

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2A:8-27.1

(Municipal court powers--permit suspension of drivers license for failure to appear for minor offenses)

LAWS OF: 1991

CHAPTER: 240

Bill No: S3099

Sponsor(s): Cafiero

Date Introduced: December 3, 1990

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No Senate Committee substitute enacted

Date of Passage: Assembly: July 15, 1991

Senate: May 9, 1991

Date of Approval: August 5, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings attached:

KBG/SLJ

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3099

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1991

Sponsored by Senator CAFIERO

1 AN ACT concerning the powers of municipal courts in certain
2 cases and supplementing Title 2A of the New Jersey Statutes.

3

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

6 1. a. (1) If a defendant charged with a disorderly persons
7 offense, a petty disorderly persons offense, a violation of a
8 municipal ordinance, or a violation of any other law of this State
9 for which a penalty may be imposed fails to appear at any
10 scheduled court proceeding after written notice has been given to
11 said defendant pursuant to the Rules Governing the Courts of the
12 State of New Jersey, a municipal court may order the suspension
13 of the person's driving privileges or nonresident reciprocity
14 privilege or prohibit the person from receiving or obtaining
15 driving privileges until the pending matter is adjudicated or
16 otherwise disposed of, except by dismissal for failure of
17 defendant to appear.

18 (2) If a defendant sentenced to pay a fine or costs, make
19 restitution, perform community service, serve a term of
20 probation, or do any other act as a condition of that sentence
21 fails to do so, a municipal court may order the suspension of the
22 person's driving privileges or nonresident reciprocity privilege or
23 prohibit the person from receiving or obtaining driving privileges
24 until the terms and conditions of the sentence have been
25 performed or modified.

26 b. Prior to any action being taken pursuant to the provisions of
27 this section, the defendant shall be given notice of the proposed
28 action and afforded an opportunity to appear before the court to
29 contest the validity of the proposed action.

30 c. The municipal court shall notify the Division of Motor
31 Vehicles of any action taken pursuant to the provisions of this
32 section.

33 d. Any action taken by a municipal court pursuant to this
34 section shall be in addition to any other remedies which are
35 available to the court and in addition to any other penalties which
36 may be imposed by the court.

37 e. (1) When a defendant whose license has been suspended
38 pursuant to subsection a. of this section satisfies the
39 requirements of that subsection, the municipal court shall
40 forward to the Division of Motor Vehicles a notice to restore the
41 defendant's driving privileges.

- 1 (2) There shall be included in the fines and penalties imposed
2 by a court on a defendant whose license has been suspended
3 pursuant to subsection a. of this section, the following: (a) A fee
4 of \$3.00 which shall be transferred to the Division of Motor
5 Vehicles;
6 (b) A penalty of \$10.00 for the issuance of the failure to
7 appear notice; and
8 (c) A penalty of \$15.00 for the order of suspension of
9 defendant's driving privileges.
10 2. This act shall take effect immediately.

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CRIMINAL JUSTICE

Permits municipal courts to suspend driving privileges in certain cases.

SENATE, No. 3099

STATE OF NEW JERSEY

INTRODUCED DECEMBER 3, 1990

By Senators CAFIERO, GORMLEY and BENNETT

1 AN ACT concerning pre-trial release for persons charged with
2 certain offenses and supplementing Title 2A of the New Jersey
3 Statutes.

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

7 1. a. The Legislature hereby finds and declares that tourists
8 contribute substantially to New Jersey's welfare; that, while the
9 vast majority of tourists and vacationers are law-abiding
10 citizens, a small minority are not; and that all tourists, as well as
11 the permanent residents of those New Jersey areas where the
12 tourists temporarily stay, must be protected from the small
13 number of scofflaws who violate various disorderly persons laws
14 and municipal ordinances with impunity.

15 b. In any case where a defendant is charged with a disorderly
16 persons or petty disorderly persons offense or a violation of a
17 municipal ordinance, and does not maintain a permanent
18 residence in the community where the violation occurred, the
19 court may require that, in addition to any other requirements
20 authorized by law or Court Rule, the defendant shall be released
21 by the court only if the defendant posts a bond or deposits cash
22 with the court in an amount at least equal to the maximum fine
23 which may be imposed by law upon conviction of that offense.

24 In determining whether the defendant shall be required to post
25 a bond or deposit cash pursuant to this act, the court shall assess
26 the risk of the defendant's failure to appear at trial. In making
27 this assessment, the court shall take into account such factors as
28 the nature and circumstances of the offense charged, the length
29 of defendant's residence in the community, the defendant's ties
30 to the community, the identity of any responsible members of the
31 community who would vouch for the defendant's reliability, and
32 any other factors indicating the defendant's mode of life or ties
33 to the community or bearing on the risk of the defendant's
34 failure to appear at trial.

35 2. This act shall take effect immediately.

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STATEMENT

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40 According to recent reports, several shore and vacation areas
41 in the State are troubled by some tourists who violate municipal

1 ordinances and disorderly persons offenses with impunity. A
2 defendant whose permanent home is outside the community might
3 simply choose to ignore a summons that is issued to him,
4 gambling that law enforcement authorities will not catch up with
5 him once he returns home.

6 This bill would provide that any person who does not maintain a
7 permanent residence in the community where he has been
8 charged with a disorderly persons or petty disorderly persons
9 offense or a violation of a municipal ordinance may be required
10 by the court to post a bond or deposit cash in an amount at least
11 equal to the maximum fine which may be imposed upon
12 conviction of that offense.

13 In determining whether the defendant would be required to post
14 a bond or deposit cash, the court would take into account such
15 factors as the nature and circumstances of the offense charged,
16 the length of defendant's residence in the community, the
17 defendant's ties to the community, the identity of any
18 responsible members of the community who would vouch for the
19 defendant's reliability, and any other factors indicating the
20 defendant's mode of life or ties to the community or bearing on
21 the risk of the defendant's failure to appear at trial.

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CRIMINAL JUSTICE

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26 Provides that court may require the posting of bond or the
27 deposit of cash as condition of release prior to trial for certain
28 offenses.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3099

STATE OF NEW JERSEY

DATED: JUNE 20, 1991

The Assembly Judiciary, Law and Public Safety Committee reports without recommendation the Senate Committee Substitute for Senate Bill No. 3099.

Under the provisions of the committee substitute, if a person charged with a nonindictable criminal offense, an ordinance violation or a violation of any other law for which a penalty may be imposed, fails to appear at any scheduled court proceeding, a municipal court would be authorized to order suspension of the person's driver's license until the pending matter is adjudicated following notice of the possible suspension and an opportunity to appear. This possible sanction is considered necessary to prevent scofflaws who ignore summonses in municipal court.

Under the committee substitute, a municipal court would also be authorized to suspend the driver's license of any person convicted of an offense in municipal court who fails to meet any condition of the sentence imposed such as to pay a fine, make restitution or perform community service.

This Senate Committee Substitute is identical to the Assembly Committee Substitute for Assembly Bills Nos. 4988 and 4174.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3099
STATE OF NEW JERSEY

DATED: MARCH 11, 1991

The Senate Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill No. 3099.

Under the provisions of the committee substitute, if a person charged with a nonindictable criminal offense, an ordinance violation or a motor vehicle offense fails to appear at any scheduled court proceeding, a municipal court would be authorized to order suspension of the person's driver's license until the pending matter is adjudicated.

Under the committee substitute, a municipal court would also be authorized to suspend the driver's license of any person convicted of an offense in municipal court who fails to meet any condition of the sentence imposed such as to pay a fine; make restitution or perform community service.