

2C:1-2

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:1-2 et al (Victims of crime--increased compensation)

LAWS OF: 1991 **CHAPTER:** 329

Bill No: A4819

Sponsor(s): Charles

Date Introduced: April 29, 1991

Committee: Assembly: Judiciary, Appropriations

Senate: ---

Amended during passage: Yes Amendments during passage denoted by asterisks

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Senate: December 9, 1991

Date of Approval: December 23, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 6-6-91 & 8-1-91

Senate: No

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[SECOND REPRINT]
ASSEMBLY, No. 4819

STATE OF NEW JERSEY

INTRODUCED APRIL 29, 1991

By Assemblyman CHARLES, Assemblywomen FORD,
Smith and Assemblyman Roma

1 AN ACT concerning restitution for victims of crime and
2 increasing public funds available for victims and witnesses,
3 amending various parts of the statutory law and supplementing
4 chapter 46 of Title 2C and chapter 4B of Title 52.

5

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

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

9 2C:1-2. Purposes; principles of construction.

10 a. The general purposes of the provisions governing the
11 definition of offenses are:

12 (1) To forbid, prevent, and condemn conduct that unjustifiably
13 and inexcusably inflicts or threatens serious harm to individual or
14 public interests;

15 (2) To insure the public safety by preventing the commission of
16 offenses through the deterrent influence of the sentences
17 authorized, the rehabilitation of those convicted, and their
18 confinement when required in the interests of public protection;

19 (3) To subject to public control persons whose conduct
20 indicates that they are disposed to commit offenses;

21 (4) To give fair warning of the nature of the conduct
22 proscribed and of the sentences authorized upon conviction;

23 (5) To differentiate on reasonable grounds between serious and
24 minor offenses; and

25 (6) To define adequately the act and mental state which
26 constitute each offense, and limit the condemnation of conduct
27 as criminal when it is without fault.

28 b. The general purposes of the provisions governing the
29 sentencing of offenders are:

30 (1) To prevent and condemn the commission of offenses;

31 (2) To promote the correction and rehabilitation of offenders;

32 (3) To insure the public safety by preventing the commission of
33 offenses through the deterrent influence of sentences imposed
34 and the confinement of offenders when required in the interest of
35 public protection;

36 (4) To safeguard offenders against excessive, disproportionate
37 or arbitrary punishment;

38 (5) To give fair warning of the nature of the sentences that
39 may be imposed on conviction of an offense;

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 Assembly AJL committee amendments adopted June 10, 1991.

² Assembly AAP committee amendments adopted August 1, 1991.

1 (6) To differentiate among offenders with a view to a just
2 individualization in their treatment; [and]

3 (7) To advance the use of generally accepted scientific
4 methods and knowledge in sentencing offenders; and

5 (8) To promote restitution to victims.

6 c. The provisions of the code shall be construed according to
7 the fair import of their terms but when the language is
8 susceptible of differing constructions it shall be interpreted to
9 further the general purposes stated in this section and the special
10 purposes of the particular provision involved. The discretionary
11 powers conferred by the code shall be exercised in accordance
12 with the criteria stated in the code and, insofar as such criteria
13 are not decisive, to further the general purposes stated in this
14 section.

15 d. Nothing contained in this code shall limit the right of a
16 defendant and, subject only to the Federal and State
17 constitutions, the right of the State to appeal or seek leave to
18 appeal pursuant to law and Rules of Court.

19 (cf: P.L.1979, c.178, s.2)

20 2. N.J.S.2C:43-3 is amended to read as follows:

21 2C:43-3. Fines and Restitutions. A person who has been
22 convicted of an offense may be sentenced to pay a fine, to make
23 restitution, or both, such fine not to exceed:

24 a. \$100,000.00, when the conviction is of a crime of the first
25 or second degree;

26 b. \$7,500.00, when the conviction is of a crime of the third or
27 fourth degree;

28 c. \$1,000.00, when the conviction is of a disorderly persons
29 offense;

30 d. \$500.00, when the conviction is of a petty disorderly persons
31 offense;

32 e. Any higher amount equal to double the pecuniary gain to the
33 offender or loss to the victim caused by the conduct constituting
34 the offense by the offender. In such case the court shall make a
35 finding as to the amount of the gain or loss, and if the record
36 does not contain sufficient evidence to support such a finding the
37 court may conduct a hearing upon the issue. For purposes of this
38 section the terms "gain" means the amount of money or the value
39 of property derived by the offender and "loss" means the amount
40 of value separated from the victim. The term "victim" shall
41 mean a person who suffers a personal physical or psychological
42 injury or death or incurs loss of or injury to personal or real
43 property as a result of a crime committed against that person, or
44 in the case of a homicide, the nearest relative of the victim. The
45 term "gain" shall also mean, where appropriate, the amount of
46 any tax, fee, penalty and interest avoided, evaded, or otherwise
47 unpaid or improperly retained or disposed of;

48 f. Any higher amount specifically authorized by another
49 section of this code or any other statute;

1 g. Up to twice the amounts authorized in subsection a., b., c.
2 or d. of this section, in the case of a second or subsequent
3 conviction of any tax offense defined in Title 54 of the Revised
4 Statutes or Title 54A of the New Jersey Statutes, as amended and
5 supplemented, or of any offense defined in chapter 20 or 21 of
6 this code.

7 h. In the case of violations of chapter 35, any higher amount
8 equal to three times the street value of the controlled dangerous
9 substance or controlled substance analog. The street value for
10 purposes of this section shall be determined pursuant to
11 subsection e. of N.J.S.2C:44-2.

12 The restitution ordered paid to the victim shall not exceed his
13 loss, except that in any case involving the failure to pay any
14 State tax, the amount of restitution to the State shall be the full
15 amount of the tax avoided or evaded, including full civil penalties
16 and interest as provided by law. In any case where the victim of
17 the offense is any department or division of State government,
18 the court shall order restitution to the victim. Any restitution
19 imposed on a person shall be in addition to any fine which may be
20 imposed pursuant to this section.

21 (cf: P.L. 1987, c.106, s.10)

22 3. Section 2 of P.L.1979, c.396 (C.2C:43-3.1) is amended to
23 read as follows:

24 2. a. (1) In addition to any disposition made pursuant to the
25 provisions of N.J.S.2C:43-2, any person convicted of a crime of
26 violence resulting in the injury or death of another person shall be
27 assessed ¹[a penalty of]¹ at least ~~[\$30.00]~~ \$100.00, but not to
28 exceed \$10,000.00 for each such crime for which he was
29 convicted. In imposing this ¹[penalty] assessment¹, the court
30 shall consider factors such as the severity of the crime, the
31 defendant's criminal record, defendant's ability to pay and the
32 economic impact of the ¹[penalty] assessment¹ on the
33 defendant's dependents.

34 (2) (a) In addition to any other disposition made pursuant to
35 the provisions of N.J.S.2C:43-2 or any other statute imposing
36 sentences for crimes, any person convicted of any disorderly
37 persons offense, any petty disorderly persons offense, or any
38 crime not resulting in the injury or death of any other person
39 shall be assessed ¹[a penalty of]¹ ~~[\$30.00]~~ \$50.00 for each such
40 offense or crime for which he was convicted.

41 (b) In addition to any other disposition made pursuant to the
42 provisions of section ¹[20 of P.L.1973, c.306 (C.2A:4-61)] 24 of
43 P.L. 1982, c.77 (C.2A:4A-43)¹ or any other statute indicating the
44 dispositions that can be ordered for adjudications of delinquency,
45 any juvenile adjudicated delinquent, according to the definition of
46 "delinquency" established in section ¹[3 of P.L.1973, c.306
47 (C.2A:4-44)] 4 of P.L. 1982, c.77 (C.2A:4A-23)¹, shall be assessed
48 ¹[a penalty of]¹ at least ~~[\$15.00]~~ \$30.00 for each such
49 adjudication, but ~~[shall]~~ not to exceed the amount which could be

1 assessed pursuant to paragraph (1) or paragraph (2) (a) of
2 subsection a. ¹of this section¹ if the offense was committed by
3 an adult.

4 (c) In addition to any other ¹[penalty] assessment¹ imposed
5 pursuant to the provisions of R.S.39:4-50, any person convicted of
6 operating a motor vehicle while under the influence of liquor or
7 drugs shall be assessed ¹[a penalty of]¹ [~~\$30.00~~] \$50.00.

8 (d) In addition to any term or condition that may be included in
9 an agreement for supervisory treatment pursuant to
10 N.J.S.2C:43-13 or imposed as a term or condition of conditional
11 discharge pursuant to N.J.S.2C:36A-1, a participant in either
12 program shall be required to pay an assessment of \$50.00.

