

2C: 43-2

LEGISLATIVE HISTORY CHECKLIST

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(Extradition--restitution)

NJSA: 2C:43-2

LAWS OF: 1997 CHAPTER: 253

BILL NO: S1254

SPONSOR(S): Lesniak

DATE INTRODUCED: June 3, 1996

COMMITTEE: ASSEMBLY: Law & Public Safety
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 26, 1997
SENATE: March 10, 1997

DATE OF APPROVAL: September 12, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 253, *approved September 12, 1997*
Senate, No. 1254 (*First Reprint*)

1 AN ACT concerning restitution for extradition costs amending
2 N.J.S.2C:43-2 ¹[and amending N.J.S.2C:46-4] P.L.1979, c.396 and
3 P.L.1991, c.329¹ and supplementing Title 2C of the New Jersey
4 Statutes.

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

8
9 1. ¹[N.J.S.2C:43-2.] N.J.S.2C:43-2¹ is amended to read ¹as
10 follows¹:

11 2C:43-2. Sentence in accordance with code; authorized
12 dispositions. a. Except as otherwise provided by this code, all
13 persons convicted of an offense or offenses shall be sentenced in
14 accordance with this chapter.

15 b. Except as provided in subsection a. of this section and subject
16 to the applicable provisions of the code, the court may suspend the
17 imposition of sentence on a person who has been convicted of an
18 offense, or may sentence him as follows:

19 (1) To pay a fine or make restitution authorized by [section]
20 N.J.S.2C:43-3 or P.L. _____, c. _____ (C. _____) (now pending before the
21 Legislature as section ¹[3]4¹ of this bill); or

22 (2) To be placed on probation and, in the case of a person
23 convicted of a crime, to imprisonment for a term fixed by the court not
24 exceeding 364 days to be served as a condition of probation, or in the
25 case of a person convicted of a disorderly persons offense, to
26 imprisonment for a term fixed by the court not exceeding 90 days to
27 be served as a condition of probation; or

28 (3) To imprisonment for a term authorized by sections 2C:11-3,
29 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

30 (4) To pay a fine, make restitution and probation, or fine,
31 restitution and imprisonment; or

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 Senate SJU committee amendments adopted January 14, 1997.

1 (5) To release under supervision in the community or to require the
2 performance of community-related service; or

3 (6) To a halfway house or other residential facility in the
4 community, including agencies which are not operated by the
5 Department of Human Services; or

6 (7) To imprisonment at night or on weekends with liberty to work
7 or to participate in training or educational programs.

8 c. Instead of or in addition to any disposition made according to
9 this section, the court may postpone, suspend, or revoke for a period
10 not to exceed two years the driver's license, registration certificate, or
11 both of any person convicted of a crime, disorderly persons offense,
12 or petty disorderly persons offense in the course of which a motor
13 vehicle was used. In imposing this disposition and in deciding the
14 duration of the postponement, suspension, or revocation, the court
15 shall consider the severity of the crime or offense and the potential
16 effect of the loss of driving privileges on the person's ability to be
17 rehabilitated. Any postponement, suspension, or revocation shall be
18 imposed consecutively with any custodial sentence.

19 d. This chapter does not deprive the court of any authority
20 conferred by law to decree a forfeiture of property, suspend or cancel
21 a license, remove a person from office, or impose any other civil
22 penalty. Such a judgment or order may be included in the sentence.

23 e. The court shall state on the record the reasons for imposing the
24 sentence, including its findings pursuant to the criteria for withholding
25 or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3,
26 where imprisonment is imposed, consideration of the defendant's
27 eligibility for release under the law governing parole and the factual
28 basis supporting its findings of particular aggravating or mitigating
29 factors affecting sentence.

30 f. The court shall explain the parole laws as they apply to the
31 sentence and shall state:

32 (1) the approximate period of time in years and months the
33 defendant will serve in custody before parole eligibility;

34 (2) the jail credits or the amount of time the defendant has already
35 served;

36 (3) that the defendant may be entitled to good time and work
37 credits; and

38 (4) that the defendant may be eligible for participation in the
39 Intensive Supervision Program.

