23 other financial penalties, restitution, or any installment thereof,
24 execution may be levied and such other measures may be taken for
25 collection of it or the unpaid balance thereof as are authorized for the
26 collection of an unpaid civil judgment entered against the defendant in
27 an action on a debt.

28 c. Upon any default in the payment of restitution or any installment
29 thereof, the victim entitled to the payment may institute summary
30 collection proceedings authorized by subsection b. of this section.

31 d. Upon any default in the payment of an assessment imposed
32 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
33 installment thereof, the Violent Crimes Compensation Board or the
34 party responsible for collection may institute summary collection
35 proceedings authorized by subsection b. of this section.

36 e. When a defendant sentenced to make restitution to a public
37 entity other than the Violent Crimes Compensation Board, defaults in
38 the payment thereof or any installment, the court may, in lieu of other
39 modification of the sentence, order the defendant to perform work in
40 a labor assistance program or enforced community service program.

41 f. If a defendant ordered to participate in a labor assistance
42 program or enforced community service program fails to report for
43 work or to perform the assigned work, the comprehensive enforcement
44 hearing officer may revoke the work order and impose any sentence
45 permitted as a consequence of the original conviction.

46 g. If a defendant ordered to participate in a labor assistance

1 program or an enforced community service program pays all
2 outstanding assessments, the comprehensive enforcement hearing
3 officer may review the work order, and modify the same to reflect the
4 objective of the sentence.

5 h. As used in this section:

6 (1) "Comprehensive enforcement program" means the program
7 established pursuant to the "Comprehensive Enforcement Program
8 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

9 (2) The terms "labor assistance program" and "enforced community
10 service" have the same meaning as those terms are defined in section
11 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,
12 c.9 (C.2B:19-5).

13 (3) "Public entity" means the State, any county, municipality,
14 district, public authority, public agency and any other political
15 subdivision or public body in the State.

16 (cf: P.L.1995, c.9, s.11)

17

18 4. Section 3 of P.L.1979, c.329 (C.2C:46-4) is amended to read
19 as follows:

20 3. a. All fines, assessments imposed pursuant to section 2 of
21 P.L.1979, c.396 (C.2C:43-3.1), all ¹ [fines] penalties¹ imposed
22 pursuant to section 1 of P.L. , c. (C.) (now pending before the
23 Legislature as this bill) and restitution shall be collected as follows:

24 (1) All fines, assessments imposed pursuant to section 2 of
25 P.L.1979, c.396 (C.2C:43-3.1), all ¹ [fines] penalties¹ imposed
26 pursuant to section 1 of P.L. , c. (C.) (now pending before the
27 Legislature as this bill) and restitution imposed by the Superior Court
28 or otherwise imposed at the county level, shall be collected by the
29 county probation division except when such fine, assessment or
30 restitution is imposed in conjunction with a custodial sentence to a
31 State correctional facility or in conjunction with a term of
32 incarceration imposed pursuant to section 25 of P.L.1982, c.77
33 (C.2A:4A-44) in which event such fine, assessment or restitution shall
34 be collected by the Department of Corrections or the Juvenile Justice
35 Commission established pursuant to section 2 of P.L.1995, c.284
36 (C.52:17B-170). An adult prisoner of a State correctional institution
37 or a juvenile serving a term of incarceration imposed pursuant to
38 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an
39 assessment imposed pursuant to section 2 of P.L.1979, c.396
40 (C.2C:43-3.1), a ¹ [fine] penalty¹ imposed pursuant to section 1 of
41 P.L. , c. (C.) (now pending before the Legislature as this bill) or
42 restitution shall have the assessment, fine or restitution deducted from
43 any income the inmate receives as a result of labor performed at the
44 institution or on any type of work release program or, pursuant to
45 regulations promulgated by the Commissioner of the Department of
46 Corrections or the Juvenile Justice Commission, from any personal

1 account established in the institution for the benefit of the inmate.

2 (2) All fines, assessments imposed pursuant to section 2 of
3 P.L.1979, c.396 (C.2C:43-3.1) any ¹[fine] penalty¹ imposed pursuant
4 to section 1 of P.L. , c. (C.) (now pending before the Legislature
5 as this bill) and restitution imposed by a municipal court shall be
6 collected by the municipal court administrator except if such fine,
7 assessments imposed pursuant to section 2 of P.L.1979, c.396
8 (C.2C:43-3.1), or restitution is ordered as a condition of probation in
9 which event it shall be collected by the county probation division.

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

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

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

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

29 In the case of an intermunicipal court, fines shall be paid into the
30 municipal treasury of the municipality in which the offense was
31 committed, and costs, fees, and forfeitures of bail shall be apportioned
32 among the several municipalities to which the court's jurisdiction
33 extends according to the ratios of the municipalities' contributions to
34 the total expense of maintaining the court.

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

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

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

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

1 g. All restitution ordered to be paid to the Victims of Crime
2 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to
3 the board for deposit in the Victims of Crime Compensation Board
4 Account.

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

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

14 j. All ¹["fines"] penalties¹ imposed pursuant to section 1 of P.L. ,
15 c. (C.) (now pending before the Legislature as this bill) shall be
16 forwarded and deposited as provided in that section.

17 (cf: P.L.1997, c.253, s.2)

18

19 5. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read
20 as follows:

21 13. Moneys that are collected in satisfaction of any assessment
22 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
23 in satisfaction of restitution or fines imposed in accordance with the
24 provisions of Title 2C of the New Jersey Statutes or with the
25 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
26 applied in the following order:

27 a. first, in satisfaction of all assessments imposed pursuant to
28 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

29 b. second, except as provided in subsection f. of this section, in
30 satisfaction of any restitution ordered;

31 c. third, in satisfaction of all assessments imposed pursuant to
32 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

33 d. fourth, in satisfaction of any forensic laboratory fee assessed
34 pursuant to N.J.S.2C:35-20;

35 e. fifth, in satisfaction of any mandatory Drug Enforcement and
36 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

37 f. sixth, in satisfaction of any anti-drug profiteering penalty
38 imposed pursuant to section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1 et
39 seq.);

40 g. seventh, ²in satisfaction of any anti-money laundering
41 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25;

42 h. eighth,² in satisfaction of restitution for any extradition costs
43 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

44 **[and]**

45 ²**[h. eighth,]** i. ninth,² in satisfaction of any ¹["fine"] penalty¹
46 imposed pursuant to section 1 of P.L. , c. (C.) (now pending

1 before the Legislature as this bill); and
2 ²[i. ninth,]j. tenth,² in satisfaction of any fine.
3 (cf: P.L.1999, c.25, s.7)

4

5 6. This act shall take effect immediately.

