

2B:10-1 to 2B:10-9

LEGISLATIVE HISTORY CHECKLIST
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"State Judicial Unification Act"

NJSA: 2B:10-1 to 2B:10-9

LAWS OF: 1993 CHAPTER: 275

BILL NO: A1529/A2266

SPONSOR(S) Kelly and others

DATE INTRODUCED: June 1, 1992

COMMITTEE: ASSEMBLY: Appropriations; Judiciary

SENATE: Budget

AMENDED DURING PASSAGE: Yes Amendments during passage
Assembly committee denoted by superscript numbers
substitute (fourth
reprint) enacted

DATE OF PASSAGE: ASSEMBLY: June 21, 1993

SENATE: June 28, 1993

DATE OF APPROVAL December 6, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 6-14-93 & 5-10-93

SENATE: Yes

FISCAL NOTE: ~~NO~~ YES

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey. Legislature. Senate. Judiciary Committee.
G191 Public hearing on SCR 58 (provides for the transfer of certain
1992a judicial and probation costs from county..., held 6-15-92.
Trenton, 1992.

974.90 New Jersey. State and Local Expenditure and Revenue Policy
F491 Commission.
1987h Report on judicial unification...August 28, 1987. Trenton.
[see pp.17-24]

[FOURTH REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1529 and 2266

STATE OF NEW JERSEY

ADOPTED MAY 10, 1993

Sponsored by Assemblymen KELLY, LUSTBADER,
STUHLTRAGER, BAER and KAVANAUGH

1 AN ACT concerning the transfer of county judicial costs and fees
2 to the State, ¹and¹ revising various parts of the statutory law
3 ¹[and making an appropriation]¹.

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

7 1. (New section) Sections 1 through 9 of this act shall be
8 known and may be cited as the "State Judicial Unification Act."

9 2. (New section) The Legislature finds and declares that:

10 a. The current method of financing the State's judicial system
11 has created undue hardship for both the counties and the courts.

12 b. The counties have had to balance the financial needs of the
13 judicial system with the need to provide essential county services
14 and have been denied any oversight over court operations.

15 c. As a result of the differing funding bases among the
16 counties, the courts have varying levels of resources available in
17 order to fulfill their responsibilities.

18 d. Those differing bases and varying levels of available
19 resources have significantly hindered the development and
20 implementation of a unified administrative system for the courts.

21 e. If the State were to assume the administrative costs of the
22 judicial system, resources would be provided on a more equitable
23 basis and a central management system could be established by
24 the Chief Justice of the Supreme Court.

25 f. Furthermore, significant property tax relief would be
26 afforded to the citizens of this State since the counties would no
27 longer need to generate tax revenues currently required to
28 finance the judicial system.

29 g. It is, therefore, altogether fitting and proper for the State
30 to assume the cost of the judicial system in order to unify the
31 administrative system and to provide property tax relief.

32 3. (New section) As used in this act:

33 a. "Base year amount" means the ¹[average of the]¹ total
34 local fiscal year ¹[1992 and]¹ 1993 expenditures for judicial costs
35 and probation costs, ¹[exclusive of] including the employer
36 pension contributions for employees who become employees of
37 the State pursuant to this act for the 1993 actuarial valuation
38 year but excluding¹ the amount paid and charged in full in ¹[1992
39 and]¹ 1993 for equipment for court or probation purposes; less the
40 realized revenue for judicial fees and probation fees.

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 AAP committee amendments adopted June 14, 1993.

² Assembly floor amendments adopted June 17, 1993.

³ Assembly floor amendments adopted June 21, 1993.

⁴ Senate SBA committee amendments adopted June 24, 1993.