40 (cf: P.L.1994, c.155. s.1)

41
42 2. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as
43 follows:

44 3. a. All fines, assessments imposed pursuant to section 2 of
45 P.L.1979, c.396 (C.2C:43-3.1) and restitution shall be collected as
46 follows:

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

22 (2) All fines, assessments imposed pursuant to section 2 of
23 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by a municipal
24 court shall be collected by the municipal court ¹[clerk] administrator¹
25 except if such fine, assessments imposed pursuant to section 2 of
26 P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition
27 of probation in which event it shall be collected by the county
28 probation division.

29 b. Except as provided in subsection c. with respect to fines
30 imposed on appeals following convictions in municipal courts and
31 except as provided in subsection i. with respect to restitution imposed
32 under the provisions of P.L. _____, c. _____ (now pending before the
33 Legislature as section ¹[3]4¹ of this bill), all fines imposed by the
34 Superior Court or otherwise imposed at the county level, shall be paid
35 over by the officer entitled to collect same to:

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

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

42 c. All fines imposed by municipal courts ¹except a central
43 municipal court established pursuant to N.J.S.2B:12-1¹ on defendants
44 convicted of crimes, disorderly persons offenses and petty disorderly
45 persons offenses, and all fines imposed following conviction on appeal
46 therefrom, and all forfeitures of bail shall be paid over by the officer

1 entitled to collect same to the treasury of the municipality wherein the
2 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 apportioned
6 among the several municipalities to which the court's jurisdiction
7 extends according to the ratios of the municipalities' contributions to
8 the total expense of maintaining the court.

9 ¹In 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 bail
11 shall be paid into the county treasury of the county where the central
12 municipal court is located.¹

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 in
15 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 and
18 deposited as provided for in that section.

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

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

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

28 i. All restitution imposed on defendants under the provisions of
29 P.L. , c. (now pending before the Legislature as section ¹[3]⁴ of
30 this bill) for costs incurred by a law enforcement entity in extraditing
31 the defendant from another jurisdiction shall be paid over by the
32 officer entitled to collect same to the law enforcement entities which
33 participated in the extradition of the defendant.

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

35

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

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

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

46 b. second, except as provided in subsection f. of this section, in

1 satisfaction of any restitution ordered;

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

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

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

8 f. sixth, in satisfaction of restitution for any extradition costs
9 imposed pursuant to section 4 of P.L. , c. (C.)(now pending
10 before the Legislature as this bill):

11 g. seventh, in satisfaction of any fine.¹

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

13

14 ¹[3.] 4.¹ (New section) In addition to any fine or restitution
15 authorized by N.J.S.2C:43-3, the court may sentence a defendant to
16 make restitution for costs incurred by any law enforcement entity in
17 extraditing the defendant from another jurisdiction if the court finds
18 that, at the time of the extradition, the defendant was located in othe
19 other jurisdiction in order to avoid prosecution for a crime committed
20 in this State or service of a criminal sentence imposed by a court of
21 this State.

22

23 ¹[4.] 5.¹ This act shall take effect immediately.

24

25

26

27

28 Authorizes court to require criminal defendant to make restitution for
29 extradition costs incurred by law enforcement entity in certain
30 instances.

1 the total expense of maintaining the court.

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

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

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

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

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

17 i. All restitution imposed on defendants under the provisions of
18 P.L. _____, c. _____ (now pending before the Legislature as section 3 of this
19 bill) for costs incurred by a law enforcement entity in extraditing the
20 defendant from another jurisdiction shall be paid over by the officer
21 entitled to collect same to the law enforcement entities which
22 participated in the extradition of the defendant.

23 (cf: P.L.1995, c.281, s.2)

24

25 3. (New section) In addition to any fine or restitution authorized
26 by N.J.S.2C:43-3, the court may sentence a defendant to make
27 restitution for costs incurred by any law enforcement entity in
28 extraditing the defendant from another jurisdiction if the court finds
29 that, at the time of the extradition, the defendant was located in othe
30 other jurisdiction in order to avoid prosecution for a crime committed
31 in this State or service of a criminal sentence imposed by a court of
32 this State.

33

34 4. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 Law enforcement entities may incur substantial costs in extraditing
40 persons who have fled the State to avoid prosecution and punishment.
41 This bill would authorize the court, in sentencing a defendant
42 convicted of a crime, to also require the defendant to make restitution
43 to any law enforcement entity for costs it incurred in extraditing him.
44 In order to impose restitution, the court would be required to find
45 that, at the time of the extradition, the defendant was located in the
46 other jurisdiction in order to avoid prosecution for a crime committed

1 in this State or service of criminal sentence imposed by a court of this
2 State.