6

7

8

9

10 Imposes additional penalty in certain drug-related cases; provides for
11 deposit of such penalties in Drug Abuse Education Fund.

ASSEMBLY, No. 194

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

SYNOPSIS

Establishes the Drug Abuse Resistance Education (DARE) Fund.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A194 GEIST

2

1 **AN ACT** concerning drug abuse resistance education, supplementing
2 Title 2C of the New Jersey Statutes and amending N.J.S.2C:46-1,
3 N.J.S.2C:46-2, P.L.1979, c.396 and P.L.1991, c.329.

4
5 1. (New section) a. In addition to any term or condition that may
6 be included in an agreement for supervisory treatment pursuant to
7 N.J.S.2C:43-13 or imposed as a term or condition of conditional
8 discharge pursuant to N.J.S.2C:36A-1 for a violation of any offense
9 defined in chapters 35 or 36 of Title 2C of the New Jersey Statutes,
10 each participant shall be assessed a fine of \$50 for each adjudication
11 or conviction.

12 b. All fines provided by this section shall be collected as provided
13 for collection of fines and restitutions in section 3 of P.L.1979, c.396
14 (C.2C:46-4) and shall be forwarded to the Department of Treasury as
15 provided in subsection c. of this section.

16 c. All monies collected pursuant to this section shall be forwarded
17 to the Department of Treasury to be deposited in a nonlapsing
18 revolving fund to be known as the " Drug Abuse Resistance Education
19 (DARE) Fund."

20 d. Monies in the fund shall be appropriated by the Legislature on
21 an annual basis for the purposes of funding the Drug Abuse Resistance
22 Education (DARE) programs in this State and shall not be used to
23 fund administrative costs.

24

25 2. N.J.S.2C:46-1 is amended to read as follows:

26 2C:46-1. Time and Method of Payment; Disposition of Funds.

27 a. When a defendant is sentenced to pay an assessment pursuant to
28 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
29 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
30 pursuant to N.J.S.2C:35-20, a fine imposed pursuant to section 1 of
31 P.L. , c. (C.)(now pending before the Legislature as this bill) or
32 to make restitution, the court may grant permission for the payment to
33 be made within a specified period of time or in specified installments.
34 If no such permission is embodied in the sentence, the assessment,
35 fine, penalty, fee or restitution shall be payable forthwith, and the
36 court shall file a copy of the judgment of conviction with the Clerk of
37 the Superior Court who shall enter the following information upon the
38 record of docketed judgments:

39 (1) the name of the convicted person as judgment debtor;

40 (2) the amount of the assessment imposed pursuant to section 2 of
41 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation
42 Board as a judgment creditor in that amount;

43 (3) the amount of any restitution ordered and the name of any

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

Matter underlined thus is new matter.

1 persons entitled to receive payment as judgment creditors in the
2 amount and according to the priority set by the court;

3 (4) the amount of any fine and the governmental entity entitled to
4 receive payment pursuant to N.J.S.2C:46-4;

5 (5) the amount of the mandatory Drug Enforcement and Demand
6 Reduction penalty imposed;

7 (6) the amount of the forensic laboratory fee imposed; **[and]**

8 (7) the amount of the fine imposed pursuant to section 1 of
9 P.L. , c. (C.)(now pending before the Legislature as this bill);
10 and

11 (8) the date of the order.

12 Where there is more than one judgment creditor the creditors shall
13 be given priority consistent with the provisions of section 13 of
14 P.L.1991, c.329 (C.2C:46-4.1). These entries shall have the same
15 force as a civil judgment docketed in the Superior Court.

16 b. (1) When a defendant sentenced to pay an assessment imposed
17 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
18 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
19 imposed pursuant to N.J.S.2C:35-20 , a fine imposed pursuant to
20 section 1 of P.L. , c. (C.)(now pending before the Legislature
21 as this bill) or to make restitution is also sentenced to probation, the
22 court shall make continuing payment of installments on the assessment
23 and restitution a condition of probation, and may make continuing
24 payment of installments on the fine, the mandatory Drug Enforcement
25 and Demand Reduction penalty, the mandatory fine pursuant to
26 pursuant to section 1 of P.L. , c. (C.)(now pending before the
27 Legislature as this bill) or the forensic laboratory fee a condition of
28 probation.

29 (2) When a defendant sentenced to pay an assessment imposed
30 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
31 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
32 imposed pursuant to N.J.S.2C:35-20 , a fine imposed pursuant to
33 section 1 of P.L. , c. (C.)(now pending before the Legislature
34 as this bill) or to make restitution is also sentenced to a custodial term
35 in a State correctional facility, the court may require the defendant to
36 pay installments on the assessment, penalty, fee, fine and restitution.

37 c. The defendant shall pay an assessment imposed pursuant to
38 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or
39 fine or any installment thereof to the officer entitled by law to collect
40 the payment. In the event of default in payment, such agency shall
41 take appropriate action for its collection.

42 d. (1) When, in connection with a sentence of probation, a
43 defendant is sentenced to pay an assessment imposed pursuant to
44 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
45 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
46 pursuant to N.J.S.2C:35-20 , a fine imposed pursuant to section 1 of

1 P.L. , c. (C.)(now pending before the Legislature as this bill) or
2 to make restitution, the defendant, in addition, shall be sentenced to
3 pay a transaction fee on each occasion that the defendant makes a
4 payment or an installment payment, until the defendant has paid the
5 full amount he is sentenced to pay. All other individuals making
6 payments on court ordered financial obligations through the probation
7 division shall also pay a transaction fee on each payment or installment
8 payment. The Administrative Office of the Courts shall promulgate a
9 transaction fee schedule for use in connection with installment
10 payments made pursuant to this paragraph; provided, however, the
11 transaction fee on an installment payment shall not exceed \$2.00.

12 (2) When, in connection with a custodial sentence in a State
13 correctional institution, a defendant is sentenced to pay an assessment
14 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
15 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic
16 laboratory fee imposed pursuant to N.J.S.2C:35-20 , a fine imposed
17 pursuant to section 1 of P.L. , c. (C.)(now pending before the
18 Legislature as this bill) or to make restitution, the defendant, in
19 addition, shall be sentenced to pay a transaction fee on each occasion
20 that the defendant makes a payment or an installment payment until the
21 defendant has paid the full amount he is sentenced to pay. The
22 Department of Corrections shall promulgate a transaction fee schedule
23 for use in connection with installment payments made pursuant to this
24 paragraph; provided, however, the transaction fee on an installment
25 payment shall not exceed \$1.00.