13 (3) All ¹[penalties] assessments¹ provided for in this section
14 shall be collected as provided [for collection of fines and
15 restitution] in section 3 of P.L.1979, c.396 (C.2C:46-4) and
16 [forwarded to the Violent Crimes Compensation Board for use as
17 provided in paragraph (4) hereof] all moneys collected, whether in
18 part or in full payment of any assessment imposed pursuant to
19 this section, shall be forwarded monthly by the parties
20 responsible for collection, together with a monthly accounting on
21 forms prescribed by the Violent Crimes Compensation Board
22 pursuant to section 19 of P.L....., c.... (C.....) (now pending
23 before the Legislature as this bill), to the Violent Crimes
24 Compensation Board.

25 (4) [All moneys collected pursuant to paragraphs (1) and (2)
26 shall be forwarded by the Violent Crimes Compensation Board to
27 the State Treasury to be deposited in a separate account for use
28 by the Violent Crimes Compensation Board in satisfying claims
29 and for related administrative costs, pursuant to the provisions of
30 the "Criminal Injuries Compensation Act of 1971," P.L.1971,
31 c.317 (C.52:4B-1 et seq.), except that after the Violent Crimes
32 Compensation Board shall have received the first \$25.00 of each
33 penalty assessment per count for an adult offender or the first
34 \$10.00 of each penalty assessment per count for a juvenile
35 offender, then the next \$5.00 of each penalty assessment
36 collected shall be forwarded by the Violent Crimes Compensation
37 Board to the State Treasury to be deposited in a separate account
38 to be known as the Victim and Witness Advocacy Fund to be
39 administered by the Department of Law and Public Safety as
40 provided herein. If the initial penalty assessment is greater than
41 \$30.00 for an adult offender or \$15.00 for a juvenile offender
42 then any penalty assessment money collected after the \$5.00
43 allocated to the Victim and Witness Advocacy Fund shall be
44 forwarded by the Violent Crimes Compensation Board to the
45 State Treasury to be deposited in the separate account for use by
46 the Violent Crimes Compensation Board as provided for in this
47 subsection. The parties responsible for collection of the penalty
48 assessment, the municipal court clerks, the county probation
49 departments and the Department of Corrections shall provide the

1 Violent Crimes Compensation Board with a monthly accounting
2 of the penalty assessment collections which enables the Violent
3 Crimes Compensation Board to accurately identify the \$5.00
4 share allocable to the Victim and Witness Advocacy Fund.

5 (5) The Department of Law and Public Safety through the
6 Division of Criminal Justice shall be responsible for administering
7 the Victim and Witness Advocacy Fund. This fund shall be used
8 to support the development and provision of services to victims
9 and witnesses of crimes and for related administrative costs. The
10 Director of the Division of Criminal Justice shall promulgate
11 rules and regulations in order to effectuate the purposes of this
12 fund.

13 (6) The Division of Criminal Justice shall report annually to
14 the Governor and the Legislature concerning the implementation
15 of this fund.]

16 The Violent Crimes Compensation Board shall forward monthly
17 all moneys received from assessments collected pursuant to this
18 section to the State Treasury for deposit as follows:

19 (a) Of moneys collected on assessments imposed pursuant to
20 paragraph a. (1):

21 (i) the first \$72.00 collected for deposit in the Violent Crimes
22 Compensation Board Account,

23 (ii) the next \$3.00 collected for deposit in the Criminal
24 Disposition and Revenue Collection Fund,

25 (iii) the next \$25.00 collected for deposit in the Victim
26 Witness Advocacy Fund, and

27 (iv) moneys collected in excess of \$100.00 for deposit in the
28 Violent Crimes Compensation Board Account;

29 (b) Of ¹[money] moneys¹ collected on assessments imposed
30 pursuant to paragraph a. (2) (a), (c) or (d):

31 (i) the first \$39.00 collected for deposit in the Violent Crimes
32 Compensation Board Account,

33 (ii) the next \$3.00 collected for deposit in the Criminal
34 Disposition and Revenue Collection Fund, and

35 (iii) the next \$8.00 collected for deposit in the Victim and
36 Witness Advocacy Fund;

37 (c) Of moneys collected on ¹[penalties assessed] assessments
38 imposed¹ pursuant to paragraph a. (2) (b):

39 (i) the first \$17.00 for deposit in the Violent Crimes
40 Compensation Board Account and

41 (ii) the next \$3.00 collected for deposit in the Criminal
42 Disposition and Revenue Collection Fund, and

43 (iii) the next \$10.00 for deposit in the Victim and Witness
44 Advocacy Fund, and

45 (iv) moneys collected in excess of \$30.00 for deposit in the
46 Violent Crimes Compensation Board Account.

47 (5) The Violent Crimes Compensation Board shall provide the
48 Attorney General with a monthly accounting of moneys received,
49 deposited and identified as receivable, on forms prescribed

1 pursuant to section 19 of P.L....., c.... (C.....) (now pending before
2 the Legislature as this bill).

3 (6) (a) The Violent Crimes Compensation Board Account shall
4 be a separate, nonlapsing, revolving account that shall be
5 administered by the Violent Crimes Compensation Board. All
6 moneys deposited in that Account shall be used in satisfying
7 claims pursuant to the provisions of the "Criminal Injuries
8 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.)
9 and for related administrative costs.

10 (b) The Criminal Disposition and Revenue Collection Fund
11 shall be a separate, nonlapsing, revolving account that shall be
12 administered by the Violent Crimes Compensation Board. All
13 moneys deposited in that Fund shall be used as provided in section
14 19 of P.L....., c.... (C.....) (now pending before the Legislature as
15 this bill).

16 (c) The Victim and Witness Advocacy Fund shall be a separate,
17 nonlapsing, revolving fund and shall be administered by the
18 Division of Criminal Justice, Department of Law and Public
19 Safety and all moneys deposited in that Fund pursuant to this
20 section shall be used for the benefit of victims and witnesses of
21 crime as provided in section 20 of P.L....., c.... (C.....) (now
22 pending before the Legislature as this bill) and for related
23 administrative costs.

24 b. [All moneys, including fines and restitution, collected from
25 a person convicted of any disorderly persons offense, any petty
26 disorderly persons offense, from any juvenile adjudicated
27 delinquent, or from a person convicted of operating a motor
28 vehicle while under the influence of liquor or drugs or any crime
29 shall be applied first to any penalty imposed pursuant to this
30 section upon such a person.] (Deleted by amendment, P.L.....,
31 c....) (now pending before the Legislature as this bill).

32 c. [An adult prisoner of a State correctional institution who
33 has not paid a penalty imposed pursuant to this section shall have
34 the penalty deducted from any income the inmate receives as a
35 result of labor performed at the institution or any type of work
36 release program.] (Deleted by amendment, P.L....., c....) (now
37 pending before the Legislature as this bill).

38 d. [If any person, including an inmate, fails to comply with any
39 of the terms or penalties imposed pursuant to this section the
40 court may, in addition to any other penalties it may impose, order
41 the suspension of the person's driver's license or nonresident
42 reciprocity privilege, or prohibit the person from receiving or
43 obtaining a license until the terms or penalties are complied
44 with. The court shall notify the Director of the Division of Motor
45 Vehicles of the action. Prior to any action being taken pursuant
46 to this subsection, the person shall be afforded notice and a
47 hearing before the court to contest the charge of failure to
48 comply.] (Deleted by amendment, P.L....., c....) (now pending
49 before the Legislature as this bill).

50 (cf: P.L.1990, c.64, s.1)

1 4. N.J.S.2C:43-4 is amended to read as follows:

2 2C:43-4. Penalties Against Corporations; Forfeiture of
3 Corporate Charter or Revocation of Certificate Authorizing
4 Foreign Corporation to do Business in the State.

5 a. The court may suspend the imposition of sentence of a
6 corporation which has been convicted of an offense or may
7 sentence it to pay a fine of up to three times the fine provided
8 for in [section] N.J.S.2C:43-3 [or make] in addition to any
9 restitution [authorized] required by [section 2C:43-3]
10 N.J.S.2C:44-2.

11 b. When a corporation is convicted of an offense or a high
12 managerial agent of a corporation, as defined in [section]
13 N.J.S.2C:2-7 is convicted of an offense committed in conducting
14 the affairs of the corporation, the court may request the
15 Attorney General to institute appropriate proceedings to dissolve
16 the corporation, forfeit its charter, revoke any franchises held by
17 it, or to revoke the certificate authorizing the corporation to
18 conduct business in this State.

19 (cf: N.J.S.2C:43-4)

20 5. N.J.S.2C:43-13 is amended to read as follows:

21 2C:43-13. Supervisory Treatment Procedure.

22 a. Agreement. The terms and duration of the supervisory
23 treatment shall be set forth in writing, signed by the prosecutor
24 and agreed to and signed by the participant. Payment of the
25 assessment required by section 2 of P.L.1979, c.396 (C.2C:43-3.1)
26 shall be included as a term of the agreement. If the participant
27 is represented by counsel, defense counsel shall also sign the
28 agreement. Each order of supervisory treatment shall be filed
29 with the county clerk.

30 b. Charges. During a period of supervisory treatment the
31 charge or charges on which the participant is undergoing
32 supervisory treatment shall be held in an inactive status pending
33 termination of the supervisory treatment pursuant to subsection
34 d. or e. of this section.