3

4

5

6

7 _____
8 Authorizes court to require criminal defendant to make restitution for
9 extradition costs incurred by law enforcement entity in certain
instances.

[Passed Both Houses]

[First Reprint]

SENATE, No. 1254

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senator LESNIAK, Assemblymen Geist, Stuhltrager,
Assemblywoman Allen, Assemblymen DeSopo and Rocco

1 AN ACT concerning restitution for extradition costs amending
2 N.J.S.2C:43-2 ¹ [and amending N.J.S.2C:46-4] P.L.1979, c.396
3 and P.L.1991, c.329¹ and supplementing Title 2C of the New
4 Jersey Statutes.

5

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

8

9 1. ¹ [N.J.S.2C:43-2.] N.J.S.2C:43-2¹ is amended to read ¹ as
10 follows¹:

11 2C:43-2. Sentence in accordance with code; authorized
12 dispositions. a. Except as otherwise provided by this code, all
13 persons convicted of an offense or offenses shall be sentenced in
14 accordance with this chapter.

15 b. Except as provided in subsection a. of this section and subject
16 to the applicable provisions of the code, the court may suspend the
17 imposition of sentence on a person who has been convicted of an
18 offense, or may sentence him as follows:

19 (1) To pay a fine or make restitution authorized by [section]
20 N.J.S.2C:43-3 or P.L. _____, c. _____ (C. _____) (now pending before the
21 Legislature as section ¹ [3]4¹ of this bill); or

22 (2) To be placed on probation and, in the case of a person
23 convicted of a crime, to imprisonment for a term fixed by the court not
24 exceeding 364 days to be served as a condition of probation, or in the
25 case of a person convicted of a disorderly persons offense, to
26 imprisonment for a term fixed by the court not exceeding 90 days to
27 be served as a condition of probation; or

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 Senate SJU committee amendments adopted January 14, 1997.

1 (3) To imprisonment for a term authorized by sections 2C:11-3,
2 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

3 (4) To pay a fine, make restitution and probation, or fine,
4 restitution and imprisonment; or

5 (5) To release under supervision in the community or to require the
6 performance of community-related service; or

7 (6) To a halfway house or other residential facility in the
8 community, including agencies which are not operated by the
9 Department of Human Services; or

10 (7) To imprisonment at night or on weekends with liberty to work
11 or to participate in training or educational programs.

12 c. Instead of or in addition to any disposition made according to
13 this section, the court may postpone, suspend, or revoke for a period
14 not to exceed two years the driver's license, registration certificate, or
15 both of any person convicted of a crime, disorderly persons offense,
16 or petty disorderly persons offense in the course of which a motor
17 vehicle was used. In imposing this disposition and in deciding the
18 duration of the postponement, suspension, or revocation, the court
19 shall consider the severity of the crime or offense and the potential
20 effect of the loss of driving privileges on the person's ability to be
21 rehabilitated. Any postponement, suspension, or revocation shall be
22 imposed consecutively with any custodial sentence.

23 d. This chapter does not deprive the court of any authority
24 conferred by law to decree a forfeiture of property, suspend or cancel
25 a license, remove a person from office, or impose any other civil
26 penalty. Such a judgment or order may be included in the sentence.

27 e. The court shall state on the record the reasons for imposing the
28 sentence, including its findings pursuant to the criteria for withholding
29 or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3,
30 where imprisonment is imposed, consideration of the defendant's
31 eligibility for release under the law governing parole and the factual
32 basis supporting its findings of particular aggravating or mitigating
33 factors affecting sentence.

34 f. The court shall explain the parole laws as they apply to the
35 sentence and shall state:

36 (1) the approximate period of time in years and months the
37 defendant will serve in custody before parole eligibility;

38 (2) the jail credits or the amount of time the defendant has already
39 served;

40 (3) that the defendant may be entitled to good time and work
41 credits; and

42 (4) that the defendant may be eligible for participation in the
43 Intensive Supervision Program.