26 (cf: P.L.1995, c.9, s.10)

27

28 3. N.J.S.2C:46-2 is amended to read as follows:

29 2C:46-2. Consequences of Nonpayment; Summary Collection. a.
30 When a defendant sentenced to pay an assessment imposed pursuant
31 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
32 fine , a fine imposed pursuant to section 1 of P.L. , c. (C.)(now
33 pending before the Legislature as this bill) , other court imposed
34 financial penalties or to make restitution defaults in the payment
35 thereof or of any installment, upon the motion of the person
36 authorized by law to collect the payment, the motion of the
37 prosecutor, the motion of the victim entitled to payment of restitution,
38 the motion of the Violent Crimes Compensation Board, the motion of
39 the State or county Office of Victim and Witness Advocacy or upon
40 its own motion, the court shall recall him, or issue a summons or a
41 warrant of arrest for his appearance. The court shall afford the person
42 notice and an opportunity to be heard on the issue of default. Failure
43 to make any payment when due shall be considered a default. The
44 standard of proof shall be by a preponderance of the evidence, and the
45 burden of establishing good cause for a default shall be on the person
46 who has defaulted.

A194 GEIST

1 (1) If the court finds that the person has defaulted without good
2 cause, the court shall:

3 (a) Order the suspension of the driver's license or the nonresident
4 reciprocity driving privilege of the person; and

5 (b) Prohibit the person from obtaining a driver's license or
6 exercising reciprocity driving privileges until the person has made all
7 past due payments; and

8 (c) Notify the Director of the Division of Motor Vehicles of the
9 action taken; and

10 (d) Take such other actions as may be authorized by law.

11 (2) If the court finds that the person defaulted on payment of a
12 court imposed financial obligation without good cause and finds that
13 the default was willful, the court may, in addition to the action
14 required by paragraph (1) of this subsection a., impose a term of
15 imprisonment or participation in a labor assistance program or
16 enforced community service to achieve the objective of the court
17 imposed financial obligation. These options shall not reduce the
18 amount owed by the person in default. The term of imprisonment or
19 enforced community service or participation in a labor assistance
20 program in such case shall be specified in the order of commitment. It
21 need not be equated with any particular dollar amount but, in the case
22 of a fine it shall not exceed one day for each \$20.00 of the fine nor
23 40 days if the fine was imposed upon conviction of a disorderly
24 persons offense nor 25 days for a petty disorderly persons offense nor
25 one year in any other case, whichever is the shorter period. In no case
26 shall the total period of imprisonment in the case of a disorderly
27 persons offense for both the sentence of imprisonment and for failure
28 to pay a fine exceed six months.

29 (3) Except where incarceration is ordered pursuant to paragraph
30 (2) of this subsection a., if the court finds that the person has defaulted
31 the court shall take appropriate action to modify or establish a
32 reasonable schedule for payment, and, in the case of a fine, if the court
33 finds that the circumstances that warranted the fine have changed or
34 that it would be unjust to require payment, the court may revoke or
35 suspend the fine or the unpaid portion of the fine.

36 (4) When failure to pay an assessment imposed pursuant to section
37 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
38 restitution, a fine imposed pursuant to section 1 of P.L. _____, c. _____
39 (C. _____)(now pending before the Legislature as this bill) or other
40 financial penalties or to perform enforced community service or to
41 participate in a labor assistance program is determined to be willful,
42 the failure to do so shall be considered to be contumacious.

43 (5) When a fine, assessment imposed pursuant to section 2 of
44 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
45 is imposed on a corporation, it is the duty of the person or persons
46 authorized to make disbursements from the assets of the corporation

1 or association to pay it from such assets and their failure so to do may
2 be held to be contumacious.

3 b. Upon any default in the payment of a fine, assessment imposed
4 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
5 probation fee, a fine imposed pursuant to section 1 of P.L. , c.
6 (C.)(now pending before the Legislature as this bill) other financial
7 penalties, restitution, or any installment thereof, execution may be
8 levied and such other measures may be taken for collection of it or the
9 unpaid balance thereof as are authorized for the collection of an
10 unpaid civil judgment entered against the defendant in an action on a
11 debt.

12 c. Upon any default in the payment of restitution or any installment
13 thereof, the victim entitled to the payment may institute summary
14 collection proceedings authorized by subsection b. of this section.

15 d. Upon any default in the payment of an assessment imposed
16 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
17 installment thereof, the Violent Crimes Compensation Board or the
18 party responsible for collection may institute summary collection
19 proceedings authorized by subsection b. of this section.

20 e. When a defendant sentenced to make restitution to a public
21 entity other than the Violent Crimes Compensation Board, defaults in
22 the payment thereof or any installment, the court may, in lieu of other
23 modification of the sentence, order the defendant to perform work in
24 a labor assistance program or enforced community service program.

25 f. If a defendant ordered to participate in a labor assistance
26 program or enforced community service program fails to report for
27 work or to perform the assigned work, the comprehensive enforcement
28 hearing officer may revoke the work order and impose any sentence
29 permitted as a consequence of the original conviction.

30 g. If a defendant ordered to participate in a labor assistance
31 program or an enforced community service program pays all
32 outstanding assessments, the comprehensive enforcement hearing
33 officer may review the work order, and modify the same to reflect the
34 objective of the sentence.

35 h. As used in this section:

36 (1) "Comprehensive enforcement program" means the program
37 established pursuant to the "Comprehensive Enforcement Program
38 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

39 (2) The terms "labor assistance program" and "enforced community
40 service" have the same meaning as those terms are defined in section
41 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,
42 c.9 (C.2B:19-5).

43 (3) "Public entity" means the State, any county, municipality,
44 district, public authority, public agency and any other political
45 subdivision or public body in the State.

46 (cf: P.L.1995, c.9, s.11)

A194 GEIST

1 4. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as
2 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 fines imposed pursuant to section
5 1 of P.L. , c. (C.)(now pending before the Legislature as this bill)
6 and restitution shall be collected as follows:

7 (1) All fines, assessments imposed pursuant to section 2 of
8 P.L.1979, c.396 (C.2C:43-3.1), all fines imposed pursuant to section
9 1 of P.L. c. (C.)(now pending before the Legislature as this bill)
10 and restitution imposed by the Superior Court or otherwise imposed
11 at the county level, shall be collected by the county probation division
12 except when such fine, assessment or restitution is imposed in
13 conjunction with a custodial sentence to a State correctional facility or
14 in conjunction with a term of incarceration imposed pursuant to
15 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such fine,
16 assessment or restitution shall be collected by the Department of
17 Corrections or the Juvenile Justice Commission established pursuant
18 to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
19 a State correctional institution or a juvenile serving a term of
20 incarceration imposed pursuant to section 25 of P.L.1982, c.77
21 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
22 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine imposed pursuant
23 to section 1 of P.L. , c. (C.)(now pending before the Legislature
24 as this bill) or restitution shall have the assessment, fine or restitution
25 deducted from any income the inmate receives as a result of labor
26 performed at the institution or on any type of work release program
27 or, pursuant to regulations promulgated by the Commissioner of the
28 Department of Corrections or the Juvenile Justice Commission, from
29 any personal account established in the institution for the benefit of the
30 inmate.