35 c. Period of treatment. Supervisory treatment may be for
36 such period, as determined by the designated judge or the
37 assignment judge, not to exceed three years, provided, however,
38 that the period of supervisory treatment may be shortened or
39 terminated as the program director may determine with the
40 consent of the prosecutor and the approval of the court.

41 d. Dismissal. Upon completion of supervisory treatment, and
42 with the consent of the prosecutor, the complaint, indictment or
43 accusation against the participant may be dismissed with
44 prejudice.

45 e. Violation of conditions. Upon violation of the conditions of
46 supervisory treatment, the court shall determine, after summary
47 hearing, whether said violation warrants the participant's
48 dismissal from the supervisory treatment program or
49 modification of the conditions of continued participation in that

1 or another supervisory treatment program. Upon dismissal of
2 participant from the supervisory treatment program, the charges
3 against the participant may be reactivated and the prosecutor
4 may proceed as though no supervisory treatment had been
5 commenced.

6 f. Evidence. No statement or other disclosure by a participant
7 undergoing supervisory treatment made or disclosed to the person
8 designated to provide such supervisory treatment shall be
9 disclosed, at any time, to the prosecutor in connection with the
10 charge or charges against the participant, nor shall any such
11 statement or disclosure be admitted as evidence in any civil or
12 criminal proceeding against the participant. Nothing provided
13 herein, however, shall prevent the person providing supervisory
14 treatment from informing the prosecutor, or the court, upon
15 request or otherwise as to whether or not the participant is
16 satisfactorily responding to supervisory treatment.

17 g. Delay. No participant agreeing to undergo supervisory
18 treatment shall be permitted to complain of a lack of speedy trial
19 for any delay caused by the commencement of supervisory
20 treatment.

21 A person applying for admission to a program of supervisory
22 treatment shall pay to the court a fee of \$45.00. The court shall
23 forward all money collected under this subsection to the
24 treasurer of the county in which the court is located. This money
25 shall be used to defray the cost of juror compensation within that
26 county. A person may apply for a waiver of this fee, by reason of
27 poverty, pursuant to the Rules Governing the Courts of the State
28 of New Jersey.

29 (cf: P.L.1988, c.44, s.15)

30 6. N.J.S.2C:44-2 is amended to read as follows:

31 2C:44-2. Criteria for Imposing Fines and Restitutions.

32 a. The court may sentence a defendant to pay a fine [or make
33 restitution, or both,] in addition to a sentence of imprisonment or
34 probation if:

35 (1) The defendant has derived a pecuniary gain from the
36 offense[;] or

37 [(2) The] the court is of opinion that a fine [or restitution, or
38 both,] is specially adapted to deterrence of the type of offense
39 involved or to the correction of the offender[.];

40 [b. The court may sentence a defendant to pay a fine or make
41 restitution, or both, if the]

42 (2) The defendant is able, or given a fair opportunity to do so,
43 will be able to pay the fine [or make restitution, or both. The
44 court may sentence a defendant to pay a fine only if the]; and

45 (3) The fine will not prevent the defendant from making
46 restitution to the victim of the offense.

47 b. The court shall sentence a defendant to pay restitution in
48 addition to a sentence of imprisonment or probation that may be
49 imposed if:

1 (1) The victim, or in the case of a homicide, the nearest
2 relative of the victim, suffered a loss; and

3 (2) The defendant is able to pay or, given a fair opportunity,
4 will be able to pay restitution.

5 c. (1) In determining the amount and method of payment of a
6 fine[or restitution], the court shall take into account the
7 financial resources of the defendant and the nature of the burden
8 that its payment will impose.

9 (2) In determining the amount and method of payment of
10 restitution, the court shall take into account all financial
11 resources of the defendant, including the defendant's likely
12 future earnings, and shall set the amount of restitution so as to
13 provide the victim with the fullest compensation for loss that is
14 consistent with the defendant's ability to pay. The court shall
15 not reduce a restitution award by any amount that the victim has
16 received from the Violent Crimes Compensation Board, but shall
17 order the defendant to pay any restitution ordered for a loss
18 previously compensated by the Board to the Violent Crimes
19 Compensation Board. If restitution to more than one person is
20 set at the same time, the court shall set priorities of payment.

21 d. Nonpayment. When a defendant is sentenced to pay a fine
22 or make restitution, or both, the court shall not impose at the
23 same time an alternative sentence to be served in the event that
24 the fine ¹[, penalty, fee]¹ or restitution is not paid. The response
25 of the court to nonpayment shall be determined only after the
26 fine ¹[, penalty, fee]¹ or restitution has not been paid, as
27 provided in section 2C:46-2.

28 e. Whenever the maximum potential fine which may be
29 imposed on a conviction for an offense defined in ¹[chapter 35
30 (Controlled Dangerous Substances)] the "Comprehensive Drug
31 Reform Act of 1986," N.J.S. 2C:35-1 et al.¹ depends on the
32 street value of the controlled dangerous substance or controlled
33 substance analog involved and the court intends to impose a fine
34 in excess of the maximum ordinary fine applicable to the offense
35 for which defendant was convicted, and where the fine has not
36 been agreed to pursuant to the provisions of N.J.S.2C:35-12, the
37 court at the time of sentence shall determine the street value at
38 the time and place of the offense based on the amount and purity
39 of the controlled dangerous substance or controlled substance
40 analog involved. The sentencing court's finding as to the street
41 value may be based on expert opinion in the form of live
42 testimony or by affidavit, or by such other means as the court
43 deems appropriate. The court's finding as to street value shall
44 not be subject to modification by an appellate court except upon
45 a showing that the finding was totally lacking in support on the
46 record or was arbitrary or capricious.

47 f. The ordering of restitution pursuant to this section shall not
48 operate as a bar to the seeking of civil recovery by the victim
49 based on the incident underlying the criminal conviction.

1 Restitution ordered under this section is to be in addition to any
2 civil remedy which a victim may possess, but any amount due the
3 victim under any civil remedy shall be reduced by the amount
4 ordered under this section to the extent necessary to avoid double
5 compensation for the same loss, and the initial restitution
6 judgment shall remain in full force and effect.

7 (cf: P.L.1987, c.106, s.15)

8 7. N.J.S.2C:44-6 is amended to read as follows:

9 2C:44-6. Procedure on Sentence; Presentence Investigation
10 and Report.

11 a. The court shall not impose sentence without first ordering a
12 presentence investigation of the defendant and according due
13 consideration to a written report of such investigation when
14 required by Rules of Court. The court may order a presentence
15 investigation in any other case.

16 b. The presentence investigation shall include an analysis of
17 the circumstances attending the commission of the offense, the
18 defendant's history of delinquency or criminality, family
19 situation, financial resources, debts, including any amount owed
20 for a fine, ¹[penalty, fee,]¹ assessment or restitution ordered
21 ¹[pursuant to P.L...., c.... (C.....) (now pending before the
22 Legislature as this bill)] in accordance to the provisions of Title
23 2C¹, employment history, personal habits, the disposition of any
24 charge made against any codefendants and may include a report
25 on his physical and mental condition and any other matters that
26 the probation officer deems relevant or the court directs to be
27 included. The presentence report [may] shall also include a report
28 on any compensation paid by the Violent Crimes Compensation
29 Board as a result of the commission of the offense and, in any
30 case where the victim chooses to provide one, a statement by the
31 victim of the offense for which the defendant is being sentenced.
32 The statement may include the nature and extent of any physical
33 harm or psychological or emotional harm or trauma suffered by
34 the victim, the extent of any loss to include loss of earnings or
35 ability to work suffered by the victim and the effect of the crime
36 upon the victim's family. The probation department shall notify
37 the victim or nearest relative of a homicide victim of his right to
38 make a statement for inclusion in the presentence report if the
39 victim or relative so desires. Any such statement shall be made
40 within 20 days of notification by the probation department.

41 The presentence report shall specifically include an assessment
42 of the gravity and seriousness of harm inflicted on the victim,
43 including whether or not the defendant knew or reasonably should
44 have known that the victim of the offense was particularly
45 vulnerable or incapable of resistance due to advanced age,
46 disability, ill-health, or extreme youth, or was for any other
47 reason substantially incapable of exercising normal physical or
48 mental power of resistance.

49 c. If, after the presentence investigation, the court desires

1 additional information concerning an offender convicted of an
2 offense before imposing sentence, it may order that he be
3 examined as to his medical or mental condition, except that he
4 may not be committed to an institution for such examination.

5 d. Disclosure of any presentence investigation report or
6 psychiatric examination report shall be in accordance with law
7 and the Rules of Court, except that information concerning the
8 defendant's financial resources shall be made available upon
9 request to the Violent Crimes Compensation Board or to any
10 officer authorized under the provisions of N.J.S.2C:46-4 to
11 collect payment on an assessment, restitution ¹[, penalty, fee]¹
12 or fine.