44 (cf: P.L.1994, c.155. s.1)

45

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

1 follows:

2 3. a. All fines, assessments imposed pursuant to section 2 of
3 P.L.1979, c.396 (C.2C:43-3.1) and restitution shall be collected as
4 follows:

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

26 (2) All fines, assessments imposed pursuant to section 2 of
27 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by a municipal
28 court shall be collected by the municipal court ¹~~clerk~~ administrator¹
29 except if such fine, assessments imposed pursuant to section 2 of
30 P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition
31 of probation in which event it shall be collected by the county
32 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 imposed
36 under the provisions of P.L. _____, c. _____ (now pending before the
37 Legislature as section ¹~~3~~⁴ of this bill), all fines imposed by the
38 Superior Court or otherwise imposed at the county level, shall be paid
39 over by the officer entitled to 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, including
42 a term as a condition of probation, in the county jail, workhouse or
43 penitentiary except where such county sentence is served concurrently
44 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 ¹,except a central

1 municipal court established pursuant to N.J.S.2B:12-1¹ on defendants
2 convicted of crimes, disorderly persons offenses and petty disorderly
3 persons offenses, and all fines imposed following conviction on appeal
4 therefrom, and all forfeitures of bail shall be paid over by the officer
5 entitled to collect same to the treasury of the municipality wherein the
6 municipal court is located.

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

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

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

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

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

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

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

32 i. All restitution imposed on defendants under the provisions of
33 P.L. _____, c. _____ (now pending before the Legislature as section ¹1314¹
34 of this bill) for costs incurred by a law enforcement entity in
35 extraditing the defendant from another jurisdiction shall be paid over
36 by the officer entitled to collect same to the law enforcement entities
37 which participated in the extradition of the defendant.

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

39

40 ¹3. Section 13 of P.L.1991, c.329 (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, except as provided in subsection f. of this section, in
5 satisfaction of any restitution ordered;

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

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

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

12 f. sixth, in satisfaction of restitution for any extradition costs
13 imposed pursuant to section 4 of P.L. , c. (C.)(now pending
14 before the Legislature as this bill):

15 g. seventh, in satisfaction of any fine.¹

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

17

18 ¹**[3.] 4.**¹ (New section) In addition to any fine or restitution
19 authorized by N.J.S.2C:43-3, the court may sentence a defendant to
20 make restitution for costs incurred by any law enforcement entity in
21 extraditing the defendant from another jurisdiction if the court finds
22 that, at the time of the extradition, the defendant was located in othe
23 other jurisdiction in order to avoid prosecution for a crime committed
24 in this State or service of a criminal sentence imposed by a court of
25 this State.

26

27 ¹**[4.] 5.**¹ This act shall take effect immediately.

28

29

30

31

32 Authorizes court to require criminal defendant to make restitution for
33 extradition costs incurred by law enforcement entity in certain
34 instances.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1254

STATE OF NEW JERSEY

DATED: JUNE 9, 1997

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1254 (1R).

Senate Bill No. 1254 (1R) amends N.J.S.2C:43-2, P.L.1979, c.396 (C.2C:46-4) and P.L.1991, c.329 (C.2C:46-4.1) and supplements Title 2C of the New Jersey Statutes to authorize a court, in sentencing a defendant convicted of a crime, to require the defendant to make restitution to any law enforcement authority for the costs incurred in extraditing that defendant from another jurisdiction. In order to impose an order of restitution for extradition, the court is required to find that, at the time of the extradition, the defendant was located in the other jurisdiction for the purpose of avoiding prosecution for a crime committed in this State or service of a criminal sentence imposed by a New Jersey court. The bill also amends section 13 of P.L.1991, c.329 (C.2C:46-4.1), the section of law which lists the order in which monetary penalties imposed on criminal defendants are to be satisfied, to include reference to restitution for extradition.

This bill is identical to Assembly Bill No. 2842.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1254

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 1997

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1254.

This bill would authorize a court, in sentencing a defendant convicted of a crime, to require the defendant to make restitution to any law enforcement authority for costs incurred in extraditing the defendant from another jurisdiction. In order to impose restitution for these costs, the court would be required to find that, at the time of extradition, the defendant was located in the other jurisdiction in order to avoid prosecution for a crime committed in this State or service of a criminal sentence imposed by a New Jersey court.

The committee amendments added a new section 3 amending N.J.S.2C:46-4.1 which lists the order in which monetary penalties imposed on criminal defendants are to be satisfied to include reference to restitution for extradition costs. The committee amendments also added language to reflect the provisions of P.L.1996, c.95, which authorized the creation of central municipal courts.
