

2B:12-1

LEGISLATIVE HISTORY CHECKLIST
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(Municipal courts--revision)

NJSA: 2B:12-1 et seq

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SPONSOR(S): Matheussen

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

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FOLLOWING WERE PRINTED:

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HEARINGS: No

Reports mentioned in statements:

974.901 New Jersey Law Revision Commission.
L446 Annual report..Trenton
[1991--see pp.4-5 and Appendix B]
[1990--see p.7 and Appendix G]

974.90 New Jersey. Supreme Court Task Force on Improvement of MUNICIPAL
C866 Report...1985. COURTS.
1985d

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[FOURTH REPRINT]

SENATE, No. 875

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1992

By Senators MATHEUSSEN and Cafiero

1 AN ACT concerning the municipal courts, enacting a new chapter
2 12 to Title 2B of the New Jersey Statutes and revising and
3 repealing portions of the statutory law.

4

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

7 1. An additional chapter, chapter 12, is added to Title 2B of
8 the New Jersey Statutes as follows:

9

TITLE 2B

10

CHAPTER 12. MUNICIPAL COURTS

11

2B:12-1. Establishment of municipal courts.

12

2B:12-2. Name of court.

13

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2B:12-25. Records and standards for municipal courts.

38

2B:12-26. Docketing judgment.

39

2B:12-27. ¹[Prosecutor] Blank¹.

40

2B:12-28. Defense of indigents.

41

2B:12-29. ⁴[Imposition of surcharge] Blank⁴.

42

2B:12-30. Automated Traffic System Fund.

43

2B:12-31. Suspension of driving privileges.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted October 15, 1992.

² Senate SBA committee amendments adopted November 16, 1992.

³ Senate floor amendments adopted December 14, 1992.

⁴ Assembly AJL committee amendments adopted November 8, 1993.

1 2B:12-1. Establishment of municipal courts. a. Every
2 municipality ¹[with a population of 100 or more at the latest
3 census]¹ shall establish a municipal court. ¹[Other municipalities
4 may establish municipal courts.] If a municipality fails to
5 maintain a municipal court or does not enter into an agreement
6 pursuant to subsection b. or c. of this section, the Assignment
7 Judge of the vicinage shall order violations occurring within its
8 boundaries heard in any other municipal court in the county until
9 such time as the municipality establishes and maintains a
10 municipal court. The municipality without a municipal court shall
11 be responsible for all administrative costs specified in the order
12 of the Assignment Judge pending the establishment of its
13 municipal court.¹

14 b. Two or more municipalities, by ordinance, may enter into an
15 agreement establishing a single joint municipal court and
16 providing for its administration. A copy of the agreement shall
17 be filed with the Administrative Director of the Courts. As used
18 in this act, "municipal court" includes a joint municipal court.

19 c. Two or more municipalities, by ordinance or resolution, may
20 agree to provide jointly for courtrooms, chambers, equipment,
21 supplies and employees for their municipal courts and agree to
22 appoint the same persons as judges and administrators without
23 establishing a joint municipal court. Where municipal courts
24 share facilities in this manner, the identities of the individual
25 courts shall continue to be expressed in the captions of orders and
26 process.

27 d. An agreement pursuant to subsection b. or c. of this section
28 may be terminated as provided in the agreement. If the
29 agreement makes no provision for termination, it may be
30 terminated by any party with reasonable notices and terms as
31 determined by the Assignment Judge of the vicinage.

32 Source: N.J.S.2A:8-1, N.J.S.2A:8-3, C.2A:8-18.2 (P.L.1990, c.95,
33 s.5).

34 2B:12-2. Name of court. The name of a municipal court of a
35 single municipality shall be the "Municipal Court of (insert name
36 of municipality)." The name of a joint municipal court shall be
37 specified in the ordinances establishing the court.

38 Source: N.J.S.2A:8-1.

39 2B:12-3. Place of court. Courtrooms and sessions of a
40 municipal court need not be in the municipality for which the
41 court has jurisdiction. If the same person is serving as judge of
42 more than one municipal court, sessions of the respective courts
43 may be combined.

44 Source: C.2A:8-18.1 (P.L.1957, c.167).

45 2B:12-4. Judge of municipal court; term of office;
46 appointment. a. Each judge of a municipal court shall serve for
47 a term of three years from the date of appointment and until a
48 successor is appointed and qualified. Any appointment to fill a
49 vacancy not caused by the expiration of term shall be made for
50 the unexpired term only. However, if a municipality requires by
51 ordinance that the judge of the municipal court devote full time
52 to judicial duties or limit the practice of law to non-litigated
53 matters, the first appointment after the establishment of that
54 requirement shall be for a full term of three years.

1 b. In municipalities governed by a mayor-council form of
2 government, the municipal court judge shall be appointed by the
3 mayor with the advice and consent of the council. Each judge of
4 a joint municipal court shall be nominated and appointed by the
5 Governor with the advice and consent of the Senate. In all other
6 municipalities, the municipal judge shall be appointed by the
7 governing body of the municipality.

8 Source: N.J.S.2A:8-5.

9 2B:12-5. Additional municipal judges. a. With the written
10 consent of the Assignment Judge of the vicinage, a municipality
11 may:

- 12 (1) increase the number of judgeships of the municipal court, or
- 13 (2) appoint one or more temporary municipal judges.

14 b. A temporary judge is an additional judge of the municipal
15 court appointed to meet a special need of limited duration. The
16 procedure for appointment of temporary municipal judges shall be
17 the same as that for other municipal judges, but each term of a
18 temporary judge shall not exceed one year.

19 Source: C.2A:8-5a and C.2A:8-5b (P.L.1985, c.46, ss. 1 and 2);
20 C.2A:8-5.2 (P.L.1983, c.430).

21 2B:12-6. Designation of acting judges. Subject to the Rules of
22 Court, the Assignment Judge of the vicinage may appoint an
23 acting judge of each of the municipal courts in the vicinage to
24 serve as judge temporarily when the judge of that court is unable
25 to hold the municipal court. A person appointed as an acting
26 judge shall be a judge of another municipal court or an
27 attorney-at-law. A copy of the appointment of an acting judge
28 for a municipal court shall be sent to the judge of that court.

29 Source: N.J.S.2A:8-10.

30 2B:12-7. Qualifications of judges; compensation. a. Every
31 judge, temporary judge and acting judge of a municipal court
32 shall be a resident of this State and an attorney-at-law admitted
33 to practice in this State for at least five years ¹provided,
34 however, that this provision shall not apply to any
35 attorney-at-law serving as a judge of a municipal court on the
36 effective date of this act¹.

37 b. In lieu of any other fees, judges of municipal courts shall be
38 paid annual salaries set by ordinance or resolution of the
39 municipalities establishing the court.

40 Source: N.J.S.2A:8-7; N.J.S.2A:8-9.

41 2B:12-8. Chief judge. Where there is more than one judge of a
42 municipal court, the municipality may designate one of the judges
43 as the chief judge of the court. The chief judge shall designate
44 the time and place of court and assign cases among the judges.

45 Source: N.J.S.2A:8-19.

46 2B:12-9. Presiding judge of ²the² municipal ²[court] courts².
47 If the Chief Justice designates a judge of the Superior Court or a
48 judge of one of the municipal courts in a vicinage to serve as
49 presiding judge of the municipal ²[court] courts² for that
50 vicinage, that judge may exercise powers delegated by the Chief
51 Justice or established by the Rules of Court.