1 b. "Director" means the Director of the Division of Local
2 Government Services in the Department of Community Affairs;

3 c. "Judicial costs" means the costs incurred by the county for
4 funding the judicial system, including but not limited to the
5 following: salaries, health benefits and pension costs¹[, based on
6 the average of the 1992 and 1993 valuation years,]¹ of all judicial
7 employees, juror fees, library material costs, and
8 centrally-budgeted items such as printing, supplies, and mail
9 services, except that judicial costs shall not include costs
10 incurred by employees of the surrogate's office or the sheriff's
11 office;

12 d. "Judicial employee" means any person employed by the
13 county prior to January 1, ¹[1994] 1995¹ to perform judicial
14 functions, including but not limited to employees working for the
15 courts and the law library, employees who act as court aides and
16 employees of the county clerk judicial function and those
17 involved in bail processing and any person employed by a county
18 probation office, except that employees of the surrogate's office
19 and employees of the sheriff's office shall not be construed to be
20 judicial employees;

21 e. "Judicial fees" means any fees or court costs collected by
22 the judiciary including bail forfeitures and interest earned on bail
23 deposits for bail deposited after January 1, ¹[1994] 1995¹ but
24 shall not include sheriff's or surrogate's fees or fines otherwise
25 allocated by law to counties or municipalities for offenses within
26 the jurisdiction of municipal courts;

27 f. "Judicial functions" means any duties and responsibilities
28 performed in providing any services and direct support necessary
29 for the effective operation of the judicial system;

30 g. "Probation costs" means any costs incurred by the county
31 for the operation of the county probation department, including
32 but not limited to centrally-budgeted items such as printing,
33 supplies and mail services;

34 h. "Probation fees" means any fees or fines collected in
35 connection with the probation of any person.

36 4. (New section) On and after January 1, ¹[1994] 1995¹:

37 a. The State is required to pay for judicial costs and probation
38 costs;

39 b. All judicial employees shall be employees of the State; and,

40 c. Any judicial fees or probation fees collected shall be paid to
41 the State Treasury.

42 5. (New section) a. ¹[(1) On or before June 1, 1993, the chief
43 financial officer of the county shall certify an estimated base
44 year amount based on 1992 actual expenditures to the designee of
45 the Administrative Office of the Courts who may then accept the
46 amount. This estimated base year amount shall serve as the basis
47 for any preliminary calculations under section 6 of P.L. , c.
48 (now pending before the Legislature as section 6 of this bill). If
49 accepted, a copy of the certification and acceptance shall
50 immediately be provided to the Administrative Office of the
51 Courts, the county Board of Chosen Freeholders, and to the
52 director.

53 (2)]¹ On or before February 28, 1994, the chief financial
54 officer of the county shall certify the actual base year amount to

1 the designee of the Administrative Office of the Courts who may
2 then accept the amount. If accepted, a copy of the certification
3 and acceptance shall immediately be provided to the
4 Administrative Office of the Courts, the county Board of Chosen
5 Freeholders, and to the director.

6 b. If the amount provided in ¹[paragraph (1) of]¹ subsection a.
7 of this section has not been certified or accepted by ¹[June 1,
8 1993 or the amount provided in paragraph (2) of subsection b. of
9 this section has not been certified or accepted by]¹ June 1, 1994,
10 the parties shall immediately notify the director that the matter
11 is submitted to the director for the director to make the
12 determination.

13 c. Upon submission to the director, he may require the
14 submission of any additional documentation necessary for
15 determination of the amount. He may also determine that a
16 hearing be conducted if necessary before either the director or
17 his designee. Nothing herein shall prevent the parties from
18 continuing to negotiate a settlement up until the time the
19 director makes a final determination.

20 d. If the hearing on the amount provided pursuant to
21 subsection a. of this section extends beyond April 1 ¹[of the year
22 in which the amount is provided]¹, ¹1995,¹ the director shall, by
23 April 10, ¹1995,¹ require such submissions as he deems necessary
24 to set an interim base year amount to serve as the basis for the
25 calculations described in section 6 of P.L. , c. (now pending
26 before the Legislature as section 6 of this bill). The calculation
27 for ¹[1994] ¹1995¹ and subsequent years shall be adjusted to
28 reflect the difference between the final determination ¹[of the
29 director]¹ and the interim base year amount. A decision of the
30 director may be appealed pursuant to section 15 of P.L.1947,
31 c.151 (C.52:27BB-15).