13 e. The court shall not impose a sentence of imprisonment for
14 an extended term unless the ground therefor has been established
15 at a hearing after the conviction of the defendant and on written
16 notice to him of the ground proposed. The defendant shall have
17 the right to hear and controvert the evidence against him and to
18 offer evidence upon the issue.

19 f. (Deleted by amendment, P.L.1986, c.85.)

20 (cf: P.L.1986, c.85, s.1)

21 8. N.J.S.2C:45-1 is amended to read as follows:

22 2C:45-1. Conditions of Suspension or Probation.

23 a. When the court suspends the imposition of sentence on a
24 person who has been convicted of an offense or sentences him to
25 be placed on probation, it shall attach such reasonable conditions,
26 authorized by this section, as it deems necessary to insure that he
27 will lead a law-abiding life or is likely to assist him to do so.
28 These conditions may be set forth in a set of standardized
29 conditions promulgated by the county probation department and
30 approved by the court.

31 b. The court, as a condition of its order, may require the
32 defendant:

33 (1) To support his dependents and meet his family
34 responsibilities;

35 (2) To find and continue in gainful employment;

36 (3) To undergo available medical or psychiatric treatment and
37 to enter and remain in a specified institution, when required for
38 that purpose;

39 (4) To pursue a prescribed secular course of study or
40 vocational training;

41 (5) To attend or reside in a facility established for the
42 instruction, recreation or residence of persons on probation;

43 (6) To refrain from frequenting unlawful or disreputable places
44 or consorting with disreputable persons;

45 (7) Not to have in his possession any firearm or other
46 dangerous weapon unless granted written permission;

47 (8) [To make restitution of the fruits of his offense, in an
48 amount he can afford to pay, for the loss or damage caused
49 thereby] Deleted by amendment, P.L....., c.... (C.....) (now

1 pending before the Legislature as this bill);

2 (9) To remain within the jurisdiction of the court and to notify
3 the court or the probation officer of any change in his address or
4 his employment;

5 (10) To report as directed to the court or the probation
6 officer, to permit the officer to visit his home, and to answer all
7 reasonable inquiries by the probation officer;

8 (11) To pay a fine ¹[penalty or fee]¹;

9 (12) To satisfy any other conditions reasonably related to the
10 rehabilitation of the defendant and not unduly restrictive of his
11 liberty or incompatible with his freedom of conscience;

12 (13) To require the performance of community-related service.

13 c. The court, as a condition of its order, shall require the
14 defendant to pay any assessments required by section 2 of
15 P.L.1979, c.396 (C.2C:43-3.1) and shall, consistent with the
16 applicable provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and
17 N.J.S.2C:44-2 or section 1 of P.L.1983, c.411 (C.2C:43-2.1)
18 require the defendant to make restitution.

19 d. When the court sentences a person who has been convicted
20 of a crime to be placed on probation, it may require him to serve
21 a term of imprisonment not exceeding 364 days as an additional
22 condition of its order. When the court sentences a person
23 convicted of a disorderly persons offense to be placed on
24 probation, it may require him to serve a term of imprisonment
25 not exceeding 90 days as an additional condition of its order. In
26 imposing a term of imprisonment pursuant to this subsection, the
27 sentencing court shall specifically place on the record the reasons
28 which justify the sentence imposed. The term of imprisonment
29 imposed hereunder shall be treated as part of the sentence, and in
30 the event of a sentence of imprisonment upon the revocation of
31 probation, the term of imprisonment served hereunder shall be
32 credited toward service of such subsequent sentence. A term of
33 imprisonment imposed under this section shall be governed by the
34 "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.).

35 Whenever a person is serving a term of parole as a result of a
36 sentence of incarceration imposed as a condition of probation,
37 supervision over that person shall be maintained pursuant to the
38 provisions of the law governing parole. Upon termination of the
39 period of parole supervision provided by law, the county probation
40 department shall assume responsibility for supervision of the
41 person under sentence of probation. Nothing contained in this
42 section shall prevent the sentencing court from at any time
43 proceeding under the provisions of this chapter against any person
44 for a violation of probation.

45 e. The defendant shall be given a copy of the terms of his
46 probation or suspension of sentence and any requirements
47 imposed pursuant to this section, stated with sufficient
48 specificity to enable him to guide himself accordingly. The
49 defendant shall acknowledge, in writing, his receipt of these

1 documents and his consent to their terms.

2 (cf: P.L.1983, c.124, s.2)

3 9. N.J.S.2C:45-2 is amended to read as follows:

4 2C:45-2. Period of Suspension or Probation; Modification of
5 Conditions; Discharge of Defendant.

6 a. When the court has suspended imposition of sentence or has
7 sentenced a defendant to be placed on probation, the period of
8 the suspension shall be fixed by the court at not to exceed the
9 maximum term which could have been imposed or more than 5
10 years whichever is lesser. The period of probation shall be fixed
11 by the court at not less than 1 year nor more than 5 years. The
12 court, on application of a probation officer or of the defendant,
13 or on its own motion, may discharge the defendant at any time.

14 b. During the period of the suspension or probation, the court,
15 on application of a probation officer or of the defendant, or on its
16 own motion, may (1) modify the requirements imposed on the
17 defendants; or (2) add further requirements authorized by
18 [section] N.J.S.2C:45-1. The court shall eliminate any
19 requirement that imposes an unreasonable burden on the
20 defendant.

21 c. Upon the termination of the period of suspension or
22 probation or the earlier discharge of the defendant, the defendant
23 shall be relieved of any obligations imposed by the order of the
24 court and shall have satisfied his sentence for the offense [except
25 that this subsection shall not apply if the defendant has failed to
26 fulfill conditions imposed pursuant to subsections 2C:45-1(8) or
27 (11)] unless the defendant has failed:

28 (1) to fulfill conditions imposed pursuant to paragraph b. (11)
29 of N.J.S.2C:45-1, in which event the court may order that the
30 probationary period be extended for an additional period not to
31 exceed that authorized by subsection [2C:45-22C:45-2]a. of this
32 section; or

33 (2) to fulfill the conditions imposed pursuant to subsection c.
34 of N.J.S.2C:45-1, in which event the court shall order that the
35 probationary period be extended for an additional period not to
36 exceed that authorized by subsection a. of this section.

37 The extension may be entered by the court without the
38 defendant's personal appearance if the defendant agrees to the
39 extension.

40 (cf: P.L.1979, c.180, s.2)

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

42 2C:46-1. Time and Method of Payment; Disposition of Funds.

43 a. When a defendant is sentenced to pay [a penalty] an
44 assessment pursuant to section 2 of P.L.1979, c.396
45 (C.2C:43-3.1), a fine or to make restitution, the court may grant
46 permission for the payment to be made within a specified period
47 of time or in specified installments. If no such permission is
48 embodied in the sentence, the [penalty] assessment, fine or
49 restitution shall be payable forthwith, and the court shall file a

1 copy of the judgment of conviction with the Clerk of the Superior
2 Court who shall enter the following information upon the record
3 of docketed judgments:

- 4 (1) the name of the convicted person as judgment debtor;
5 (2) the amount of the assessment imposed pursuant to section
6 2 of P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes
7 Compensation Board as a judgment creditor in that amount;
8 (3) the amount of any restitution ordered and the name of any
9 persons entitled to receive payment as judgment creditors in the
10 amount and according to the priority set by the court;
11 (4) the amount of any ¹[other penalty,]¹ fine ¹[or fee]¹ and the
12 governmental entity entitled to receive payment ¹[of the penalty,
13 fine or fee]¹ pursuant to N.J.S.2C:46-4; and
14 (5) the date of the order.

15 Where there is more than one judgment creditor the creditors
16 shall be given priority consistent with the provisions of section
17 ¹[¹²] ¹³ of P.L....., c.... (C.....) (now pending before the
18 Legislature as this bill). These entries shall have the same force
19 as a civil judgment docketed in the Superior Court.

20 b. When a defendant sentenced to pay [a penalty] an
21 assessment imposed pursuant to section 2 of P.L.1979, c.396
22 (C.2C:43-3.1), a fine or to make restitution is also sentenced to
23 probation, the court [may] shall make continuing payment of
24 installments on the [penalty] assessment[, fine or] and restitution
25 a condition of probation, and may make continuing payment of
26 installments on a fine ¹[, penalty or fee]¹ a condition of probation.

27 c. The defendant shall pay [a penalty] an assessment imposed
28 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
29 restitution, or fine or any installment thereof to the officer
30 entitled by law to collect the payment. In the event of default in
31 payment, such agency shall take appropriate action for its
32 collection.

33 (cf: P.L.1985, c.252, s.1)

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

35 2C:46-2. Consequences of Nonpayment; Summary Collection.