52 If the presiding judge is a municipal court judge, the presiding
53 judge shall be paid by the State for the time devoted to duties as
54 Presiding Judge. ¹[Total compensation for all judicial duties shall

1 not exceed the salary of a judge of the Superior Court.]¹

2 Source: New.

3 2B:12-10. Municipal court administrator and personnel. a. A
4 municipality shall provide for an administrator and other
5 necessary employees for the municipal court and for their
6 compensation. With approval of the Supreme Court, an employee
7 of the municipality, in addition to other duties, may be
8 designated to serve as administrator of the municipal court.

9 b. The judge of a municipal court may designate in writing an
10 acting administrator or deputy administrator to serve temporarily
11 for an absent administrator or deputy administrator until the
12 absent administrator or deputy administrator returns or a new
13 administrator or deputy administrator is appointed. The acting
14 administrator or acting deputy administrator shall be paid at a
15 rate established by the judge but not exceeding that established
16 for the administrator or deputy administrator.

17 ¹[c. A person employed as the administrator of a municipal
18 court who (1) has held that office continuously for five years or
19 more and who is certified as a municipal court administrator as
20 provided by N.J.S.2B:12-11, or (2) on the effective date of this
21 act, has tenure granted under prior law or under Title 11A of the
22 New Jersey Statutes, shall hold office during good behavior and
23 may not be removed except for good cause. Any other person
24 employed as the administrator of a municipal court shall serve at
25 the pleasure of the municipality.]¹

26 Source: N.J.S.2A:8-13; C.2A:8-13.1 (P.L.1953, c.168);
27 C.2A:8-13.2 (P.L.1971, c.189); C.2A:8-13.3 (P.L.1975, c.39).

28 2B:12-11. Certification of municipal court administrators. a.
29 The Supreme Court may appoint a Municipal Court Administrator
30 Certification Board. That board shall:

31 (1) Design examinations for certification of municipal court
32 administrators;

33 (2) Establish courses satisfying training requirements in
34 subjects closely related to the duties of a municipal court
35 administrator; and

36 (3) Establish procedures and fees for certification.

37 b. A person shall be certified as a Municipal Court
38 Administrator if the person:

39 (1) Is a high school graduate;

40 (2) Has a combination of two years of either full-time
41 government employment performing duties related to those of a
42 municipal court administrator, or higher education;

43 (3) Completes the training required by the board;

44 (4) Passes the examination held by the board, and

45 (5) Pays any required certification fee.

46 c. A person who is a municipal court administrator and has
47 been serving in that position for five years on the effective date
48 of this act shall be certified as a municipal court administrator if
49 the person passes the examination held by the board and pays any
50 required certification fee. A person who is a municipal court
51 administrator and has been serving in that position for three
52 years on the effective date of this act shall be certified as a
53 municipal court administrator if the person completes the
54 training required by the board, passes the examination held by the

1 board and pays any required certification fee.

2 d. A municipal court administrator certificate may be revoked
3 or suspended by the board for dishonest practices or failure to
4 perform, or neglect of, duties of a municipal court administrator.

5 Source: New.

6 2B:12-12. Bond or insurance. Before assuming the duties of
7 office, a judge or administrator of a municipal court, or person
8 employed by the court who handles money in the scope of that
9 employment, shall be covered by a bond or insurance against loss
10 or misappropriation of funds payable to the municipality, county
11 and State, in an amount and with terms set by the municipality.

12 Source: N.J.S.2A:8-14.

13 2B:12-13. Powers of administrator. Any process, order,
14 warrant or judgment issued by a municipal court may be signed by
15 the judge or be attested in the judge's name and signed by the
16 municipal court administrator. The municipal court
17 administrator shall have the authority granted by law and Rules
18 of Court to administrators and clerks of courts of record.

19 Source: N.J.S.2A:8-15.

20 2B:12-14. Officers empowered to execute process. Any law
21 enforcement officer, or any other person authorized by law, may
22 act in the service, execution and return of process, orders,
23 warrants and judgments issued by any municipal court.

24 Source: N.J.S.2A:8-16.

25 2B:12-15. Courtrooms and equipment. Suitable courtrooms,
26 chambers, offices, equipment and supplies for the municipal
27 court, its administrator's office and its violations bureau shall be
28 provided by the municipality.

29 Source: N.J.S.2A:8-18.

30 2B:12-16. Territorial jurisdiction. ¹a.¹ A municipal court of a
31 single municipality shall have jurisdiction over cases arising
32 within the territory of that municipality. A joint municipal court
33 shall have jurisdiction over cases arising within the territory of
34 any of the municipalities which the court serves. The territory of
35 a municipality includes any premises or property located partly in
36 and partly outside of the municipality.

37 ¹b. A municipal court judge, serving as an acting judge in any
38 other municipal court in the county, may also hear matters
39 arising out of that other court, while sitting in the court where
40 the acting judge holds a regular appointment.¹

41 Source: N.J.S.2A:8-20.

42 2B:12-17. Jurisdiction of specified offenses. A municipal
43 court has jurisdiction over the following cases within the
44 territorial jurisdiction of the court:

- 45 a. Violations of municipal ordinances;
- 46 b. Violations of the motor vehicle and traffic laws;
- 47 c. Disorderly persons offenses, petty disorderly persons
48 offenses and other non-indictable offenses except where
49 exclusive jurisdiction is given to the Superior Court;
- 50 d. Violations of the fish and game laws;
- 51 e. Proceedings to collect a penalty where jurisdiction is
52 granted by statute; and
- 53 f. Any other proceedings where jurisdiction is granted by
54 statute.

55 Source: N.J.S.2A:8-21.

1 2B:12-18. Jurisdiction of specified offenses where indictment
2 and trial by jury are waived. A municipal court has jurisdiction
3 over the following crimes occurring within the territorial
4 jurisdiction of the court, where the person charged waives
5 indictment and trial by jury in writing and the county prosecutor
6 consents in writing:

7 a. Crimes of the fourth degree enumerated in chapters 17, 18,
8 20 and 21 of Title 2C of the New Jersey Statutes; or

9 b. Crimes where the term of imprisonment that may be
10 imposed does not exceed one year.

11 Source: N.J.S.2A:8-22.

12 2B:12-19. Authority of municipal court judge prior to
13 indictment; notice to county prosecutor. a. A municipal court
14 has authority to conduct proceedings in a criminal case within its
15 territorial jurisdiction prior to indictment subject to the Rules of
16 Court.

17 b. A municipal court shall not discharge a person charged with
18 an indictable offense without first giving the county prosecutor
19 notice and an opportunity to be heard in the case.

20 Source: N.J.S.2A:8-23.

21 2B:12-20. Municipal housing court; jurisdiction. A
22 municipality in a county of the first class may establish, as a part
23 of its municipal court, a full-time municipal housing court.
24 Municipal housing courts shall have jurisdiction over actions for
25 eviction involving property in the municipality which are
26 transferred to the municipal housing court by the Special Civil
27 Part of the Superior Court, and shall have concurrent jurisdiction
28 to appoint receivers pursuant to section 6 of P.L.1966, c.168
29 (C.2A:42-79) and to enforce the provisions of P.L.1971, c.224
30 (C.2A:42-85 et seq.).

31 Source: C.2A:8-24.1 (P.L.1983, c.207, s.4).

32 2B:12-21. Officials authorized to act for court. a. An
33 administrator or deputy administrator of a municipal court,
34 authorized by a judge of that court, may exercise the power of
35 the municipal court to administer oaths for complaints filed with
36 the municipal court and to issue warrants and summonses.

37 b. A police officer in charge of a police station, other than an
38 officer who participated in the arrest of the defendant, may
39 exercise the power of the municipal court to administer oaths for
40 complaints filed with the municipal court. Any police officer
41 may ¹[exercise the power of the municipal court to]¹ issue
42 summonses ¹related to such complaints and may as authorized by
43 the Rules of the Court issue a summons in lieu of an arrest for an
44 offense committed in the officer's presence¹.