32 6. (New section) a. In local fiscal years ¹[, 1994,]¹ 1995, 1996
33 and 1997, each county shall pay a share of its base year amount
34 as determined by the director based on the following schedule:

- 35 (1) ¹[1994] ¹1995¹..... 87.5% of the base year amount;
- 36 (2) ¹[1995] ¹1996¹..... 62.5% of the base year amount;
- 37 (3) ¹[1996] ¹1997¹..... ¹[37.5%] ¹50.0%¹ of the base
38 year amount¹;
- 39 (4) 1997 12.5% of the base year amount¹.

40 b. Each county shall pay the respective amounts established in
41 subsection a. to the State Treasurer on the following schedule:

- 42 (1) ¹[1994] ¹1995¹..... On May 15, 50.0% of the base
43 year amount, and on October 1,
44 37.5% of the base year amount;
- 45 (2) ¹[1995] ¹1996¹..... On May 15, 37.5% of the base
46 year amount, and on October 1,
47 25.0% of the base year amount;
- 48 (3) ¹[1996] ¹1997¹..... On May 15, 25.0% of the base
49 year amount, and on October 1,
50 ¹[12.5%] ¹25.0%¹ of the base
51 year amount¹;
- 52 (4) 1997..... On May 15, 12.5% of the base year
53 amount¹.

54 c. In local budget year 1998 and thereafter, no county shall be

1 required to pay judicial costs or probation costs.

2 2d. No county shall be required to pay the employer pension
3 contribution on behalf of any employee who becomes an employee
4 of the State under this act after the date the person becomes an
5 employee of the State. However, notwithstanding the provisions
6 of subsections (b) and (c) above, it shall continue to be the
7 responsibility of each county to pay any additional liability for
8 any employee who would have become an employee of the State
9 under this act but who retired and received a benefit under
10 P.L.1993, C.138 as provided under that act, and the liability for
11 late enrollment of an employee in the Public Employees'
12 Retirement System, whose date of compulsory enrollment is prior
13 to the date the person becomes an employee of the State under
14 this act, as provided under P.L.1971, c.218 (C.43:15A-7.1).²

15 7. (New section) a. By September 1, ¹[1993] 1994¹, a list shall
16 be jointly developed by the Administrative Office of the Courts
17 and the governing body of each county of the furnishings and
18 office equipment currently used by the courts which shall become
19 the property of the State on January 1, ¹[1994] 1995¹.

20 b. (1) The Administrative Office of the Courts and the
21 individual county governments may enter into service agreements
22 for:

23 (a) Those services the Administrative Office of the Courts
24 determines are necessary for the county to provide for the
25 operations of the courts in each county;

26 (b) The portion of the base year amount comprising debt
27 service or lease payments for furnishings and office equipment;
28 and

29 (c) Any other services or costs jointly agreed upon by the
30 parties as necessary to the smooth transition or continued
31 operation of the court system.

32 (2) If the services referred to in paragraph (a) of subsection b.
33 of this section had been previously provided by the county, it
34 shall be in the sole discretion of the Administrative Office of the
35 Courts that the services be continued, and that the county shall
36 provide the services for a cost in approximate proportion to the
37 cost determined in the base year amount, subject to annual cost
38 increases negotiated by the parties.

39 (3) Disputes as to continuance of service and charges by the
40 county for such services may be determined by the director and
41 made in manner similar to that described section 5 of P.L. , c.
42 (now pending before the Legislature as section 5 of this bill).

43 (4) Revenue received by the county for the service agreement
44 shall be appropriated in accordance with the Local Budget Law,
45 N.J.S.40A:4-1 et seq.