31 (2) All fines, assessments imposed pursuant to section 2 of
32 P.L.1979, c.396 (C.2C:43-3.1) any fine imposed pursuant to section
33 1 of P.L. , c. (C.)(now pending before the Legislature as this bill)
34 and restitution imposed by a municipal court shall be collected by the
35 municipal court administrator except if such fine, assessments imposed
36 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution
37 is ordered as a condition of probation in which event it shall be
38 collected by the county probation division.

39 b. Except as provided in subsection c. with respect to fines
40 imposed on appeals following convictions in municipal courts, all fines
41 imposed by the Superior Court or otherwise imposed at the county
42 level, shall be paid over by the officer entitled to collect same to:

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

1 with a sentence to a State institution; or

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

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

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

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

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

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

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

28 g. All restitution ordered to be paid to the Victims of Crime
29 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to
30 the Board for deposit in the Victims of Crime Compensation Board
31 Account.

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

35 i. All fines imposed pursuant to section 1 of P.L. _____, c. _____
36 (C. _____)(now pending before the Legislature as this bill) shall be
37 forwarded and deposited as provided in that section.

38 (cf: P.L.1996, c.95, s.17)

39

40 5. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read
41 as follows:

42 13. Moneys that are collected in satisfaction of any assessment
43 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
44 in satisfaction of restitution or fines imposed in accordance with the
45 provisions of Title 2C of the New Jersey Statutes or with the
46 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be

1 applied in the following order:

2 a. first, in satisfaction of all assessments imposed pursuant to
3 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

4 b. second, in satisfaction of any restitution ordered;

5 c. third, in satisfaction of all assessments imposed pursuant to
6 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

7 d. fourth, in satisfaction of any forensic laboratory fee assessed
8 pursuant to N.J.S.2C:35-20;

9 e. fifth, in satisfaction of any mandatory Drug Enforcement and
10 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

11 **[and]**

12 f. sixth, in satisfaction of any fine imposed pursuant to section 1
13 of P.L. c. (C.)(now pending before the Legislature as this bill);

14 and

15 g. seventh, in satisfaction of any fine.

16 (cf: P.L.1995, c.281, s.3)

17

18 6. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill imposes a fine of \$50 on persons admitted to supervisory
24 treatment pursuant to N.J.S.2C:43-13 or imposed as a term or
25 condition of conditional discharge under N.J.S.2C:36A-1 for each
26 drug-related violation. These fines are to be deposited in a nonlapsing
27 revolving fund known as the "Drug Abuse Resistance Education
28 (DARE) Fund." The Legislature shall annually appropriate these
29 monies for the purposes of funding DARE programs throughout the
30 State.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 194

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 1998

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 194.

Assembly Bill No. 194 imposes a fine of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These fines are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Resistance Education (DARE) Fund." The bill requires the Legislature to annually appropriate these monies for the purposes of funding DARE programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the courts' administration of these DARE fines.

The committee amended the bill to: 1) change the name of the fund into which monies are to be deposited from the "Drug Abuse Resistance Education (DARE) Fund" to the "Drug Abuse Education Fund"; 2) provide that the monies in the Drug Abuse Education Fund are to be distributed to non-governmental entities operating in the public interest that, utilizing law enforcement personnel, provide drug abuse education programs, such as Project DARE; and 3) change each reference to the \$50 assessment charged under the bill from a "fine" to a "penalty."

This bill was pre-filed for introduction in the 1998 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 194

STATE OF NEW JERSEY

DATED: SEPTEMBER 14, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 194 (1R).

Assembly Bill No. 194 imposes a penalty of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These penalties are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Education Fund." The bill requires the Legislature to annually appropriate these monies for the purposes of funding drug abuse education programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the courts' administration of these penalties.

FISCAL IMPACT:

On the fiscal note to this bill, the Administrative Office of the Courts estimated revenue generated by the State and local courts to be approximately \$648,000 in the first year, \$682,000 in the second year and \$719,000 in the third year following enactment. A one-time expenditure of \$10,000 to reprogram the account system would occur.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 194

STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 194 (2R).

Assembly Bill No. 194 (2R) imposes a penalty of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These penalties are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Education Fund." The bill requires the Legislature to annually appropriate these monies for the purposes of funding drug abuse education programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the courts' administration of these penalties.

This bill is identical to Senate Bill No.920, as amended, which also was released by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 194**

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 194 (2R).

This bill provides for the imposition of a special penalty of \$50 (1) on persons admitted to supervisory treatment under New Jersey's Pretrial Intervention program, or (2) as a term of conditional discharge under N.J.S.2C:36A-1 (applicable to those convicted on drug-related charges either for the first time or for a low-level offense). The penalty is to be deposited in the "Drug Abuse Education Fund" established under previous legislation. Moneys in the fund are annually appropriated to the Department of Education for distribution to non-governmental entities that use law enforcement personnel to provide drug abuse education programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the assessment, collection and enforcement of these penalties.

As amended, this bill is identical to Senate Bill No. 920 (1R) Sca, which is also reported by the committee on this date.

COMMITTEE AMENDMENTS

Technical committee amendments to this bill incorporate clarifying references to the legislation (P.L.1999, c.12) that established the Drug Abuse Education Fund.

FISCAL IMPACT

In the fiscal note to this bill, the Administrative Office of the Courts estimated the revenue to be generated by the State and local courts under the legislation at approximately \$648,000 in the first year, \$682,000 in the second year and \$719,000 in the third year following enactment. A one-time expenditure of \$10,000 to reprogram the accounting system would occur.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 194

with Assembly Floor Amendments
(Proposed By Assemblyman Geist)

ADOPTED: FEBRUARY 18, 1999

This floor amendment was technical in nature to reflect recently enacted legislation, P.L.1999, c.25, which created the "anti-money laundering profiteering penalty."

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 194

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 1, 1998

Assembly Bill No. 194 (1R) of 1998 imposes a fine of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These fines are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Resistance Education (DARE) Fund." Funding will be administered by the courts and be used for the support of DARE programs throughout the State.