45 c. The authority of the municipal court to set conditions of
46 pre-trial release may be exercised by an administrator or deputy
47 administrator of a municipal court who is authorized by the judge
48 of that court, or by any police officer in charge of a police
49 station, other than an officer who participated in the arrest of
50 the defendant. The authority may be exercised only in
51 accordance with bail schedules promulgated by the
52 Administrative Office of the Courts or by the municipal court.

53 d. ¹[A] Except as otherwise provided by the Rules of Court, a¹
54 person charged with a non-indictable offense shall be released on

1 summons or personal recognizance ¹without necessary delay and¹
2 within 12 hours after arrest unless a judge ¹or court
3 administrator¹ has set the conditions for pretrial release and the
4 conditions remain unmet.

5 e. A person acting for a municipal court by authority of this
6 section shall immediately file the complaint, warrant, summons
7 or recognizance which was the subject of the action with the
8 municipal court.

9 Source: N.J.S.2A:8-27; N.J.S.2A:8-28.

10 2B:12-22. Periodic service of imprisonment. A court may
11 order that a sentence of imprisonment be served periodically on
12 particular days, rather than consecutively. The person
13 imprisoned shall be given credit for each day or fraction of a day
14 to the nearest hour actually served.

15 Source: C.2A:8-30.1 (P.L.1969, c.146).

16 2B:12-23. Default in payment of fine; community service. a.
17 A person, sentenced by a municipal court to pay a fine, who
18 defaults in payment may be ordered to perform community
19 service in lieu of incarceration or other modification of the
20 sentence with the person's consent.

21 b. The municipal official in charge of the community service
22 program shall report to the municipal court any failure of a
23 person subject to a court work order to report for work or to
24 perform the assigned work. Upon receipt of the report, the court
25 may revoke its community service order and impose any sentence
26 consistent with the original sentence.

27 Source: C.2A:8-31.1 and C.2A:8-31.2 (P.L.1983, c.153).

28 2B:12-24. Costs charged to complainant in certain cases. In
29 cases where the judge of a municipal court dismisses the
30 complaint or acquits the defendant and finds that the charge was
31 false and not made in good faith, the judge may order that the
32 complaining witness pay the costs of court established by law.

33 Source: N.J.S.2A:8-32.

34 2B:12-25. Records and standards for municipal courts. The
35 Supreme Court may prescribe records to be maintained and
36 reports to be filed by the municipal court and may promulgate
37 standards for facilities and staff of municipal courts.

38 Source: New.

39 2B:12-26. Docketing judgment. A judgment of a municipal
40 court assessing a penalty, fine or restitution may be docketed in
41 the Superior Court by the party recovering the judgment.

42 A judgment docketed in the Superior Court shall operate, from
43 the time of the docketing, as though the judgment was obtained
44 in an action originally commenced in the Superior Court.

45 After a judgment has been docketed in the Superior Court, the
46 municipal court shall not issue an execution or hold proceedings
47 in the case except that the municipal court may grant a new trial
48 or process an appeal.

49 If a new trial is granted or an appeal taken after a judgment is
50 docketed, the Superior Court shall not issue an execution on the
51 judgment pending the final determination of the proceedings.

52 Source: C.2A:8-42, C.2A:8-43, C.2A:8-48, C.2A:8-51,
53 C.2A:8-52, C.2A:8-53 (P.L.1968, c.460, ss. 1,2,7,10,11,12).

54 ¹[2B:12-27. Prosecutor. A municipality shall employ an

1 attorney-at-law as municipal prosecutor.

2 Source: New.]¹

3 2B:12-28. Defense of indigents.

4 1a.¹ A municipality ³[shall] may³ employ attorneys-at-law on
5 a full-time, part-time or per-case basis to provide for the
6 representation of persons entitled by law to appointment of
7 counsel.

8 1b. A municipality may, by ordinance, require a person applying
9 for representation by a municipal public defender to pay an
10 application fee of not more than \$50.00. The municipal court may
11 waive any required application fee, in whole or in part, if the
12 court determines, in its discretion, that the application fee
13 represents an unreasonable burden on the person seeking
14 representation.¹

15 Source: New.

16 ⁴[2B:12-29. Imposition of surcharge. a. In addition to any fine
17 or penalty assessed for a violation of Title 39 or Title 40 of the
18 Revised Statutes or any traffic ordinance, a municipal court shall
19 also impose a \$1.00 surcharge. This surcharge shall be collected
20 by the municipal court administrator for deposit into the
21 Automated Traffic System Fund governed by N.J.S.2B:12-30.
22 The court shall not suspend the collection of the \$1.00 surcharge
23 imposed pursuant to this section.

24 b. The Administrative Office of the Courts shall prescribe any
25 revisions necessary to the summons or complaint form to reflect
26 the surcharge required under the provisions of subsection a. of
27 this section.

28 Source: C.2A:8-21.1 (P.L.1990, c.95, s. 6).]⁴

29 2B:12-30. Automated Traffic System Fund.

30 a. The Legislature finds and declares that there is a need to
31 improve the management, efficiency and effectiveness of
32 municipal court operations and quality of justice by providing
33 funds:

34 (1) To be utilized by the Administrative Office of the Courts
35 to design, equip, operate and maintain a standardized, Statewide
36 computer system, including integrated traffic ticket control,
37 court financial accounting, case processing, statistical reporting
38 services and other components necessary to automate municipal
39 court operations; and

40 (2) To ensure the smooth exchange of automated information
41 among the Judiciary, the Division of Motor Vehicles, ⁴[and] law
42 enforcement agencies,⁴ other public ⁴or quasi-public⁴ agencies
43 ⁴,or those autonomous systems approved by the Administrative
44 Office of the Courts pursuant to subsection d. of this section⁴.

45 b. In order to accomplish these purposes, there is created the
46 "Automated Traffic System Fund." The fund shall be a dedicated
47 fund within the General Fund and administered by the
48 Administrative Office of the Courts. The fund shall be the
49 depository of moneys realized from the \$1.00 surcharge imposed
50 pursuant to ⁴[N.J.S.2B:12-29] section 6 of P.L. 1990, c. 95
51 (C.2A:8-21.1), the \$2.00 court cost assessment imposed pursuant
52 to subsection a. of N.J.S. 22A:3-4⁴ and any other moneys made
53 available for the purposes of the fund.

54 c. The Supreme Court may issue Rules of Court to effectuate

1 the purposes of this act.
2 d. Nothing in this section shall be deemed to prevent a
3 municipality ⁴[which ¹[maintained] maintains, or chooses to
4 obtain,¹], at its own expense, from maintaining or obtaining and
5 using⁴ an autonomous computer system for integrated traffic
6 ticket control, court financial accounting, case processing ⁴[and]
7 ,⁴ statistical reporting services ¹[on December 23, 1990 from
8 continuing to operate] ⁴[from operating¹ that system
9 independent of] and other components necessary to automate
10 municipal court operations that interconnects with⁴ the
11 Automated Traffic System ⁴,its components and⁴ computer
12 network ⁴,upon the approval of the Administrative Office of the
13 Courts, in accordance with the following:

14 (1) An autonomous system shall only be approved for
15 interconnection with the Automated Traffic System (ATS) when
16 it meets all technical interconnection requirements, standardized
17 data definitions and functionality of the Automated Traffic
18 System, including its criminal and ordinance violation
19 components, necessary to: fully automate municipal court
20 operations in accordance with law, court rule or administrative
21 directive; maintain and update on-line the standardized
22 Statewide data base and its electronic traffic and criminal
23 warrant components; and provide for on-line inquiry and
24 exchange of automated data, consistent with the purposes
25 expressed in subsection a. of this section.