46 c. (1) By September 1, ¹[1993] 1994¹ the counties shall
47 provide to the Administrative Office of the Courts the following:

48 (a) a listing of all Notices of Claims which were filed after
49 January 1, ¹[1993] 1994¹;

50 (b) a loss history for all lines of insurance or self insurance for
51 the past five years;

52 (c) a listing of all worker's compensation, occupational,
53 ongoing medical and dependency claims prior to January 1,
54 ¹[1994] 1995¹;

1 (d) a listing of all outstanding claims with insurance carriers or
2 against third parties;

3 (e) a listing of all vehicles with accident damage that will be
4 transferred pursuant to this section¹;

5 (f) plans for all facilities and construction and age information
6 on the facilities required by the companies currently insuring the
7 contents¹.

8 (2) Any workers' compensation claim filed by a judicial
9 employee of a county, any tort claim, or any auto liability claim
10 arising out of the maintenance, operation or use of any vehicle by
11 a judicial employee of a county where the date of loss was prior
12 to January 1, ¹[1994] 1995¹ shall be the liability of the county.

13 8. (New section) For the purpose of determining the county
14 tax levy upon which a county shall calculate its permissible tax
15 levy, any amounts appropriated for the purposes described in
16 section 6 of P.L. , c. (C.) (now pending before the
17 Legislature as this bill), shall be an exception pursuant to section
18 4 of P.L.1976, c.68 (C.40A:4-45.4). For the calculation of the
19 local fiscal year ¹[1994] 1995¹ permissible tax levy, the ¹[1993]
20 1994¹ county tax levy prior to modification pursuant to section 4
21 of P.L.1976, c.68 (C.40A:4-45.4) shall be reduced by the base
22 year amount calculated pursuant to section 5 of P.L. , c. (now
23 pending before the Legislature as section 5 of this bill). The
24 director is also authorized to make such adjustments to county
25 budget cap calculations for matters unforeseen by this act, in a
26 manner not inconsistent with the constitutional amendment
27 authorizing this act, and section 4 of P.L.1976, c.68 (C.40A:45.1
28 et seq.).

29 9. (New section) a. To facilitate the transfer of judicial
30 employees from county payroll processing to the State's payroll
31 processing system the chief financial officer of each county shall
32 certify payroll record information on each judicial employee to
33 the Administrative Office of the Courts according to a standard
34 record format, procedure, and schedule collectively agreed to by
35 representatives of the chief financial officers of the counties and
36 the Administrative Director of the Courts and shall include the
37 use of computer readable media in the transfer of payroll record
38 information where applicable.

39 b. On December 31, ¹[1993] 1994¹ the county shall issue a
40 final paycheck which is complete and full, up to and including
41 December 31, ¹[1993] 1994¹ and satisfies all salary obligations
42 due by the county to the judicial employees, and all deductions
43 related to calendar year ¹[1993] 1994¹ obligations of the judicial
44 employees.

45 10. N.J.S.22A:2-6 is amended to read as follows:

46 22A:2-6. a. Upon the filing or entering of the first paper or
47 proceeding in any action or proceeding in the Law Division of the
48 Superior Court, the plaintiff shall pay to the clerk \$135.00 for the
49 first paper filed by him, which shall cover all fees payable therein
50 down to, and including entry of final judgment, taxation of costs,
51 copy of costs and the issuance and recording of final process,
52 except such as may be otherwise provided herein, or provided by
53 law, or the rules of court. Of the \$135.00 paid to the clerk,
54 \$40.00 shall be paid over by him to the treasurer of the county in

1 which venue is laid for the use of the county. Any person filing an
2 answer setting forth a counterclaim or a third party claim in such
3 cause shall pay to the clerk \$135.00 for the first paper filed by
4 him. Any person other than the plaintiff filing any other paper in
5 any such cause shall pay to the clerk \$80.00 for the first paper
6 filed by him. After December 31, ¹[1993] 1994¹, the \$135.00
7 filing fee shall be paid to the clerk, for use by the State.