36 a. When a defendant sentenced to pay [a penalty] an
37 assessment imposed pursuant to section 2 of P.L.1979, c.396
38 (C.2C:43-3.1), fine ¹[, penalty or fee]¹ or to make restitution
39 defaults in the payment thereof or of any installment, [the court,]
40 upon the motion of the person authorized by law to collect the
41 payment, the motion of the prosecutor, the motion of the victim
42 entitled to payment of restitution, the motion of the Violent
43 Crimes Compensation Board, the motion of the State or county
44 Office of Victim and Witness Advocacy or upon its own motion,
45 [may] the court shall recall him, or issue a summons or a warrant
46 of arrest for his appearance. [After a hearing, the court may
47 reduce or suspend the fine or modify the payment or installment
48 plan for the fine, penalty assessment or restitution or, if none of
49 these alternatives is warranted,] The court shall afford the

1 person notice and an opportunity to be heard on the issue of
2 default. Failure to make any payment when due shall be
3 considered a default. The standard of proof shall be by a
4 preponderance of the evidence, and the burden of establishing
5 good cause for a default shall be on the person who has defaulted.

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

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

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

13 (c) Notify the Director of the Division of Motor Vehicles of the
14 action taken.

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

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

37 (4) When failure to pay [a penalty] an assessment imposed
38 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or
39 restitution is determined to be willful, the failure to do so shall
40 be considered to be contumacious.

41 (5) When a fine, ¹[penalty, fee,]¹ assessment ¹[is]¹ imposed
42 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or
43 restitution is imposed on a corporation, it is the duty of the
44 person or persons authorized to make disbursements from the
45 assets of the corporation or association to pay it from such assets
46 and their failure so to do may be held to be contumacious.

47 b. Upon any default in the payment of a fine, ¹[penalty, fee,]¹
48 assessment imposed pursuant to section 2 of P.L.1979, c.396
49 (C.2C:43-3.1), restitution, or any installment thereof, execution

1 may be levied and such other measures may be taken for
2 collection of it or the unpaid balance thereof as are authorized
3 for the collection of an unpaid civil judgment entered against the
4 defendant in an action on a debt.

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

9 d. Upon any default in the payment of [a penalty] an
10 assessment imposed pursuant to section 2 of P.L.1979, c.396
11 (C.2C:43-3.1) or any installment thereof, the Violent Crimes
12 Compensation Board or the party responsible for collection may
13 institute summary collection proceedings authorized by
14 subsection b. of this section.

15 (cf: P.L.1985, c.252, s.2)

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

18 3. a. All fines, ¹[penalties, fees,]¹ assessments imposed
19 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and
20 restitution shall be collected as follows:

21 (1) All fines, ¹[penalties,]¹ assessments imposed pursuant to
22 section 2 of P.L.1979, c.396 (C.2C:43-3.1) and restitution
23 imposed by the Superior Court [or county district court,] or
24 otherwise imposed at the county level, shall be collected by the
25 county probation department except when such fine,
26 ¹[penalties,]¹ assessment or restitution is imposed in conjunction
27 with a custodial sentence to a State correctional facility in which
28 event such fine ¹,assessment¹ or restitution shall be collected by
29 the Department of Corrections. An adult prisoner of a State
30 correctional institution who has not paid an assessment imposed
31 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or
32 restitution shall have the assessment ¹or restitution¹ deducted
33 from any income the inmate receives as a result of labor
34 performed at the institution or on any type of work release
35 program or, pursuant to regulations promulgated by the
36 Commissioner of the Department of Corrections, from any
37 personal account established in the institution for the benefit of
38 the inmate.

39 (2) All fines, ¹[penalties, fees,]¹ assessments imposed pursuant
40 to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and restitution
41 imposed by a municipal court shall be collected by the municipal
42 court clerk except if such fine ¹, assessments imposed pursuant
43 to section 2 of P.L.1979, c.396 (C.2C:43-3.1),¹ or restitution is
44 ordered as a condition of probation in which event it shall be
45 collected by the county probation department.

46 [All fines so collected shall be distributed to the appropriate
47 governmental treasury as provided herein.]

48 b. Except as provided in subsection c. with respect to fines
49 imposed on appeals following convictions in municipal courts, all

1 fines imposed by the Superior Court or otherwise imposed at the
2 county level, shall be paid over by the officer entitled to collect
3 same to:

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

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

10 c. All fines ¹[, penalties, fees or restitution]¹ imposed by
11 municipal courts on defendants convicted of crimes, disorderly
12 persons offenses and petty disorderly persons offenses, and all
13 fines imposed following conviction on appeal therefrom, and all
14 forfeitures of bail shall be paid over by the officer entitled to
15 collect same to the treasury of the municipality wherein the
16 municipal court is located.

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

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

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

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

33 g. All restitution ordered to be paid to the Violent Crimes
34 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded
35 to the Board for deposit in the Violent Crimes Compensation
36 Board Account.

37 (cf: P.L.1991, c.91, s.146)

38 13. (New section) Moneys that are collected in satisfaction of
39 any assessment imposed pursuant to section 2 of P.L.1979, c.396
40 (C.2C:43-3.1), ¹or in satisfaction of¹ restitution ¹[, penalty, fee]¹
41 or ¹[fine] fines¹ imposed ¹[on any person who is admitted to
42 supervisory treatment, conditionally discharged, adjudicated
43 delinquent, convicted of driving while intoxicated or convicted of
44 any offense or crime,] in accordance with the provisions of Title
45 2C of the New Jersey Statutes,¹ shall be applied in the following
46 order:

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

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

1 c. third, in satisfaction of any forensic laboratory fee assessed
2 pursuant to N.J.S.2C:35-20;

3 d. fourth, in satisfaction of any mandatory ¹[drug enforcement
4 and demand reduction] Drug Enforcement and Demand
5 Reduction¹ penalty assessed pursuant to N.J.S.2C:35-15; and

6 e. fifth, in satisfaction of any fine.

7 14. N.J.S.2C:35-15 is amended to read as follows:

8 2C:35-15. Mandatory Drug Enforcement and Demand
9 Reduction Penalties; Collection; Disposition; Suspension.

10 a. In addition to any disposition authorized by this title, the
11 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
12 other statute indicating the dispositions that can be ordered for
13 an adjudication of delinquency, every person convicted of or
14 adjudicated delinquent for a violation of any offense defined in
15 this chapter or chapter 36 of this title shall be assessed for each
16 such offense a penalty fixed at:

17 (1) \$3,000.00 in the case of a crime of the first degree;

18 (2) \$2,000.00 in the case of a crime of the second degree;

19 (3) \$1,000.00 in the case of a crime of the third degree;

20 (4) \$750.00 in the case of a crime of the fourth degree;

21 (5) \$500.00 in the case of a disorderly persons or petty
22 disorderly persons offense.

23 Every person placed in supervisory treatment pursuant to the
24 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
25 any offense defined in this chapter or chapter 36 of this title
26 shall be assessed the penalty prescribed herein and applicable to
27 the degree of the offense charged, except that the court shall not
28 impose more than one such penalty regardless of the number of
29 offenses charged. If the person is charged with more than one
30 offense, the court shall impose as a condition of supervisory
31 treatment the penalty applicable to the highest degree offense
32 for which the person is charged.

33 All penalties provided for in this section shall be in addition to
34 and not in lieu of any fine authorized by law or required to be
35 imposed pursuant to the provisions of N.J.S.2C:35-12.

36 b. All penalties provided for in this section shall be collected
37 as provided for collection of fines and restitutions in section 3 of
38 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
39 Department of the Treasury as provided in subsection c. of this
40 section.

41 c. All moneys collected pursuant to this section shall be
42 forwarded to the Department of the Treasury to be deposited in a
43 nonlapsing revolving fund to be known as the "Drug Enforcement
44 and Demand Reduction Fund." Monies in the fund shall be
45 appropriated by the Legislature on an annual basis for the
46 purposes of funding the Alliance to Prevent Alcoholism and Drug
47 Abuse and other alcohol and drug abuse programs and shall not be
48 used to fund administrative costs.

49 d. [All moneys, including fines and restitution, collected from

1 a person convicted of or adjudicated delinquent for an offense or
2 placed in supervisory treatment pursuant to N.J.S.2C:43-12 shall
3 be applied first to any Violent Crimes Compensation Board
4 penalty imposed pursuant to section 2 of P.L.1979, c.396
5 (C.2C:43-3.1), and shall next be applied to any forensic
6 laboratory fee assessed pursuant to N.J.S.2C:35-20, and shall
7 next be applied to any penalty imposed pursuant to this section.]
8 (Deleted by amendment, P.L....., c....) (now pending before the
9 Legislature as this bill).

10 e. The court may suspend the collection of a penalty imposed
11 pursuant to this section; provided the defendant agrees to enter a
12 residential drug rehabilitation program approved by the court;
13 and further provided that the defendant agrees to pay for all or
14 some portion of the costs associated with the rehabilitation
15 program. In this case, the collection of a penalty imposed
16 pursuant to this section shall be suspended during the defendant's
17 participation in the approved rehabilitation program. Upon
18 successful completion of the program, the defendant may apply
19 to the court to reduce the penalty imposed pursuant to this
20 section by any amount actually paid by the defendant for his
21 participation in the program. The court shall not reduce the
22 penalty pursuant to this subsection unless the defendant
23 establishes to the satisfaction of the court that he has
24 successfully completed the rehabilitation program. If the
25 defendant's participation is for any reason terminated before his
26 successful completion of the rehabilitation program, collection of
27 the entire penalty imposed pursuant to this section shall be
28 enforced. Nothing in this section shall be deemed to affect or
29 suspend any other criminal sanctions imposed pursuant to this
30 chapter or chapter 36 of this title.