26 (2) A municipality that obtains and uses an autonomous
27 system, approved for interconnection with the Automated Traffic
28 System, shall retain, from the date of interconnection, one-half
29 the full amount of that portion of the court cost assessment
30 imposed and collected on and after that date for payment into
31 the Automated Traffic System Fund, pursuant to subsection a. of
32 N.J.S.22A:3-4. The retained court cost assessment shall be used
33 by the municipality to offset the operating costs of its
34 autonomous system, including costs to maintain compliance with
35 the interconnection requirements of the Automated Traffic
36 System. A municipality shall be entitled only to retain those
37 court cost assessments for as long as its autonomous system
38 continues to meet the update and other requirements of
39 paragraph (1) of subsection d. of this section.

40 (3) That portion of the court cost assessment, imposed
41 pursuant to subsection a. of N.J.S.22A:3-4 and retained by the
42 State, shall be used for the purposes described in subsection a. of
43 this section including: the State's costs, within the Automated
44 Traffic System, of developing and maintaining interconnection
45 with an autonomous system; the maintenance, improvement and
46 updating of the Automated Traffic System, its components and
47 the standardized Statewide data base; and the procurement and
48 maintenance of hand-held data entry devices and related
49 equipment for use by parking authorities or parking agencies who
50 choose to be directly serviced by the Automated Traffic System.
51 The Administrative Office of the Courts may obtain either
52 directly, through the Statewide master contract process, or as
53 otherwise provided by law, automation services or equipment
54 including hand-held, ticket-issuing devices and printers for use by

1 those parking authorities or parking agencies to facilitate the
2 exchange of automated information and maintain the efficiency
3 of the standardized Statewide computer system.

4 (4) An autonomous computer system used by a municipality
5 shall be interconnected with the Automated Traffic System and
6 its components by January 1, 1997. The Administrative Office of
7 the Courts shall, at no cost to the municipality, install and
8 maintain the telecommunication line and the court's modem to
9 permit the municipal court to provide for the on-line exchange of
10 automated information with the Automated Traffic System and
11 its components. The Administrative Office of the Courts shall
12 maintain sufficient capacity on its mainframe computer to
13 incorporate the standardized data of that municipal court into
14 the Statewide record system, including the Statewide traffic and
15 criminal warrant systems. Any municipality that fails to
16 maintain and use an autonomous computer system that meets the
17 requirements of this subsection by January 1, 1997 shall be
18 implemented on ATS directly. After that date, municipal courts
19 operating on ATS retain full discretion to either continue on ATS
20 or subsequently obtain and use an autonomous system approved
21 for interconnection.

22 (5) Nothing in this section shall preclude the Administrative
23 Office of the Courts from immediately terminating, on an
24 emergency basis, without notice, any interconnection with an
25 autonomous system whose continued operation at any time
26 immediately threatens or has compromised the security or data
27 integrity of the Automated Traffic System, any of its components
28 or any of the public and quasi-public agencies that exchange
29 automated information with the Automated Traffic System,
30 pursuant to paragraph (2) of subsection a. of this section. The
31 municipality shall immediately be provided with written reasons
32 for the termination, which shall continue until the threats to
33 security and data integrity have been removed.

34 (6) If there is any disagreement between the municipality and
35 the Administrative Office of the Courts concerning the standards
36 for the exchange of automated information set forth in this
37 section, the municipality or the Administrative Office of the
38 Courts may seek the advice of the New Jersey Information
39 Resources Management Commission established pursuant to
40 P.L.1993, c. 199 (C.52:9XX-1 et seq.).

41 (7) Any municipal contract related to the operation of an
42 autonomous computer system shall be subject to review, audit
43 and the policies of the Division of Local Government Services in
44 accordance with N.J.S. 40A:11-1 et seq. including the auditing
45 standards of the Division of Local Government Services relating
46 to the processing of transactions by servicing organizations
47 pursuant to N.J.S.40A:11-12.6. All contracts between
48 municipalities and private service providers shall require
49 compliance with the provisions of this section.

50 (8) The Administrative Office of the Courts shall promulgate
51 administrative procedures necessary to accomplish the purposes
52 of this subsection⁴.

53 ⁴e. The Administrative Office of the Courts shall report to
54 the special committee created pursuant to the provisions of

1 section 7 of P.L.1990, c.95 on the feasibility and cost of
2 integrating any computer system maintained pursuant to the
3 provisions of subsection a. of this section with the Automated
4 Traffic System computer network. This report shall be submitted
5 to the special committee within 30 days of its organization.]

6 e. By April 1, 1996, a special committee shall be established to
7 review the adequacy of funding for the Automated Traffic
8 System and the Automated Complaint System and the extent to
9 which autonomous computer system interconnections have been
10 requested and successfully completed. The committee may
11 recommend to what extent, if any, the funding level should be
12 adjusted and the need for any further legislative action. The
13 special committee shall be comprised of seven members as
14 follows: one Senator appointed by the President of the Senate;
15 one member of the General Assembly appointed by the Speaker of
16 the General Assembly; the Director of the Administrative Office
17 of the Courts or designee; the president of the New Jersey
18 League of Municipalities or designee; the president of the New
19 Jersey Municipal Court Administrators Association or designee;
20 the president of the New Jersey Municipal Managers Association
21 or designee and the president of the New Jersey Association of
22 Parking Authorities and Agencies or designee. The committee
23 shall report its findings to the Legislature by September 30,
24 1996.⁴

25 Source: C.2A:8-21.2 and C.2A:8-21.3 (P.L.1990, c.96, ss. 1 and 2).

26 2B:12-31. Suspension of driving privileges. a. (1) If a
27 defendant charged with a disorderly persons offense, a petty
28 disorderly persons offense, a violation of a municipal ordinance,
29 or a violation of any other law of this State for which a penalty
30 may be imposed fails to appear at any scheduled court proceeding
31 after written notice has been given to said defendant pursuant to
32 the Rules of Court, a municipal court may order the suspension of
33 the person's driving privileges or nonresident reciprocity
34 privilege or prohibit the person from receiving or obtaining
35 driving privileges until the pending matter is adjudicated or
36 otherwise disposed of, except by dismissal for failure of
37 defendant to appear.

38 (2) If a defendant sentenced to pay a fine or costs, make
39 restitution, perform community service, serve a term of
40 probation, or do any other act as a condition of that sentence
41 fails to do so, a municipal court may order the suspension of the
42 person's driving privileges or nonresident reciprocity privilege or
43 prohibit the person from receiving or obtaining driving privileges
44 until the terms and conditions of the sentence have been
45 performed or modified.

46 b. Prior to any action being taken pursuant to the provisions of
47 this section, the defendant shall be given notice of the proposed
48 action and afforded an opportunity to appear before the court to
49 contest the validity of the proposed action.

50 c. The municipal court shall notify the Division of Motor
51 Vehicles of any action taken pursuant to the provisions of this
52 section.

53 d. Any action taken by a municipal court pursuant to this
54 section shall be in addition to any other remedies which are

1 available to the court and in addition to any other penalties which
2 may be imposed by the court.

3 e. (1) When a defendant whose license has been suspended
4 pursuant to subsection a. of this section satisfies the
5 requirements of that subsection, the municipal court shall
6 forward to the Division of Motor Vehicles a notice to restore the
7 defendant's driving privileges.

8 (2) There shall be included in the fines and penalties imposed
9 by a court on a defendant whose license has been suspended
10 pursuant to subsection a. of this section, the following:

11 (a) A fee of \$3.00 which shall be transferred to the Division of
12 Motor Vehicles;

13 (b) A penalty of \$10.00 for the issuance of the failure to
14 appear notice; and

15 (c) A penalty of \$15.00 for the order of suspension of
16 defendant's driving privileges.