In a fiscal note prepared for the prior Legislative session, the Administrative Office of the Courts (AOC) stated that the Municipal Court Services Division of the AOC does not maintain statistics on the number of persons convicted of violations that would be subject to the new fine. Therefore, no estimate of revenue collections could be made. The AOC noted that with reference to costs, there would be a one-time data processing cost of \$20,000 to provide for the programing of the ATS/ACS system.

The Office of Legislative Services concurs.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

FISCAL NOTE

[First Reprint]

ASSEMBLY, No. 194

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: AUGUST 25, 1998

Assembly Bill No. 194 (1R) of 1998 imposes a fine of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These fines are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Resistance Education (DARE) Fund." Funding will be administered by the courts and be used for the support of DARE programs throughout the State.

The Administrative Office of the Courts (AOC) states that in the Superior Court there were 1,296 individuals admitted to Pretrial Intervention for drug-related offenses between July 1, 1996 and June 30, 1997. This would result in approximately \$65,000 of funding for DARE programs throughout New Jersey. The AOC notes that it does not collect information on the number of people admitted to supervisory treatment as part of a conditional discharge at the Superior Court level.

The AOC further notes that while it does not maintain statistics on the number of individuals who have been granted supervisory treatment in municipal courts, statistics are available on the number of conditional discharges granted. Based on this data, the AOC estimates that a maximum of \$583,000 would be generated in the first year following enactment of this bill for DARE programs. A maximum of \$617,000 and \$654,000, respectively would be generated in the second and third year following enactment of this bill.

The combined revenue generated by the State and local courts would therefore total about \$648,000 in the first year, and \$682,000 and \$719,000, respectively in the second and third years after enactment of the bill.

The AOC finally states that enactment would require a one-time expenditure of about \$10,000 to reprogram the Automated Traffic System/Automated Complaint System to properly account for the imposition of the new fine.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 920

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 23, 1998

Sponsored by:

Senator JOHN J. MATHEUSSEN
District 4 (Camden and Gloucester)
Senator ANDREW R. CIESLA
District 10 (Monmouth and Ocean)

Co-Sponsored by:

Senators Palaia, Cafiero, Robertson, Inverso and Bennett

SYNOPSIS

Establishes Drug Abuse Education Fund.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning drug abuse education, supplementing Title 2C of
2 the New Jersey Statutes and amending N.J.S.2C:46-1, N.J.S.2C:46-
3 2, P.L.1979, c.396 and P.L.1991, c.329.

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

7
8 1. (New section) a. In addition to any term or condition that may
9 be included in an agreement for supervisory treatment pursuant to
10 N.J.S.2C:43-13 or imposed as a term or condition of conditional
11 discharge pursuant to N.J.S.2C:36A-1 for a violation of any offense
12 defined in chapters 35 or 36 of Title 2C of the New Jersey Statutes,
13 each participant shall be assessed a penalty of \$50 for each
14 adjudication or conviction.

15 b. All penalties provided by this section shall be collected as
16 provided for collection of fines and restitutions in section 3 of
17 P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to the
18 Department of Treasury as provided in subsection c. of this section.

19 c. All monies collected pursuant to this section shall be forwarded
20 to the Department of Treasury to be deposited in a nonlapsing
21 revolving fund to be known as the " Drug Abuse Education Fund."

22 d. Monies in the fund shall be appropriated by the Legislature on
23 an annual basis for the purposes of distributing funds to non-
24 governmental entities operating in the public interest that, utilizing law
25 enforcement personnel, provide drug abuse education programs on a
26 Statewide basis, such as Project DARE.

27

28 2. N.J.S.2C:46-1 is amended to read as follows:

29 2C:46-1. Time and Method of Payment; Disposition of Funds.

30 a. When a defendant is sentenced to pay an assessment pursuant to
31 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
32 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
33 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1
34 of P.L. , c. (C.) (now pending before the Legislature as this bill)
35 or to make restitution, the court may grant permission for the payment
36 to be made within a specified period of time or in specified
37 installments. If no such permission is embodied in the sentence, the
38 assessment, fine, penalty, fee or restitution shall be payable forthwith,
39 and the court shall file a copy of the judgment of conviction with the
40 Clerk of the Superior Court who shall enter the following information
41 upon the record of docketed judgments:

42 (1) the name of the convicted person as judgment debtor;

43 (2) the amount of the assessment imposed pursuant to section 2 of

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

Matter underlined thus is new matter.

1 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation
2 Board as a judgment creditor in that amount;

3 (3) the amount of any restitution ordered and the name of any
4 persons entitled to receive payment as judgment creditors in the
5 amount and according to the priority set by the court;

6 (4) the amount of any fine and the governmental entity entitled to
7 receive payment pursuant to N.J.S.2C:46-4;

8 (5) the amount of the mandatory Drug Enforcement and Demand
9 Reduction penalty imposed;

10 (6) the amount of the forensic laboratory fee imposed; **[and]**

11 (7) the amount of the penalty imposed pursuant to section 1 of
12 P.L. , c. (C.) (now pending before the Legislature as this bill);
13 and

14 (8) the date of the order.

15 Where there is more than one judgment creditor the creditors shall
16 be given priority consistent with the provisions of section 13 of
17 P.L.1991, c.329 (C.2C:46-4.1). These entries shall have the same
18 force as a civil judgment docketed in the Superior Court.

19 b. (1) When a defendant sentenced to pay an assessment imposed
20 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
21 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
22 imposed pursuant to N.J.S.2C:35-20 , a penalty imposed pursuant to
23 section 1 of P.L. , c. (C.) (now pending before the Legislature
24 as this bill) or to make restitution is also sentenced to probation, the
25 court shall make continuing payment of installments on the assessment
26 and restitution a condition of probation, and may make continuing
27 payment of installments on the fine, the mandatory Drug Enforcement
28 and Demand Reduction penalty, the mandatory penalty pursuant to
29 section 1 of P.L. , c. (C.) (now pending before the Legislature
30 as this bill) or the forensic laboratory fee a condition of probation.

31 (2) When a defendant sentenced to pay an assessment imposed
32 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
33 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
34 imposed pursuant to N.J.S.2C:35-20 , a penalty imposed pursuant to
35 section 1 of P.L. , c. (C.) (now pending before the Legislature
36 as this bill) or to make restitution is also sentenced to a custodial term
37 in a State correctional facility, the court may require the defendant to
38 pay installments on the assessment, penalty, fee, fine and restitution.

39 c. The defendant shall pay an assessment imposed pursuant to
40 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or
41 fine or any installment thereof to the officer entitled by law to collect
42 the payment. In the event of default in payment, such agency shall
43 take appropriate action for its collection.