8 b. From July 1, 1991 to June 30, 1992 the \$80.00 fee set forth
9 in subsection a. for the filing of a paper by a person other than
10 the plaintiff shall be paid to the clerk, for use by the State.
11 After June 30, 1992, of the \$80.00 paid to the clerk, \$25.00 shall
12 be paid over by him to the treasurer of the county in which venue
13 is laid for the use of the county. After December 31, ¹[1993]
14 1994¹, the \$80.00 fee set forth in subsection a. for the filing of a
15 paper by a person other than the plaintiff shall be paid to the
16 clerk, for use by the State.

17 c. Any person filing a motion in any action or proceeding shall
18 pay to the clerk \$15.00. From July 1, 1991, to June 30, 1992, the
19 \$15.00 motion fee shall be paid to the clerk, for use by the State.
20 After June 30, 1992, the \$15.00 motion fee shall be paid over to
21 the treasurer of the county in which venue is laid for the use of
22 the county. After December 31, ¹[1993] 1994¹, the \$15.00
23 motion fee shall be paid to the clerk, for use by the State.

24 (cf: P.L.1991, c.177, s.6)

25 11. N.J.S.22A:2-7 is amended to read as follows:

26 22A:2-7. ⁴a. ⁴ Upon the filing, entering, docketing or recording
27 of the following papers, documents or proceedings by either party
28 to any action or proceeding in the Law Division of the Superior
29 Court, the party or parties filing, entering, docketing or
30 recording the same shall pay to the clerk of said court the
31 following fees:

32 Filing of the first paper in any motion, petition or application,
33 if not in a pending action or proceeding under section 22A:2-6 of
34 this Title, or if made after dismissal or judgment entered other
35 than withdrawal of money deposited in court, the moving party
36 shall pay \$15.00 which shall cover all fees payable on such
37 motion, petition or application down to and including filing and
38 entering of order therein and taxation of costs.

39 For withdrawal of money deposited in court where the sum to
40 be withdrawn is less than \$100.00, no fee; where the sum is
41 \$100.00 or more but less than \$1,000.00, a fee of \$5.00; where
42 such sum is \$1,000.00 or more, a fee of \$10.00.

43 Entering judgment on bond and warrant by attorney and
44 issuance of one final process, \$15.00 in lieu of the fee required by
45 section 22A:2-6 of this Title.

46 Recording of judgment in the civil judgment and order docket,
47 \$25.00 ¹shall be paid to the clerk for use by the State^{1 4}, except
48 as provided in subsection b. of this section⁴.

49 Docketing judgments or orders from other courts or divisions,
50 [\$5.00] including Chancery Division judgments, \$25.00 ¹shall be
51 paid to the clerk for use by the State^{1 4}, except as provided in
52 subsection b. of this section⁴.

53 Satisfaction of judgment or other lien, \$5.00.

54 Recording assignment of judgment or release, \$5.00.

1 Issuing of executions and recording same, except as otherwise
2 provided in this article, \$5.00.

3 Recording of instruments not otherwise provided for in this
4 article, \$5.00.

5 Filing and entering recognizance of civil bail, \$5.00.

6 Signing and issuing subpoena, \$5.00.

7 ⁴b. Moneys collected under the provisions of subsection a. of
8 this section for the recording and docketing of judgments shall be
9 deposited in the temporary reserve fund created by section 25 of
10 P.L. , c. (C.)(now pending before the Legislature as
11 section 25 of this bill). After December 31, 1994, the moneys
12 collected under the provisions of subsection a. shall be for use by
13 the State.⁴

14 (cf: P.L.1991, c.177, s.7)

15 12. N.J.S.22A:2-27 is amended to read as follows:

16 22A:2-27. In cases appealed to the Law Division of the
17 Superior Court from any inferior court or tribunal, criminal or
18 civil, the clerk of the division shall charge a fee of \$75.00 for
19 filing a notice of appeal, appeal papers and proceedings, including
20 judgment in the Superior Court or order of dismissal. The clerk
21 shall pay this \$75.00 to the treasurer of the county in which the
22 appeal is taken for the use by the county. After December 31,
23 ¹[1993] 1994¹ , this \$75.00 fee shall be paid to the clerk, for use
24 by the State.