17 Source: C.2A:8-27.1 (P.L.1991, c.240).

18 ⁴2. Section 8 of P.L.1990, c.95 is amended to read as follows:

19 8. This act shall take effect 90 days after the date of
20 enactment, but shall remain inoperative until enactment into law
21 of P.L.1990, c.96 (C.2A:8-21.2 et seq.) [and shall expire three
22 years thereafter].⁴

23 (cf: P.L.1990, c.95 s.8)

24 ⁴3. Section 3 of P.L.1990, c.96 is amended to read as follows:

25 3. This act shall take effect immediately, but shall remain
26 inoperative until the operative date of P.L. 1990, c.95
27 (C.2A:8-18.2 et al.) and shall not apply to offenses committed
28 prior to the operative date [and shall expire three years
29 thereafter].⁴

30 (cf: P.L.1990, c.96 s.3)

31 ⁴4. N.J.S.22A:3-4 is amended to read as follows:

32 22A:3-4. Fees for criminal proceedings.

33 The fees provided in the following schedule, and no other
34 charges whatsoever, shall be allowed for court costs in any
35 proceedings of a criminal nature in the municipal courts but no
36 charge shall be made for the services of any salaried police
37 officer of the State, county or municipal police.

38 For violations of Title 39 of the Revised Statutes, or of traffic
39 ordinances, at the discretion of the court, up to but not exceeding
40 [\$25.00] \$30.00.

41 For all other cases, at the discretion of the court, up to but not
42 exceeding [\$25.00] \$30.00.

43 In municipal court proceedings, the court shall impose court
44 costs within the maximum limits authorized by this section, as
45 follows:

46 a. For every violation of any statute or ordinance the sum of
47 \$2.00. The court shall not suspend the collection of this \$2.00
48 court cost assessment. These court cost assessments shall be
49 collected by the municipal court administrator for deposit into
50 the Automated Traffic System Fund, created pursuant to N.J.S.
51 2B:12-30 (now pending before the Legislature as section 1 of this
52 bill).

53 b. For each fine, penalty and forfeiture imposed and collected
54 under authority of law for any violation of the provisions of Title

1 39 of the Revised Statutes or any other motor vehicle or traffic
 2 violation in this State the sum of \$.50. The court shall not
 3 suspend the collection of this \$.50 court cost assessment. These
 4 court cost assessments shall be collected by the municipal court
 5 administrator for deposit into the "Emergency Medical
 6 Technician Training Fund" established pursuant to P.L.1992,
 7 c.143 (C.26:2K-54 et seq.).

8 The provisions of this act shall not prohibit the taxing of
 9 additional costs when authorized by R.S.39:5-39.

10 For certificate of judgment \$4.00

11 For certified copy of paper filed with the court as a public
 12 record:

13 First page \$4.00

14 Each additional page or part thereof \$1.00

15 For copy of paper filed with the court as a public record:

16 First page \$2.00

17 Each additional page or part thereof \$1.00

18 In addition to any fine imposed, when a supplemental notice is
 19 sent for failure to appear on a return date the cost shall be
 20 \$10.00 per notice, unless satisfactory evidence is presented to the
 21 court that the notice was not received.

22 **CONSTABLES OR OTHER OFFICERS**

23 From the fees allowed for court costs in the foregoing
 24 schedule, the clerk of the court shall pay the following fees to
 25 constables or other officers:

26 Serving warrant or summons, \$1.50.

27 Serving every subpoena, \$0.70.

28 Serving every execution, \$1.50.

29 Advertising property under execution, \$0.70.

30 Sale of property under execution, \$1.00.

31 Serving every commitment, \$1.50.

32 Transport of defendant, actual cost.

33 Mileage, for every mile of travel in serving any warrant,
 34 summons, commitment, subpoena or other process, computed by
 35 counting the number of miles in and out, by the most direct route
 36 from the place where such process is returnable, exclusive of the
 37 first mile, \$0.20.

38 If defendant is found guilty of the charge laid against him, he
 39 shall pay the costs herein provided, but if, on appeal, the
 40 judgment is reversed, the costs shall be repaid to defendant. If
 41 defendant is found not guilty of the charge laid against him, the
 42 costs shall be paid by the prosecutor, except when the Director of
 43 the Division of Motor Vehicles, a peace officer, or a police
 44 officer shall have been prosecutor.⁴

45 (cf: P.L.1991,c.91,s.273)

46 ^{45.} R.S.39:5-41 is amended to read as follows:

47 39:5-41. a. All fines, penalties and forfeitures imposed and
 48 collected under authority of law for any violations of R.S.39:4-63
 49 and R.S.39:4-64 shall be forwarded by the judge to whom the
 50 same have been paid to the proper financial officer of the
 51 municipality wherein the violation occurred, to be used by the
 52 municipality to help finance litter control activities in addition to
 53 or supplementing existing litter pickup and removal activities in
 54 the municipality.

1 b. Except as otherwise provided by subsection a. of this
 2 section, all fines, penalties and forfeitures imposed and collected
 3 under authority of law for any violations of the provisions of this
 4 Title, other than those violations in which the complainant is the
 5 director, a member of his staff, a member of the State Police, an
 6 inspector of the Board of Public Utilities, or a law enforcement
 7 officer of any other State agency, shall be forwarded by the judge
 8 to whom the same have been paid as follows: one-half of the
 9 total amount collected to the financial officer, as designated by
 10 the local governing body, of the respective municipalities wherein
 11 the violations occurred, to be used by the municipality for
 12 general municipal use and to defray the cost of operating the
 13 municipal court; and one-half of the total amount collected to
 14 the proper financial officer of the county wherein they were
 15 collected, to be used by the county as a fund for the construction,
 16 reconstruction, maintenance and repair of roads and bridges,
 17 snow removal, the acquisition and purchase of rights-of-way, and
 18 the purchase, replacement and repair of equipment for use on
 19 said roads and bridges therein. Up to 25% of the money received
 20 by a municipality pursuant to this subsection, but not more than
 21 the actual amount budgeted for the municipal court, whichever is
 22 less, may be used to upgrade case processing.

23 Whenever any county has deposited moneys collected pursuant
 24 to this section in a special trust fund in lieu of expending the
 25 same for the purposes authorized by this section, it may withdraw
 26 from said special trust fund in any year an amount which is not in
 27 excess of the amount expended by the county over the
 28 immediately preceding three-year period from general county
 29 revenues for said purposes. Such moneys withdrawn from the
 30 trust fund shall be accounted for and used as are other general
 31 county revenues.

32 [c. Notwithstanding the provisions of subsections a. and b. of
 33 this section, \$.50 shall be added to the amount of each fine,
 34 penalty and forfeiture imposed and collected under authority of
 35 law for any violation of the provisions of Title 39 of the Revised
 36 Statutes or any other motor vehicle or traffic violation in this
 37 State and shall be forwarded by the judge to whom the same are
 38 paid to the State Treasurer for deposit in the "Emergency
 39 Medical Technician Training Fund" established pursuant to
 40 P.L.1992, c.143. (C.26:2K-54 et al.).⁴

41 (cf: P.L.1992, c.143, s.7)

42 ⁴[2] 6.⁴ The following are repealed:

43 New Jersey Statutes sections:

- 44 N.J.S.2A:8-1 to N.J.S.2A:8-5 both inclusive;
- 45 N.J.S.2A:8-7 to N.J.S.2A:8-10 both inclusive;
- 46 N.J.S.2A:8-12 to N.J.S.2A:8-32 both inclusive;
- 47 N.J.S.2A:8-34 to N.J.S.2A:8-41 both inclusive.