44 d. (1) When, in connection with a sentence of probation, a
45 defendant is sentenced to pay an assessment imposed pursuant to
46 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed

1 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
2 pursuant to N.J.S.2C:35-20 , a penalty imposed pursuant to section 1
3 of P.L. , c. (C.)(now pending before the Legislature as this bill)
4 or to make restitution, the defendant, in addition, shall be sentenced
5 to pay a transaction fee on each occasion that the defendant makes a
6 payment or an installment payment, until the defendant has paid the
7 full amount he is sentenced to pay. All other individuals making
8 payments on court ordered financial obligations through the probation
9 division shall also pay a transaction fee on each payment or installment
10 payment. The Administrative Office of the Courts shall promulgate a
11 transaction fee schedule for use in connection with installment
12 payments made pursuant to this paragraph; provided, however, the
13 transaction fee on an installment payment shall not exceed \$2.00.

14 (2) When, in connection with a custodial sentence in a State
15 correctional institution, a defendant is sentenced to pay an assessment
16 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
17 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic
18 laboratory fee imposed pursuant to N.J.S.2C:35-20 , a penalty
19 imposed pursuant to section 1 of P.L. , c. (C.)(now pending
20 before the Legislature as this bill) or to make restitution, the
21 defendant, in addition, shall be sentenced to pay a transaction fee on
22 each occasion that the defendant makes a payment or an installment
23 payment until the defendant has paid the full amount he is sentenced
24 to pay. The Department of Corrections shall promulgate a transaction
25 fee schedule for use in connection with installment payments made
26 pursuant to this paragraph; provided, however, the transaction fee on
27 an installment payment shall not exceed \$1.00.

28 (cf: P.L.1995, c.9, s.10)

29

30 3. N.J.S.2C:46-2 is amended to read as follows:

31 2C:46-2. Consequences of Nonpayment; Summary Collection. a.
32 When a defendant sentenced to pay an assessment imposed pursuant
33 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
34 fine , a penalty imposed pursuant to section 1 of P.L. , c.
35 (C.)(now pending before the Legislature as this bill) , other court
36 imposed financial penalties or to make restitution defaults in the
37 payment thereof or of any installment, upon the motion of the person
38 authorized by law to collect the payment, the motion of the
39 prosecutor, the motion of the victim entitled to payment of restitution,
40 the motion of the Violent Crimes Compensation Board, the motion of
41 the State or county Office of Victim and Witness Advocacy or upon
42 its own motion, the court shall recall him, or issue a summons or a
43 warrant of arrest for his appearance. The court shall afford the person
44 notice and an opportunity to be heard on the issue of default. Failure
45 to make any payment when due shall be considered a default. The
46 standard of proof shall be by a preponderance of the evidence, and the

1 burden of establishing good cause for a default shall be on the person
2 who has defaulted.

3 (1) If the court finds that the person has defaulted without good
4 cause, the court shall:

5 (a) Order the suspension of the driver's license or the nonresident
6 reciprocity driving privilege of the person; and

7 (b) Prohibit the person from obtaining a driver's license or
8 exercising reciprocity driving privileges until the person has made all
9 past due payments; and

10 (c) Notify the Director of the Division of Motor Vehicles of the
11 action taken; and

12 (d) Take such other actions as may be authorized by law.

13 (2) If the court finds that the person defaulted on payment of a
14 court imposed financial obligation without good cause and finds that
15 the default was willful, the court may, in addition to the action
16 required by paragraph (1) of this subsection a., impose a term of
17 imprisonment or participation in a labor assistance program or
18 enforced community service to achieve the objective of the court
19 imposed financial obligation. These options shall not reduce the
20 amount owed by the person in default. The term of imprisonment or
21 enforced community service or participation in a labor assistance
22 program in such case shall be specified in the order of commitment. It
23 need not be equated with any particular dollar amount but, in the case
24 of a fine it shall not exceed one day for each \$20.00 of the fine nor
25 40 days if the fine was imposed upon conviction of a disorderly
26 persons offense nor 25 days for a petty disorderly persons offense nor
27 one year in any other case, whichever is the shorter period. In no case
28 shall the total period of imprisonment in the case of a disorderly
29 persons offense for both the sentence of imprisonment and for failure
30 to pay a fine exceed six months.

31 (3) Except where incarceration is ordered pursuant to paragraph
32 (2) of this subsection a., if the court finds that the person has defaulted
33 the court shall take appropriate action to modify or establish a
34 reasonable schedule for payment, and, in the case of a fine, if the court
35 finds that the circumstances that warranted the fine have changed or
36 that it would be unjust to require payment, the court may revoke or
37 suspend the fine or the unpaid portion of the fine.

38 (4) When failure to pay an assessment imposed pursuant to section
39 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
40 restitution, a penalty imposed pursuant to section 1 of P.L. , c.
41 (C.)(now pending before the Legislature as this bill) or other
42 financial penalties or to perform enforced community service or to
43 participate in a labor assistance program is determined to be willful,
44 the failure to do so shall be considered to be contumacious.

45 (5) When a fine, assessment imposed pursuant to section 2 of
46 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution

1 is imposed on a corporation, it is the duty of the person or persons
2 authorized to make disbursements from the assets of the corporation
3 or association to pay it from such assets and their failure so to do may
4 be held to be contumacious.

5 b. Upon any default in the payment of a fine, assessment imposed
6 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
7 probation fee, a penalty imposed pursuant to section 1 of
8 P.L. , c. (C.)(now pending before the Legislature as this bill),
9 other financial penalties, restitution, or any installment thereof,
10 execution may be levied and such other measures may be taken for
11 collection of it or the unpaid balance thereof as are authorized for the
12 collection of an unpaid civil judgment entered against the defendant in
13 an action on a debt.

14 c. Upon any default in the payment of restitution or any installment
15 thereof, the victim entitled to the payment may institute summary
16 collection proceedings authorized by subsection b. of this section.

17 d. Upon any default in the payment of an assessment imposed
18 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
19 installment thereof, the Violent Crimes Compensation Board or the
20 party responsible for collection may institute summary collection
21 proceedings authorized by subsection b. of this section.

22 e. When a defendant sentenced to make restitution to a public
23 entity other than the Violent Crimes Compensation Board, defaults in
24 the payment thereof or any installment, the court may, in lieu of other
25 modification of the sentence, order the defendant to perform work in
26 a labor assistance program or enforced community service program.

27 f. If a defendant ordered to participate in a labor assistance
28 program or enforced community service program fails to report for
29 work or to perform the assigned work, the comprehensive enforcement
30 hearing officer may revoke the work order and impose any sentence
31 permitted as a consequence of the original conviction.