31 (cf: P.L.1989, c.51, s.16)

32 15. Section 4 of P.L.1979, c.369 (C.2C:46-5) is amended to
33 read as follows:

34 4. [This act] Except as expressly provided, this chapter shall
35 not affect fines and restitutions imposed under Title 39 of the
36 Revised Statutes or in proceedings in the Superior Court,
37 Chancery Division, Family Part, which shall remain as heretofore.
38 (cf: P.L.1991, c.91, s.147)

39 16. Section ¹[2 of P.L.1985, c.251] 4 of P.L. 1969, c.22¹
40 (C.30:4-91.4) is amended to read as follows:

41 ¹[2] 4¹. The commissioner, as a part of any work release
42 program for an inmate, [may] shall require that any wages,
43 salary, earnings and other income of each gainfully employed
44 prisoner [shall] be paid, less payroll deductions required or
45 authorized by law, to the superintendent of the institution who
46 shall deposit such sums so received to the credit of such inmate
47 in a trust fund account at such institution. From such [moneys]
48 trust fund account belonging to any inmate the superintendent of
49 the institution is [authorized and] empowered to withdraw

1 [sufficient] moneys, in an amount not to exceed one-half the
2 total income, as [may be required to pay the following] follows:

3 The superintendent shall withdraw up to one-third of that
4 amount in order to collect assessments, restitutions ¹[, penalties,
5 fees]¹ and fines pursuant to the requirements of N.J.S.2C:46-4 ¹[
6 and section 14 of P.L....., c.... (C.....) (now pending before the
7 Legislature as this bill)]¹.

8 The superintendent may withdraw up to two-thirds of that
9 amount as may be required to pay the following:

10 (a) Such costs of maintenance related to the prisoner's
11 confinement as are determined by the State Board of Control to
12 be appropriate and reasonable.

13 (b) Necessary travel expenses to and from work or other
14 business and incidental expenses of the prisoner.

15 (c) Support of the prisoner's dependents, if necessary.

16 (d) [Payment of court-ordered penalty assessments, restitution
17 and fines.] Deleted by amendment, P.L....., c.....) (now pending
18 before the Legislature as this bill).

19 (e) Payment of either in full or ratably of the prisoner's debts
20 which have been reduced to judgment or which have been
21 acknowledged in writing by him.

22 (f) The balance, if any, shall be paid to the prisoner at the
23 completion of the period of his confinement.

24 (cf: P.L.1985, c.251, s.2)

25 17. R.S.30:4-92 is amended to read as follows:

26 30:4-92. The inmates of all correctional and charitable,
27 hospital, relief and training institutions within the jurisdiction of
28 the State Board shall be employed in such productive occupations
29 as are consistent with their health, strength and mental capacity
30 and shall receive such compensation therefor as the State Board
31 shall determine.

32 Compensation for inmates of correctional institutions may be
33 in the form of cash or remission of time from sentence or both.
34 Such remission from the time of sentence shall not exceed one
35 day for each five days of productive occupation, but remission
36 granted under this section shall in no way affect deductions for
37 good behavior or provided by law.

38 From moneys paid to inmates of correctional institutions, the
39 superintendent of the institution [is authorized to] shall withdraw
40 sufficient moneys, in an amount not to exceed one-third of the
41 inmate's total income, as may be required to pay any [penalty]
42 assessment, restitution ¹[, penalty, fee]¹ or fine ordered as part
43 of any sentence.

44 In addition, all inmates classified as minimum security and who
45 are considered sufficiently trustworthy to be employed in honor
46 camps, farms or details shall receive further remission of time
47 from sentence at the rate of three days per month for the first
48 year of such employment and five days per month for the second
49 and each subsequent year of such employment.

50 (cf: P.L.1985, c.251, s.3)

1 18. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
2 read as follows:

3 18. No order for the payment of compensation shall be made
4 under section 10 of this act unless the application has been made
5 within two years after the date of the personal injury or death or
6 after that date upon determination by the board that good cause
7 exists for the delayed filing, and the personal injury or death was
8 the result of an offense listed in section 11 of this act which had
9 been reported to the police within three months after its
10 occurrence. The board will make its determination regarding the
11 application within six months of acknowledgment by the board of
12 receipt of the completed application and any and all necessary
13 supplemental information.

14 In determining the amount of an award, the board shall
15 determine whether, because of his conduct, the victim of such
16 crime contributed to the infliction of his injury, and the board
17 shall reduce the amount of the award or reject the application
18 altogether, in accordance with such determination; provided,
19 however, that the board shall not consider any conduct of the
20 victim contributory toward his injury, if the record indicates such
21 conduct occurred during efforts by the victim to prevent a crime
22 or apprehend a person who had committed a crime in his presence
23 or had in fact committed a crime.

24 The board may deny or reduce an award where the victim has
25 not paid in full any ¹[debts owing] payments owed on assessments
26 imposed¹ pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1)
27 or ¹[for]¹ restitution ordered following conviction for a crime.

28 No compensation shall be awarded if:

29 a. Compensation to the victim proves to be substantial unjust
30 enrichment to the offender or if the victim did not cooperate
31 with the reasonable requests of law enforcement authorities
32 unless the victim demonstrates a compelling health or safety
33 reason for not cooperating[.]; or

34 b. (Deleted by amendment, P.L.1990, c.64.)

35 c. The victim was guilty of a violation of subtitle 10 or 12 of
36 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes,
37 which caused or contributed to his injuries[.]; or

38 d. The victim was injured as a result of the operation of a
39 motor vehicle, except as provided in subsection (c) of section 11
40 of P.L.1971, c.317 (C.52:4B-11), boat or airplane unless the same
41 was used as a weapon in a deliberate attempt to run the victim
42 down[.]; or

43 e. The victim suffered personal injury or death while an
44 occupant of a motor vehicle where the victim knew or reasonably
45 should have known that the driver was operating the vehicle in
46 violation of R.S.39:4-50;

47 f. The victim has been convicted of a crime and is still
48 incarcerated; or

49 g. The victim sustained the injury during the period of

1 incarceration immediately following conviction for a crime.

2 No award shall be made on an application unless the applicant
3 has incurred a minimum out-of-pocket loss of \$100.00 or has lost
4 at least two continuous weeks' earnings or support; except that
5 the requirement of a minimum out-of-pocket loss shall not apply
6 to any applicant 60 years of age or older or any applicant who is
7 disabled as defined pursuant to the federal Social Security Act
8 (42 U.S.C. § 416(i)). Out-of-pocket loss shall mean unreimbursed
9 and unreimbursable expenses or indebtedness reasonably incurred
10 for medical care or other services necessary as a result of the
11 injury upon which such application is based.

12 No compensation shall be awarded under this act in an amount
13 in excess of \$25,000.00, and all payments shall be made in a lump
14 sum, except that in the case of death or protracted disability the
15 award may provide for periodic payments to compensate for loss
16 of earnings or support. No award made pursuant to this act shall
17 be subject to execution or attachment other than for expenses
18 resulting from the injury which is the basis of the claim.

19 (cf: P.L.1990, c.64, s.3)

20 19. (New section) a. Within 180 days of the effective date of
21 this act, the Violent Crimes Compensation Board, after
22 consultation with the Attorney General, the Department of
23 Corrections, and the Administrative Office of the Courts, on
24 behalf of the county probation departments and the municipal
25 court clerks, shall develop a uniform system for recording all
26 information necessary to ensure proper identification, tracking,
27 collection and disposition of moneys owed for:

28 (1) assessments imposed pursuant to section 2 of P.L.1979,
29 c.396 (C.2C:43-3.1);

30 (2) fines and restitutions imposed ¹[pursuant to N.J.S.2C:43-3]
31 in accordance with provisions of Title 2C of the New Jersey
32 Statutes¹;

33 (3) fees imposed pursuant to N.J.S.2C:35-20;

34 (4) penalties imposed pursuant to N.J.S.2C:35-15.

35 b. The Violent Crimes Compensation Board shall use the
36 moneys deposited in the Criminal Disposition and Revenue
37 Collection Fund to defray the costs incurred by governmental
38 agencies in developing, implementing, operating and improving
39 the uniform system for tracking and collecting revenues
40 described in subsection a. of this section.

41 c. The Department of Corrections, and the Administrative
42 Office of the Courts, on behalf of the county probation
43 departments and the municipal court clerks, shall file such
44 reports with the Violent Crimes Compensation Board as required
45 for the operation of the uniform system described in subsection a.
46 of this section.