48 Pamphlet Laws:

49 Laws of 1985, c.46, ss. 1-3 (C.2A:8-5a to C.2A:8-5c both
 50 inclusive);

51 Laws of 1967, c.209 (C.2A:8-5.1);

52 Laws of 1983, c.430 (C.2A:8-5.2);

53 Laws of 1991, c.98 (C.2A:8-13a);

54 ¹[Laws of 1953, c.168 (C.2A:8-13.1)];¹

1 Laws of 1971, c.189 (C.2A:8-13.2);
2 ⁴[Laws of 1975, c.39 (C.2A:8-13.3)];⁴
3 Laws of 1957, c.167 (C.2A:8-18.1);
4 Laws of 1990, c.95, ss.5 and 6 ⁴and 7⁴ (C.2A:8-18.2 and
5 C.2A:8-21.1);
6 Laws of 1990, c.96, ss.1 and 2 (C.2A:8-21.2 and C.2A:8-21.3);
7 Laws of 1983, c.207, s.4 (C.2A:8-24.1);
8 Laws of 1991, c.240 (C.2A:8-27.1);
9 Laws of 1969, c.146 (C.2A:8-30.1);
10 Laws of 1983, c.153, ss.1 and 2 (C.2A:8-31.1 and C.2A:8-31.2);
11 Laws of 1968, c.460, ss.1-14 (C.2A:8-42 through C.2A:8-55
12 both inclusive).
13 ⁴[3] 7.⁴ This act shall take effect ⁴[immediately] on
14 February 15, 1994, except for sections 2 and 3 which shall take
15 effect immediately and which sections shall be retroactive to
16 December 23, 1993 if enacted after that date⁴.

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21 Revises the laws relating to municipal courts.

1 SPONSORS' STATEMENT
2

3 This bill implements the recommendations of the New Jersey
4 Law Revision Commission for simplification and modernization of
5 the statutes relating to municipal courts and for the
6 recompilation of these statutes as part of the new Title 2B, Court
7 Organization and Civil Code. Title 2B was enacted on April 25,
8 1991.

9 The statutes governing the municipal courts are presently set
10 forth in chapter 8 of Title 2A. These statutes contain many
11 anachronistic provisions and do not reflect current judicial
12 practice. This bill would modernize language and clarify the law
13 in such areas as the appointment of temporary and acting judges,
14 the subject matter jurisdiction of the courts and the power of
15 court officials to act for the court. The bill also implements
16 recommendations of the Supreme Court Task Force on the
17 Improvement of Municipal Courts.

18 The bill requires municipalities to employ attorneys for
19 indigents entitled by law to appointed counsel; requires all but
20 the smallest municipalities to establish or join municipal courts;
21 allows the appointment of presiding judges of municipal courts,
22 and establishes a modern system of certification and tenure for
23 municipal court administrators.

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28 _____

Revises the laws relating to municipal courts.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 875

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1992

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 875.

S-875 implements the recommendations of the New Jersey Law Revision Commission for simplification and modernization of the statutes relating to municipal courts and for the recompilation of these statutes as part of the new Title 2B, Court Organization and Civil Code. Title 2B was enacted on April 25, 1991.

The statutes governing the municipal courts are presently set forth in chapter 8 of Title 2A. These statutes contain many anachronistic provisions and do not reflect current judicial practice. S-875 would modernize language and clarify the law in such areas as the appointment of temporary and acting judges, the subject matter jurisdiction of the courts and the power of court officials to act for the court. S-875 also implements recommendations of the Supreme Court Task Force on the Improvement of Municipal Courts.

Much of S-875 is a restatement of present law. The following is a summary of those provisions of S-875 which differ from present law:

1. S-875 requires all municipalities to establish a municipal court. S-875 would also permit municipalities to form "joint" or "shared" municipal courts. (see 2B:12-1)
2. S-875 would establish that an attorney must be admitted to practice for at least five years in order to be qualified to serve as a municipal court judge. There is presently no experience requirement for appointment as a municipal court judge. (see 2B:12-7)
3. S-875 would establish a procedure whereby the Chief Justice may designate a Superior Court judge or a municipal court judge as the presiding judge of the municipal courts in a vicinage. (see 2B:12-9)
4. S-875 establishes a Municipal Court Administrative Certification Board and sets forth the procedures for certification of municipal court administrators. (see 2B:12-11)
5. S-875 would require municipalities to appoint counsel to represent indigents in municipal court, Counsel so appointed could serve on a full-time, part-time or per case basis. (see 2B:12-28)

The amendments adopted by the committee would:

1. Require each municipality to establish a municipal court. As introduced, S-875 would not require municipalities with a population of 100 or less to establish courts.
2. Permit a municipal court judge serving as an acting judge in another municipality to hear matters arising out of that other municipality in his own court.

3. Permit a municipal court administrator, in addition to the judge, to set conditions for the pretrial release of persons charged with non-indictable offenses.

4. Clarify that the 5 year experience requirement for municipal judges is inapplicable to sitting judges.

5. Remove the language capping the salary of presiding municipal court judges.

6. Permit a municipality to charge persons seeking representation by a municipal public defender an application fee of not more than \$50.00. The fee could be waived in whole or in part if it represents an unreasonable burden on the defendant.

7. Clarify that municipal courts may in their discretion operate a computer system separate from the Automated Traffic System.

8. Delete a provision which would have granted tenure to municipal court administrators who have served five years and have been certified as a municipal court administrator.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 875

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1992

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 875 (1R), with committee amendments.

Senate Bill No. 875 (1R), as amended, implements the recommendations of the New Jersey Law Revision Commission for simplification and modernization of the statutes relating to municipal courts and for the recompilation of these statutes as part of the new Title 2B, Court Organization and Civil Code. Title 2B was enacted on April 25, 1991. The bill also implements recommendations of the Supreme Court Task Force on the Improvement of Municipal Courts.

The statutes governing the municipal courts are presently set forth in chapter 8 of Title 2A. These statutes contain many anachronistic provisions and do not reflect current judicial practice. This bill would modernize language and clarify the law in such areas as the appointment of temporary and acting judges, the subject matter jurisdiction of the courts and the power of court officials to act for the court.

Much of Senate Bill No. 875 is a restatement of present law. The following is a summary of those provisions of the bill which differ from present law:

1. The bill requires all municipalities to establish a municipal court and would also permit municipalities to form "joint" or "shared" municipal courts. According to the Administrative Office of the Courts, only one municipality in the State does not have a municipal court. (see 2B:12-1)

2. The bill would require an attorney to be admitted to the practice of law for at least five years in order to be qualified to serve as a municipal court judge. There is presently no experience requirement for appointment as a municipal court judge. This experience requirement would not be applicable to sitting judges. (see 2B:12-7)

3. The bill would establish a procedure whereby the Chief Justice may designate a Superior Court judge or a municipal court judge as the presiding judge of the municipal courts in a vicinage. If the presiding judge is also a municipal court judge, the judge is to be paid by the State for the time devoted to duties as the presiding judge. (see 2B:12-9)

4. The bill establishes a Municipal Court Administrator Certification Board and sets forth the procedures for certification of municipal court administrators. (see 2B:12-11)

5. The bill would require municipalities to employ attorneys on a full-time, part-time or per-case basis to represent indigents in municipal court. Under the bill, a municipality may charge a person seeking representation by a municipal public defender an

application fee of not more than \$50. The fee could be waived in whole or in part if it represents an unreasonable burden on the defendant. According to the Administrative Office of the Courts, one half to two thirds of the municipal courts in the State already provide public defenders. (see 2B:12-28)

COMMITTEE AMENDMENT

The committee amended paragraph 2B:12-9 of section 1 of the bill in order to change in two places the word "court" to "courts." The amendment clarifies that a vicinage includes more than one municipal court. There are 15 vicinages in the State with numerous municipal courts in each.