32 g. If a defendant ordered to participate in a labor assistance
33 program or an enforced community service program pays all
34 outstanding assessments, the comprehensive enforcement hearing
35 officer may review the work order, and modify the same to reflect the
36 objective of the sentence.

37 h. As used in this section:

38 (1) "Comprehensive enforcement program" means the program
39 established pursuant to the "Comprehensive Enforcement Program
40 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

41 (2) The terms "labor assistance program" and "enforced community
42 service" have the same meaning as those terms are defined in section
43 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,
44 c.9 (C.2B:19-5).

1 (3) "Public entity" means the State, any county, municipality,
2 district, public authority, public agency and any other political
3 subdivision or public body in the State.

4 (cf: P.L.1995, c.9, s.11)

5
6 4. Section 3 of P.L.1979, c.329 (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. , c. (C.) (now pending before the Legislature as
11 this bill) and restitution shall be collected as 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. , c. (C.) (now pending before the Legislature as
15 this bill) and restitution imposed by the Superior Court or otherwise
16 imposed at the county level, shall be collected by the county probation
17 division except when such fine, assessment or restitution is imposed in
18 conjunction with a custodial sentence to a State correctional facility or
19 in conjunction with a term of incarceration imposed pursuant to
20 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such fine,
21 assessment or restitution shall be collected by the Department of
22 Corrections or the Juvenile Justice Commission established pursuant
23 to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of
24 a State correctional institution or a juvenile serving a term of
25 incarceration imposed pursuant to section 25 of P.L.1982, c.77
26 (C.2A:4A-44) who has not paid an assessment imposed pursuant to
27 section 2 of P.L.1979, c.396 (C.2C:43-3.1),a penalty imposed
28 pursuant to section 1 of P.L. , c. (C.) (now pending before the
29 Legislature as this bill) or restitution shall have the assessment, fine or
30 restitution deducted from any income the inmate receives as a result
31 of labor performed at the institution or on any type of work release
32 program or, pursuant to regulations promulgated by the Commissioner
33 of the Department of Corrections or the Juvenile Justice Commission,
34 from any personal account established in the institution for the benefit
35 of the inmate.

36 (2) All fines, assessments imposed pursuant to section 2 of
37 P.L.1979, c.396 (C.2C:43-3.1) any penalty imposed pursuant to
38 section 1 of P.L. , c. (C.) (now pending before the Legislature as
39 this bill) and restitution imposed by a municipal court shall be
40 collected by the municipal court administrator except if such fine,
41 assessments imposed pursuant to section 2 of P.L.1979, c.396
42 (C.2C:43-3.1), or restitution is ordered as a condition of probation in
43 which event it shall be collected by the county probation division.

44 b. Except as provided in subsection c. with respect to fines
45 imposed on appeals following convictions in municipal courts and
46 except as provided in subsection i. with respect to restitution imposed

1 under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines
2 imposed by the Superior Court or otherwise imposed at the county
3 level, shall be paid over by the officer entitled to collect same to:

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

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

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

17 In the case of an intermunicipal court, fines shall be paid into the
18 municipal treasury of the municipality in which the offense was
19 committed, and costs, fees, and forfeitures of bail shall be apportioned
20 among the several municipalities to which the court's jurisdiction
21 extends according to the ratios of the municipalities' contributions to
22 the total expense of maintaining the court.

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

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

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

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

35 g. All restitution ordered to be paid to the Victims of Crime
36 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to
37 the board for deposit in the Victims of Crime Compensation Board
38 Account.

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

42 i. All restitution imposed on defendants under the provisions of
43 P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
44 enforcement entity in extraditing the defendant from another
45 jurisdiction shall be paid over by the officer entitled to collect same to

1 the law enforcement entities which participated in the extradition of
2 the defendant.

3 j. All penalties imposed pursuant to section 1 of P.L. , c.
4 (C.) (now pending before the Legislature as this bill) shall be
5 forwarded and deposited as provided in that section.
6 (cf: P.L.1997, c.253, s.2)

7

8 5. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read
9 as follows:

10 13. Moneys that are collected in satisfaction of any assessment
11 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
12 in satisfaction of restitution or fines imposed in accordance with the
13 provisions of Title 2C of the New Jersey Statutes or with the
14 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
15 applied in the following order:

16 a. first, in satisfaction of all assessments imposed pursuant to
17 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

18 b. second, except as provided in subsection f. of this section, in
19 satisfaction of any restitution ordered;

20 c. third, in satisfaction of all assessments imposed pursuant to
21 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

22 d. fourth, in satisfaction of any forensic laboratory fee assessed
23 pursuant to N.J.S.2C:35-20;

24 e. fifth, in satisfaction of any mandatory Drug Enforcement and
25 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

26 f. sixth, in satisfaction of any anti-drug profiteering penalty
27 imposed pursuant to section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1 et
28 seq.);

29 g. seventh, in satisfaction of restitution for any extradition costs
30 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

31 **[and]**

32 h. eighth, in satisfaction of any penalty imposed pursuant to section
33 1 of P.L. , c. (C.) (now pending before the Legislature as this
34 bill); and

35 i. ninth, in satisfaction of any fine.

36 (cf: P.L.1997, c.253, s.3)

37

38 6. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill imposes a penalty of \$50 on persons admitted to
44 supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or
45 condition of conditional discharge under N.J.S.2C:36A-1 for each
46 drug-related violation. These penalties are to be deposited in a

1 nonlapsing revolving fund known as the "Drug Abuse Education
2 (DAE) Fund." The bill requires the Legislature to annually
3 appropriate these monies for the purposes of funding non-
4 governmental entities operating in the public interest that, utilizing law
5 enforcement personnel, provide drug abuse education program, such
6 as project DARE.

7 The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979,
8 c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for
9 the courts' administration of these penalties.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 920

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1999

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 920.

Senate Bill No. 920 imposes a penalty of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These penalties are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Education Fund." The bill requires the Legislature to annually appropriate these monies for the purposes of funding drug abuse education programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the courts' administration of these penalties.

The bill was technically amended by the committee to conform its recently enacted legislation, P.L.1999, c.25, which created the "anti-provisions to money laundering profiteering penalty."

As amended and released by the committee, this bill is identical to A194 (2R), which also was released by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 920

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 920 (1R).