47 d. The Violent Crimes Compensation Board shall report
48 annually to the Governor, the Attorney General, the
49 Administrative Director of the Administrative Office of the

1 Courts, the Commissioner of the Department of Corrections, and
2 the Legislature on the development, implementation,
3 improvement and effectiveness of the uniform system and on
4 moneys received, deposited and identified as receivable.

5 20. (New section) a. The Victim and Witness Advocacy Fund,
6 established in the State Treasury by section 2 of P.L.1979, c.396
7 (C.2C:43-3.1), administered by the Department of Law and Public
8 Safety through the Division of Criminal Justice, pursuant to rules
9 and regulations promulgated by the Director of the Division of
10 Criminal Justice, to support the development and provision of
11 services to victims and witnesses of crimes and for related
12 administrative costs, is hereby continued.

13 b. The Division is authorized to continue disbursing moneys
14 deposited in the Victim and Witness Advocacy Fund to fund the
15 operation of the State Office of Victim and Witness Advocacy,
16 the 21 county offices of Victim and Witness Advocacy and to
17 provide funding to other public entities as deemed appropriate for
18 the implementation of the Attorney General Standards to Ensure
19 the Rights of Crime Victims.

20 c. In addition, the Division, pursuant to rules and regulations
21 to be promulgated by the Director to ensure that funds are given
22 to qualified entities that will provide services consistent with this
23 Act, shall award grants to qualified public entities and
24 not-for-profit organizations that provide direct services to
25 victims and witnesses, including but not limited to such services
26 as:

- 27 (1) shelter, food and clothing;
- 28 (2) medical and legal advocacy services;
- 29 (3) 24-hour crisis response services and 24-hour hotlines;
- 30 (4) information and referral and community education;
- 31 (5) psychiatric treatment programs;
- 32 (6) expanded services for victims' families and significant
33 others;
- 34 (7) short and long term counseling and support groups;
- 35 (8) emergency locksmith and carpentry services; and
- 36 (9) financial services.

37 d. 2Organizations eligible to apply for grants under subsection
38 c. of this section include but are not limited to:

39 (1) member programs of the New Jersey Coalition for Battered
40 Women, including but not limited to

- 41 (a) Atlantic County Women's Center;
- 42 (b) Shelter Our Sisters, (Bergen County);
- 43 (c) Providence House/ Willingboro Shelter, (Burlington
44 County);
- 45 (d) YWCA/SOLACE, (Camden County);
- 46 (e) Family Violence Project and The Safe House, (Essex
47 County);
- 48 (f) People Against Spouse Abuse, (Gloucester County);
- 49 (g) Battered Women's Program, (Hudson County);

- 1 (h) Women's Crisis Services, (Hunterdon County);
 2 (i) Womanspace, Inc., (Mercer County);
 3 (j) Women Aware, Inc., (Middlesex County);
 4 (k) Women's Resource and Survival Center, (Monmouth
 5 County);
 6 (l) Jersey Battered Women's Services, Inc., (Morris County);
 7 (m) Passaic County Women's Center, (Passaic County);
 8 (n) Salem County Women's Services, (Salem County);
 9 (o) Resource Center for Women and Their Families,
 10 (Somerset County);
 11 (p) Domestic Abuse Services, Inc., (Sussex County);
 12 (q) Project Protect, (Union County);
 13 (r) Domestic Abuse and Rape Crisis Center, Inc., (Warren
 14 County); and
 15 (s) Ocean County Women's Center; and
 16 (2) rape care services and programs, including, but not limited
 17 to:
 18 (a) Atlantic County Women's Center, (Atlantic County);
 19 (b) Bergen County Rape Crisis Center, (Bergen County);
 20 (c) Women Against Rape, (Burlington County);
 21 (d) Women Against Rape, (Camden County);
 22 (e) Coalition against Rape and Abuse, (Cape May County);
 23 (f) Cumberland County Guidance Center;
 24 (g) North Essex Helpline and Sexual Assault Support Service,
 25 (Essex County);
 26 (h) Gloucester County Rape Assault Prevention Program;
 27 (i) Christ Hospital Mental Health Center, serving Hudson
 28 County;
 29 (j) Women's Crisis Services, (Hunterdon County);
 30 (k) Rape Crisis Program Mercer County YWCA, (Mercer
 31 County);
 32 (l) Rape Crisis Intervention Center Roosevelt Hospital,
 33 (Middlesex County);
 34 (m) Women's Resource Center, (Monmouth County);
 35 (n) Parenting Center, Morristown Hospital, (Morris County);
 36 (o) Ocean County Advisory Commission on the Status of
 37 Women, (Ocean County);
 38 (p) Passaic County Women's Center, (Passaic County);
 39 (q) Salem County Rape Crisis Service, (Salem County);
 40 (r) Rape Crisis Service of Somerset and Richard Hall Mental
 41 Health Center Somerset County Coalition for the prevention and
 42 Treatment of Sexual Abuse;
 43 (s) Project Against Sexual Assault Abuse, (Sussex County);
 44 (t) Union County Rape Crisis Center;
 45 (u) Domestic Abuse and Rape Crisis Center, (Warren
 46 County); and
 47 (v) Alternatives to Domestic Violence of Hackensack,
 48 N.J.,(Bergen County).

49 e.² The Director shall report annually to the Governor and the

1 Legislature concerning the administration of the Victim and
2 Witness Advocacy Fund and the administration and award of
3 grants authorized by this section.

4 21. This act shall take effect immediately.

5

6

7

CRIMINAL JUSTICE

8

9 Provides increased compensation for crime victims; improves
10 collection procedures and provides funding for organizations that
11 service victims and witnesses.

1 and regulations promulgated by the Director of the Division of
2 Criminal Justice, to support the development and provision of
3 services to victims and witnesses of crimes and for related
4 administrative costs, is hereby continued.

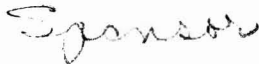
5 b. The Division is authorized to continue disbursing moneys
6 deposited in the Victim and Witness Advocacy Fund to fund the
7 operation of the State Office of Victim and Witness Advocacy,
8 the 21 county offices of Victim and Witness Advocacy and to
9 provide funding to other public entities as deemed appropriate for
10 the implementation of the Attorney General Standards to Ensure
11 the Rights of Crime Victims.

12 c. In addition, the Division, pursuant to rules and regulations
13 to be promulgated by the Director to ensure that funds are given
14 to qualified entities that will provide services consistent with this
15 Act, shall award grants to qualified public entities and
16 not-for-profit organizations that provide direct services to
17 victims and witnesses, including but not limited to such services
18 as:

- 19 (1) shelter, food and clothing;
- 20 (2) medical and legal advocacy services;
- 21 (3) 24-hour crisis response services and 24-hour hotlines;
- 22 (4) information and referral and community education;
- 23 (5) psychiatric treatment programs;
- 24 (6) expanded services for victims' families and significant
25 others;
- 26 (7) short and long term counseling and support groups;
- 27 (8) emergency locksmith and carpentry services; and
- 28 (9) financial services.

29 d. The Director shall report annually to the Governor and the
30 Legislature concerning the administration of the Victim and
31 Witness Advocacy Fund and the administration and award of
32 grants authorized by this section.

33 21. This act shall take effect immediately.

34 

35 STATEMENT

36
37
38 This bill increases the funds and services available for the
39 benefit of victims and witnesses of crime at the expense of
40 persons who violate the laws of this State. The bill requires
41 courts to order defendants to compensate their victims to the
42 fullest extent possible given their ability to pay. It increases
43 public funds available for victims and witnesses by requiring
44 persons who are admitted to pretrial intervention programs to
45 pay assessments and by raising the assessments that must be paid
46 by persons who are convicted of crimes or offenses, adjudicated
47 delinquent, or found guilty of operating a motor vehicle while
48 under the influence.

19 The bill also provides several measures to improve the State's

1 ability to collect moneys owed by persons convicted of offenses.
2 It requires a court granting probation or imposing a suspended
3 sentence to require, as a condition of the probation or suspended
4 sentence, that the defendant make complete payment of
5 restitution and assessments for victims and witnesses. The bill
6 mandates extension of the probationary term of any person who
7 fails to meet these obligations. The bill directs the Violent
8 Crimes Compensation Board, in consultation with the Attorney
9 General, the Department of Corrections and the Administrative
10 Office of the Courts, to utilize a portion of the funds received to
11 develop a uniform system for reporting and collecting payments,
12 and it requires the Department of Corrections to withhold
13 moneys owed from funds earned by and kept for inmates. Finally,
14 to deter default on payments, the bill provides that persons who
15 default without good cause will lose the privilege of driving in
16 this State until full payment is made.

17 The bill also initiates a grant program, which will be funded by
18 moneys collected from offenders, to encourage the valuable work
19 of qualified public and not-for-profit organizations that provide
20 direct services to victims and witnesses. The program will be
21 administered by the Division of Criminal Justice.

22

23

24 CRIMINAL JUSTICE

25

26 Provides increased compensation for crime victims; improves
27 collection procedures and provides funding for organizations that
28 service victims and witnesses.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4819

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 1, 1991

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4819 [1R] with committee amendments.