FISCAL IMPACT

Under paragraph 2B:12-9 of section 1 of the bill, the Chief Justice of the State Supreme Court may designate either a Superior Court judge or a municipal court judge as the presiding judge over the municipal courts in a vicinage. If a municipal court judge is designated, the bill requires the State to pay for the time the judge devotes to duties as presiding judge. The amount of State funds required for this purpose will depend on the decisions of the Chief Justice. Therefore, annual State expenditures for this purpose could range from a negligible amount to a maximum of \$936,000.

According to the Administrative Office of the Courts, a municipal court judge appointed as a presiding judge may spend anywhere from one to four days a week attending to the duties required of a presiding judge. The maximum cost to the State would result if the Chief Justice appointed a municipal court judge as the presiding judge in each of the 15 municipal court vicinages and each judge worked four days a week as a presiding judge. The current daily rate of reimbursement by the State for a judge in such a position is \$300. The cost to the State under this scenario would be \$936,000 annually, not including the cost of fringe benefits.

Currently, there are four vicinages in which municipal court judges are authorized to be presiding judges on a part-time basis. Three of the presiding judge positions are filled, one is vacant. These judges are currently paid by the State for duties they perform as presiding judges.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

[THIRD REPRINT]

SENATE, No. 875

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 875 [3R].

This bill implements the recommendations of the New Jersey Law Revision Commission for simplification and modernization of the statutes relating to municipal courts and for the recompilation of these statutes as part of the new Title 2B, Court Organization and Civil Code. Title 2B was enacted on April 25, 1991. The bill also implements recommendations of the Supreme Court Task Force on the Improvement of Municipal Courts.

The statutes governing the municipal courts are presently set forth in chapter 8 of Title 2A. These statutes contain many anachronistic provisions and do not reflect current judicial practice. This bill would modernize language and clarify the law in such areas as the appointment of temporary and acting judges, the subject matter jurisdiction of the courts and the power of court officials to act for the court.

Much of Senate Bill No. 875 is a restatement of present law. The following is a summary of those provisions of the bill which differ from present law:

1. The bill requires all municipalities to establish a municipal court and would also permit municipalities to form "joint" or "shared" municipal courts. According to the Administrative Office of the Courts, only one municipality in the State does not have a municipal court. (see 2B:12-1)

2. The bill would require an attorney to be admitted to the practice of law for at least five years in order to be qualified to serve as a municipal court judge. There is presently no experience requirement for appointment as a municipal court judge. This experience requirement would not be applicable to sitting judges. (see 2B:12-7)

3. The bill would establish a procedure whereby the Chief Justice may designate a Superior Court judge or a municipal court judge as the presiding judge of the municipal courts in a vicinage. If the presiding judge is also a municipal court judge, the judge is to be paid by the State for the time devoted to duties as the presiding judge. (see 2B:12-9) Additional amendments in this section change in two places the word "court" to "courts." This amendment clarifies that a vicinage includes more than one municipal court. There are 15 vicinages in the State with numerous municipal courts in each.

4. The bill establishes a Municipal Court Administrator Certification Board and sets forth the procedures for certification of municipal court administrators. (see 2B:12-11)

5. The bill would require municipalities to employ attorneys on a full-time, part-time or per-case basis to represent indigents in municipal court. Under the bill, a municipality may charge a person seeking representation by a municipal public defender an application fee of not more than \$50. The fee could be waived in whole or in part if it represents an unreasonable burden on the defendant. According to the Administrative Office of the Courts, one half to two thirds of the municipal courts in the State already provide public defenders. (see 2B:12-28)

AJL COMMITTEE AMENDMENTS

A special committee was established pursuant to P.L.1990, c.95 to review the Automated Traffic System (ATS) Program that was established pursuant to P.L.1990, c.95 and c.96 for a three year period ending on December 23, 1993. In addition to the legislative members, the committee included representatives from the Administrative Office of the Courts; the New Jersey League of Municipalities; the New Jersey Municipal Court Clerks Association; the New Jersey Municipal Managers Association and the New Jersey Association of Parking Authorities and Agencies. The committee submitted its findings to the President of the Senate and Speaker of the General Assembly on July 23, 1993. These committee amendments reflect the specific recommendations of the special committee related to the continuation of the ATS program since the bill in its current form addresses ATS in 2B:12-30.

P.L.1990, c.95 amended three sections of permanent law found in titles other than Title 2A, that also sunset on December 23, 1993. Therefore, the special committee also included recommendations in its findings to continue those sections. Accordingly, these amendments change the effective dates of P.L.1990, c.95 and 96 to continue those sections of permanent law and to provide interim authority for the current ATS program as set forth in the other sections of those chapter laws until this bill is enacted into law and takes effect.

The amendments are summarized as follows:

1. The ATS program and its standardized Statewide data base is continued and expanded to include: (1) the Automated Complaint System (ACS), which will automate the criminal and ordinance violation records of each municipal court; and (2) support for hand-held ticket issuing machines utilized by municipal parking authorities and agencies which directly access and input data into ATS.

2. The funding source for the expanded ATS program is changed from a non-suspendible \$1.00 surcharge to a non-suspendible \$2.00 court cost assessment. Similarly, the \$.50 Emergency Medical Technician Training Fund (EMTTF) surcharge, imposed pursuant to P.L.1992, c.143, is also changed to a permanent non-suspendible court cost assessment. The change in funding sources is accomplished through an increase in the current statutory limitation for proceedings of a criminal nature in the municipal courts by amending N.J.S.22A:3-4 to increase allowable court costs by \$5.00 (from \$25.00 to \$30.00) to accommodate those new \$2.50 court cost assessments, offset the administrative overhead to

collect the assessment and provide municipalities with compensation for any costs related to ATS.

3. As a result of the new court cost assessments the existing ATS surcharge is repealed by repealing section 6 of P.L.1990, c.95 (C.2A:8-21.1) and the EMTTF surcharge is repealed by deleting subsection c. of R.S.39:5-41, both to be effective February 15, 1994. These surcharges are replaced on February 15, 1994 with the new court cost assessments as set forth in N.J.S.A.22A:3-4. Between the bill's enactment date and those sections taking effect on February 15, 1994, the current \$1.00 ATS and \$.50 EMTTF surcharges will be continued without change.

4. Municipalities are provided with an option to continue to use or to obtain the services of autonomous systems, subject to Division of Local Government Services audit, and may retain a portion of the court costs collected for the ATS fund, as an offset, in accordance with the following:

An approved autonomous system must also continue, on an on-going basis, to meet all of the interface requirements and functionality (including data definitions) of the ATS system including all enhancements to ATS necessary to continue to provide full ATS functionality, security, and data integrity, consistent with law, court rule or the administrative procedures of the Judiciary.

Municipalities are granted a roughly three-year period to January 1, 1997 to obtain or continue to use an autonomous system for automating the municipal court that is approved by the Judiciary for ATS interconnection. If the municipal court's autonomous system is not interconnected as of January 1, 1997, the municipal court must commence operation on the ATS system. After that date, municipal courts operating on ATS retain full discretion to either continue on ATS or subsequently obtain and use an autonomous system approved for interconnection. The significance of the January 1, 1997 date is that each municipal court must have some acceptable system in place at that time. A municipality is not precluded from switching in 1999 from ATS, for example, to an approved autonomous system.