This bill provides for the imposition of a special penalty of \$50 (1) on persons admitted to supervisory treatment under New Jersey's Pretrial Intervention program, or (2) as a term of conditional discharge under N.J.S.2C:36A-1 (applicable to those convicted on drug-related charges either for the first time or for a low-level offense). The penalty is to be deposited in the "Drug Abuse Education Fund" established under previous legislation. Moneys in the fund are annually appropriated to the Department of Education for distribution to non-governmental entities that use law enforcement personnel to provide drug abuse education programs throughout the State.

The bill also amends N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) to provide for the assessment, collection and enforcement of these penalties.

As amended, this bill is identical to Assembly Bill No. 194 (2R) Sca, which is also reported by the committee on this date.

COMMITTEE AMENDMENTS

Technical committee amendments to this bill incorporate clarifying references to the legislation (P.L.1999, c.12) that established the Drug Abuse Education Fund.

FISCAL IMPACT

In the fiscal note to this bill, the Administrative Office of the Courts estimated the revenue to be generated by the State and local courts under the legislation at approximately \$648,000 in the first year, \$682,000 in the second year and \$719,000 in the third year following enactment. A one-time expenditure of \$10,000 to reprogram the accounting system would occur.

FISCAL NOTE

SENATE, No. 920

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: AUGUST 25, 1998

Senate Bill No. 920 of 1998 imposes a fine of \$50 on persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or as a term or condition of conditional discharge under N.J.S.2C:36A-1 for each drug-related violation. These fines are to be deposited in a nonlapsing revolving fund known as the "Drug Abuse Resistance Education (DARE) Fund." Funding will be administered by the courts and be used for the support of DARE programs throughout the State.

The Administrative Office of the Courts (AOC) states that in the Superior Court there were 1,296 individuals admitted to Pretrial Intervention for drug-related offenses between July 1, 1996 and June 30, 1997. This would result in approximately \$65,000 of funding for DARE programs throughout New Jersey. The AOC notes that it does not collect information on the number of people admitted to supervisory treatment as part of a conditional discharge at the Superior Court level.

The AOC further notes that while it does not maintain statistics on the number of individuals who have been granted supervisory treatment in municipal courts, statistics are available on the number of conditional discharges granted. Based on this data, the AOC estimates that a maximum of \$583,000 would be generated in the first year following enactment of this bill for DARE programs. A maximum of \$617,000 and \$654,000, respectively would be generated in the second and third year following enactment of this bill.

The combined revenue generated by the State and local courts would therefore total about \$648,000 in the first year, and \$682,000 and \$719,000, respectively in the second and third years after enactment of the bill.

The AOC finally states that enactment would require a one-time expenditure of about \$10,000 to reprogram the Automated Traffic System/Automated Complaint System to properly account for the imposition of the new fine.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
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RELEASE: December 23, 1999

**Governor Signs Bill to Protect Homeowners,
Bill Connected to Death Penalty, among other Legislation**

Governor Christie Whitman today signed legislation prohibiting the cancellation and non-renewal of homeowners' insurance because of claims or losses resulting from weather-related damage or a third party criminal act. The Governor also signed legislation allowing family members of the murder victim to attend the condemned person's execution.

Protection for Homeowners

"This piece of legislation is important in that it protects homeowners from factors that are outside of their control and no fault of their own," said Gov. Whitman. "When people have weather-related damage at home because of a severe storm, for instance, they should be able to count on the fact that an insurer does not have the right to cancel or not renew their policy."

This bill also includes claims or losses that result from a third party criminal act committed by a non-resident of the insured dwelling, and like weather-related damage, it is beyond the homeowner's control. It applies only to owner-occupied, one to four family dwellings.

Yet the bill outlines that insurers are able to offer coverage on different terms and conditions if the insured has failed to reduce the risk of future claims, such as not making repairs if they were needed.

Under previous law, insurers were able to use their own underwriting guidelines; they could cancel or not renew a homeowner's insurance policy based upon a weather-related or criminal act claim during the policy year.

The legislation, **SCS for S-950 and S-1099**, was sponsored by Senators Anthony R. Bucco (R-Morris), Dr. Gerald Cardinale (R-Bergen) and Raymond J. Lesniak (D-Union) and Assembly Members Neil M. Cohen (D-Union) and Joseph Suliga (D-Union).

Recommendation to Death Penalty

"I feel it's only right that family members of a murder victim be allowed to attend the condemned person's execution - if that is something they choose to do," said Gov. Whitman. "While this bill doesn't ease the pain and suffering of a murder victim's family, these people are hurting enough - and we should grant them this wish, especially after all they have been through."

Including a recommendation from the Report by the Governor's Study Commission on the Implementation of the Death Penalty, the bill amends the law concerning executions to allow members of the murder victim's family, as well as the condemned person's family, to attend the execution.

Specifically, it permits two adult members of the condemned person's immediate family to be present at the condemned person's request. The bill also allows four adult members of the victim's family to be present, but prohibits disclosure of their names. And it reduces the number of physicians who must be present from two to one and reduces the number of members of the press from eight to four.

Under the previous law, both the families of the accused and the victim were prevented from attending the execution. Another provision that allows six citizen witnesses from attending still remains in the legislation.

The legislation, **A-2439**, was sponsored by Assembly Members Guy F. Talarico (R-Bergen) and Rose M. Heck (R-Bergen) and Senators Norman M. Robertson (R-Essex/Passaic) and Robert W. Singer (R-Burlington/Monmouth/Ocean).

In addition, Gov. Whitman today signed these pieces of legislation:

A-2099, sponsored by Assemblyman E. Scott Garrett (R-Sussex/Hunterdon/Morris), clarifies the rights of campground facilities. The bill grants the owner of a private campground facility a lien upon the personal property (located at the facility) of a campground occupant for rent, labor or other reasonable charges due under the rental agreement. Personal property is defined as any property not affixed to the land, such as recreational vehicles, trailers, boats, tents and their contents. Also, in order to provide the campground owners with a more effective means to deal with rowdy or abusive campers, the bill says that an owner may have an occupant removed if the occupant is in violation of the terms of a rental agreement.

A-194, sponsored by Assembly Members George F. Geist (R-Camden/Gloucester) and Gerald J. Luongo (R-Camden/ Gloucester) and Senators John J. Matheussen (R-Camden/Gloucester) and Andrew R. Ciesla (R-Monmouth/Ocean), imposes an additional penalty in certain drug-related cases and provides for deposit of such penalties in the Drug Abuse Education Fund. The bill imposes a penalty of \$50 on persons who are admitted to supervisory treatment pursuant to the Pre-Trial Intervention Program or who receive a conditional discharge for drug-related offenses.

A-2269, sponsored by Assemblyman Bagger (R-Middlesex /Morris/ Somerset/Union) makes changes to the law concerning certification of municipal tax collectors.