Assembly Bill No. 4819 [1R], as amended, increases the funds and services available for the benefit of victims and witnesses of crime. The bill requires courts to order defendants to compensate their victims to the fullest extent possible given the defendants' ability to pay. It increases public funds available by requiring persons admitted to pretrial intervention programs to pay assessments and raising the assessments paid by persons convicted of crimes or offenses, adjudicated delinquent, or found guilty of operating a motor vehicle while under the influence.

The bill also provides several measures to improve the State's ability to collect moneys owed by convicted persons: a court granting probation or imposing a suspended sentence must require, as a condition of the probation or suspended sentence, that the defendant make complete payment of restitution and assessments for victims and witnesses; the probationary term of any person who fails to meet these obligations must be extended; the Department of Corrections must withhold moneys owed from funds earned by and kept for inmates; and persons who default without good cause lose the privilege of driving in this State until full payment is made.

The bill increases the minimum assessments against criminal defendants under N.J.S.A.2C:43-3.1: a crime of violence minimum assessment is increased from \$30 to \$100; for other crimes, disorderly persons offenses or petty disorderly persons offenses the increase is from \$30 to \$50; for a juvenile adjudicated delinquent the increase is from \$15 to \$30; and for a person convicted of driving under the influence the increase is from \$30 to \$50. The bill adds a new assessment of \$50 for persons admitted to supervisory treatment pursuant to N.J.S.A.2C:43-13 or conditional discharge pursuant to N.J.S.A.2C:36A-1.

The Violent Crimes Compensation Board (VCCB) shall receive the assessments monthly. The bill establishes a priority listing for the allocation of the assessments among the VCCB account, the Criminal Disposition and Revenue Collection fund and the Victim and Witness Advocacy fund. The bill makes restitution mandatory in certain circumstances. N.J.S.A.2C:44-6 is amended to provide

that a presentence investigation shall include an analysis of the defendant's financial resources, debts and employment history, and this financial information is available to the VCCB or an officer authorized to collect the money.

FISCAL IMPACT:

In fiscal year 1991 the VCCB collected slightly less than \$3.6 million in assessments, of which \$600,000 were directed to the Victim and Witness Advocacy Fund (VWAF). The increased and new assessments should more than double the expected collections of \$3.75 million in fiscal year 1992 to an amount in excess of \$7.5 million, with an slightly increased percentage expected to be directed to the VWAF. However, as VCCB penalties are collected over a period of time, the additional amounts may not be achieved during the first year of implementation. Also, as VCCB assessments are assigned priority over other penalties, the increase in VCCB assessments may result in delayed or decreased collections for other penalties.

The bill directs the VCCB, in consultation with the Attorney General, the Department of Corrections and the Administrative Office of the Courts, to utilize a portion of the funds received to develop a uniform system for reporting and collecting payments.

The bill also initiates a grant program funded from the VWAF, to encourage the work of qualified public and not-for-profit organizations that provide direct services to victims and witnesses, to be administered by the Division of Criminal Justice.

COMMITTEE AMENDMENTS:

The committee amendments add a list of some of the qualified public and not-for-profit organizations eligible to apply for the grants to be funded from the VWAF, as notice to those organizations of their eligibility.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4819

with Assembly committee amendments

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STATE OF NEW JERSEY

DATED: JUNE 6, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 4819.

This bill amends various sections of law concerning victims of crime. The bill amends N.J.S.A.2C:1-2 concerning the general purposes of the criminal code sentencing provisions to include the purpose to promote restitution to victims. The bill increases the minimum assessments set forth in N.J.S.A.2C:43-3.1 which are assessed against criminal defendants. The minimum assessment for those convicted of a crime of violence is increased from \$30.00 to \$100.00. The minimum assessment for other crimes or disorderly persons offense or petty disorderly persons offenses is increased from \$30.00 to \$50.00. The minimum assessment for a juvenile adjudicated delinquent is increased from \$15.00 to \$30.00. The minimum assessment for a person convicted of driving under the influence is increased from \$30.00 to \$50.00. The bill adds a new assessment of \$50.00 for persons admitted to supervisory treatment pursuant to N.J.S.2C:43-13 or conditional discharge pursuant to N.J.S.A.2C:36A-1. The bill provides that the Violent Crimes Compensation Board shall receive the assessments monthly. The bill sets forth a priority listing for how the money collected shall be allocated among the VCCB account, the Criminal Disposition and Revenue Collection fund and the Victim Witness Advocacy fund. (See section 3 of the bill). The committee amendments in section 3 of the bill are technical in nature and clarify that the terminology used shall be "assessment" rather than "penalty". The bill amends N.J.S.A.2C:44-2 concerning the criteria for imposing restitution to set out instances in which the court shall sentence a defendant to pay restitution. The committee amendments remove "penalties" and "fees" from the nonpayment provision. N.J.S.A.2C:44-6 is amended to provide that a presentence investigation shall include any analysis of the defendant's financial resources, debts and employment history. Again, the amendments remove "penalties" and "fees" from this provision. The bill would also make this financial information available to the VCCB or an officer authorized to collect the money. The bill amends N.J.S.A.2C:45-1 to require that the court as a condition of its order concerning the

suspension of sentence or sentence to probation shall require the defendant to pay VCCB assessments. Failure to comply with payment may result in the extension of the probationary period as N.J.S.A.2C:45-2 is amended. The committee amendments in section 8 of the bill clarify that payment of a fine, assessment or restitution may be a condition of probation but payment of a penalty or fee is not a condition. The bill amends N.J.S.A.2C:46-1 to provide that the VCCB assessment, fine or restitution shall be docketed as a judgment. Failure to pay without good cause may result in the suspension of driving privileges. (See section 11 of the bill). N.J.S.A.2C:46-4 is amended to indicate who shall collect the money due for fines assessments and restitution. Adult prisoners may have assessments or restitution deducted from their income. Section 13 of the bill establishes a priority listing for how collected money shall be applied in satisfaction of money owed. The list from top priority to last is: assessments, restitution, forensic laboratory fee, Drug Enforcement and Demand Reduction fund penalty and lastly, fines. The bill amends N.J.S.A.30:4-91.4 to permit inmates' income to be withdrawn in satisfaction of money owed.

The bill directs the Violent Crimes Compensation Board, in consultation with the Attorney General, the Department of Corrections and the Administrative Office of the Courts, to utilize a portion of the funds received to develop a uniform system for reporting and collecting payments.

The bill also initiates a grant program, which will be funded by moneys collected from offenders, to encourage the work of qualified public and not-for-profit organizations that provide direct services to victims and witnesses. The program will be administered by the Division of Criminal Justice.

974.901

8-21



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625

Release: MONDAY
DEC. 23, 1991

GOVERNOR SIGNS CRIME VICTIMS RESTITUTION BILL

Courts will be required to order most criminals to pay restitution to the victims of their crimes under a new law signed by Governor Jim Florio today.

The new law also increases the minimum assessment those convicted of crimes must pay to the Violent Crimes Compensation Board and imposes tough new rules to aid in the collection of restitution and assessment payments.

"For too many victims of violent crime, the attack itself is only the beginning of the nightmare. Then come the costs of trying to heal," Governor Florio said at a bill signing ceremony in Toms River. "We've all heard the horror stories about how medical expenses, counseling bills and lost wages can quickly add up to thousands of dollars."

"With this new law, we're saying 'enough.' The people who pay the physical and emotional toll of violent crime shouldn't have to pay the bills for it too," Governor Florio said.

The new law requires courts to order restitution as part of a sentence if the victim, or the nearest relative of a homicide victim, has suffered a loss and the defendant is able to pay. If the victim of the crime has received compensation from the Violent Crimes Compensation Board, the defendant must reimburse the VCCB. Current law allows restitution to be ordered only in auto theft cases or in crimes from which the defendant has profited or restitution will act as a deterrent.

The new law also increases the minimum amount of the VCCB assessments that courts must impose following conviction. The minimum assessments are increased from \$30 to \$100 for violent crimes, from \$30 to \$50 for other adult crimes, from \$15 to \$30 for juvenile crimes and from \$30 to \$50 for drunk driving offenders. The law also assesses, for the first time, a \$50 assessment on those admitted to pre-trial intervention or conditional discharge.

-more-

"If a convicted criminal fails to make restitution, we'll take his drivers license. If he's on probation, we'll make sure he stays there until his debt is paid. And if he's in prison, we'll take the restitution out of his income or savings," Governor Florio said.

The new law also:

*Requires courts to make the payment of restitution or a VCCB assessment a condition of probation or a suspended sentence.

*Requires courts to make the collection of restitution and civil fines collectible as a civil fine.

*Requires the Department of Corrections to garnish inmate wages to pay restitution and VCCB assessments.

*Requires the suspension of driver licenses for those who default on the payment of VCCB assessments and restitution.

*Uses some of the additional revenues to establish a grant program for public and nonprofit organizations that provide direct services for victims, such as rape crisis centers and domestic violence facilities.

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