A municipality that obtains and uses an autonomous system, approved for interconnection with ATS, will retain one-half (\$1.00) of the \$2.00 ATS portion of the court cost assessment collected by that municipality for payment into the ATS fund, for as long as its autonomous system continues to meet the requirements for ATS interconnection. Those monies are intended to help offset the municipal and State costs in maintaining the autonomous system and its interconnection with the ATS Statewide data base.

In the event that questions are raised concerning the reasonableness of any technical interconnection requirements, a municipality or the Administrative Office of the Courts may seek the advice of the New Jersey Information Resources Management Commission.

5. The following enactments are scheduled to sunset on December 23, 1993 by virtue of the effective date of P.L.1990, c.95 and are saved from repeal by these amendments:

N.J.S.A.48:4-45.3 - which removes municipal court budgets from the Municipal Budget Cap.

N.J.S.A.22A:3-4 - which increased municipal court costs from a maximum of \$15.00 to a maximum of \$25.00 in 1990 and is amended in this bill to increase that maximum to \$30 effective February 15, 1994. This statute is amended in section 4 of this bill.

N.J.S.A.39:5-41 - which permits up to 25% of the money received by a municipality for certain motor vehicle offenses to be used to upgrade case processing. This statute is amended in section 5 of this bill.

The remaining sections of P.L.1990, c.95 will be repealed effective February 15, 1994.

6. The committee amended the effective date of P.L.1990, c.96 to remove its sunset clause so that sections 1 and 2 continue to be effective until February 15, 1994, at which time sections 1 and 2 of P.L.1990, c.96 are repealed.

7. By April 1, 1996, the ATS Program Special Committee, with the same representative membership as the special committee which recently reported its findings, will be reestablished to review the adequacy of funding for the continuation of the ATS system and the extent to which autonomous system interconnections have been requested and successfully completed. The committee will also recommend to what extent, if any, the ATS funding level should be adjusted and whether there is a need for any further legislative action.

8. Technical corrections are made to the repealer section which is now section 6 of the bill. A reference to section 7 of P.L.1990, c.95 is included to repeal the special committee which is reconstituted under 2B:12-30. When subsection c. was deleted from 2B:12-10 in the first reprint of the bill, N.J.S.A.2A:8-13.1 concerning tenure of clerks of municipal court in boroughs was saved from repeal at that same time. These amendments also save N.J.S.A.2A:8-13.3 from repeal since it concerns tenure of clerks of municipal courts other than in boroughs.

9. The effective date of most of the sections of the bill is delayed until February 15, 1994. Sections 2 and 3 of the bill which concern the effective dates of P.L.1990, c.95 and 96 will take effect immediately to cover the gap in time between the enactment into law of this bill and the sunset of those two 1990 chapter laws. Language is included for retroactivity to the December 23, 1993 date in the event that this bill is enacted after December 23, 1993. The delay in the effective date of the bill generally is to permit the economical reissuance of the Uniform Traffic Ticket, Statewide and Local Violations Bureau Schedules and other forms and to enable appropriate procedures to be in place.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FOURTH REPRINT]

SENATE, No. 875

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 1993

The Assembly Appropriations Committee reports favorably Senate Bill No. 875 (4R).

Senate Bill No. 875 (4R) implements the recommendations of the New Jersey Law Revision Commission for simplification and modernization of the statutes relating to municipal courts and for the recompilation of these statutes as part of the new Title 2B, Court Organization and Civil Code, and recommendations of the Supreme Court Task Force on the Improvement of Municipal Courts. The statutes governing the municipal courts are presently set forth in chapter 8 of Title 2A, and contain anachronistic provisions not reflecting current judicial practice. This bill modernizes language and clarifies the law.

Much of the bill is a restatement of present law. The following is a summary of those provisions of the bill which differ from present law:

1. The bill requires all municipalities to establish a municipal court, and also permits municipalities to form "joint" or "shared" municipal courts. According to the Administrative Office of the Courts (AOC), only one municipality in the State does not have a municipal court. (see 2B:12-1)

2. The bill requires an attorney to be admitted to the practice of law for at least five years to qualify to serve as a municipal court judge. There is presently no experience requirement for appointment as a municipal court judge. This experience requirement would not apply to sitting judges. (see 2B:12-7)

3. The bill establishes a procedure for the Chief Justice to designate a Superior Court judge or a municipal court judge as the presiding judge of the municipal courts in a vicinage. If the presiding judge is also a municipal court judge, the judge is to be paid by the State for the time devoted to duties as the presiding judge. (see 2B:12-9)

4. The bill establishes a Municipal Court Administrator Certification Board and sets forth the procedures for certification of municipal court administrators. (see 2B:12-11)

5. The bill allows municipalities to employ attorneys on a full-time, part-time or per-case basis to represent indigents in municipal court. The bill allows a municipality to charge a person seeking representation by a municipal public defender an application fee of not more than \$50. The fee may be waived in whole or in part if it represents an unreasonable burden on the defendant. According to the AOC, one-half to two-thirds of the municipal courts in the State already provide public defenders. (see 2B:12-28)

6. The bill continues and expands the automated traffic system (ATS), reflecting the specific recommendations of the special ATS review committee established pursuant to P.L.1990, c.95. The ATS program is expanded to automate the violation records of each

municipal court and provide support for ticket issuing systems. The bill revises the procedures for the implementation and integration of autonomous computer systems into the ATS, providing explicit standards for an approved autonomous system, a cost assessment sharing procedure for approved autonomous systems, and traffic system interconnection and disconnection standards for autonomous systems. Full system integration through autonomous systems or ATS must be achieved by each municipality by January 1, 1997. A municipality that obtains and uses an autonomous system will, for periods that the autonomous system is approved for interconnection with ATS, retain one-half of the \$2.00 ATS portion of the court cost assessment (see 7. below) collected by that municipality. (see 2B:12-30)

7. The bill provides an improved funding source for the "Automated Traffic System Fund" by replacing the interim \$1.00 assessment pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1) (and the \$.50 Emergency Medical Technician Training Fund (EMTTF) surcharge, imposed pursuant to P.L.1992, c.143), with a \$2.50 court cost assessment pursuant to N.J.S.22A:3-4. N.J.S.22A:3-4 is amended to increase allowable court costs by \$5.00 (from \$25.00 to \$30.00) to accommodate those new \$2.50 court cost assessments.

FISCAL IMPACT:

Under paragraph 2B:12-9 of section 1 of the bill, the Chief Justice of the State Supreme Court may designate either a Superior Court judge or a municipal court judge as the presiding judge over the municipal courts in a vicinage. If a municipal court judge is designated, the bill requires the State to pay for the time the judge devotes to duties as presiding judge. The amount of State funds required for this purpose will depend on the decisions of the Chief Justice.

According to the AOC, a designated presiding judge spends an average of 151 days per year performing presiding judge duties. The current daily rate of reimbursement by the State for a judge in such a position is \$290 per day (inclusive of fringe benefits. The maximum cost to the State would result if the Chief Justice appointed a municipal court judge as the presiding judge in each of the 15 municipal court vicinages, an annual cost of \$656,850 annually (there is no cost to the state if a Superior Court judge is appointed as a presiding judge).

The AOC notes that, while the cost of municipal court administrator certification is borne by the applicant, operation costs of the certification board would total about \$20,000 annually.

The AOC has supplied the information that the expected collections under the current \$1.00 surcharge are \$3.6 million in FY1994. Under the bill's new court cost inclusion system, which continues the "offender financed" principles of the original surcharge, there will be \$5.5 million available for the "Automated Traffic System Fund" in FY1994 and \$6.9 million for FY1995 (the first full year of implementation). The revenue expected to be available under the cost system of the bill is expected to be approximately equal to the expected costs of operating the automated traffic system; under the bill a special committee reports by September 30, 1996 on (among other issues) the adequacy of funding.