25 (cf: P.L.1991, c.177, s.13)

26 13. Section 14 of P.L.1991. c.177 (C.22A:2-37.1) is amended to
27 read as follows:

28 14. a. In all civil actions and proceedings in the Special Civil
29 Part of the Superior Court, Law Division, only the following fees
30 shall be charged by the clerk and no service shall be performed
31 until the specified fee has been paid:

| | |
|---|---------|
| 32 (1) Filing of small claim, one defendant.... | \$12.00 |
| 33 Each additional defendant..... | \$ 2.00 |
| 34 (2) Filing of complaint in tenancy, one | |
| 35 defendant..... | \$15.00 |
| 36 Each additional defendant..... | \$ 2.00 |
| 37 (3) (a) Filing of complaint, counterclaim, | |
| 38 cross-claim or third party complaint | |
| 39 in all other civil actions, whether | |
| 40 commenced without process or by summons, | |
| 41 capias, replevin or attachment where | |
| 42 the amount exceeds \$1,000.00..... | \$38.00 |
| 43 Each additional defendant..... | \$ 2.00 |
| 44 (b) Filing of complaint, counterclaim, | |
| 45 cross-claim or third party complaint | |
| 46 in all other civil actions, whether | |
| 47 commenced without process or by | |
| 48 summons, capias, replevin or | |
| 49 attachment where the amount does not | |
| 50 exceed \$1,000.00..... | \$22.00 |
| 51 Each additional defendant..... | \$ 2.00 |
| 52 (4) Filing of answer in all matters except | |
| 53 small claims..... | \$ 7.00 |

| | | |
|----|---|---------|
| 1 | (5) Service of Process: | |
| 2 | Summons by mail, each defendant..... | \$ 3.00 |
| 3 | Summons by mail, each defendant at | |
| 4 | place of business or employment with | |
| 5 | postal instructions to deliver to | |
| 6 | addressee only, additional fee..... | \$ 3.00 |
| 7 | Reservice of summons by mail, each defendant. | \$ 3.00 |
| 8 | Reservice of summons or other original | |
| 9 | process by court officer, one defendant | \$ 3.00 |
| 10 | plus mileage | |
| 11 | Each additional defendant..... | \$ 2.00 |
| 12 | plus mileage | |
| 13 | Substituted service of process by the clerk | |
| 14 | upon the Director of the Division of | |
| 15 | Motor Vehicles..... | \$10.00 |
| 16 | (6) Mileage of court officer in serving or executing any | |
| 17 | process, writ, order, execution, notice, or warrant, the distance | |
| 18 | to be computed by counting the number of miles in or out, by the | |
| 19 | most direct route from the place where process is issued, at the | |
| 20 | same rate per mile set by the county governing body for other | |
| 21 | county employees and the total mileage fee rounded upward to | |
| 22 | the nearest dollar | |
| 23 | (7) Jury of six persons..... | 50.00 |
| 24 | (8) Warrant for possession in tenancy..... | \$15.00 |
| 25 | (9) Warrant to arrest, commitment or writ | |
| 26 | of capias ad respondendum, each | |
| 27 | defendant..... | \$15.00 |
| 28 | (10) Writ of execution or an order in the | |
| 29 | nature of execution, writs of replevin | |
| 30 | and attachment issued subsequent to | |
| 31 | summons..... | \$ 5.00 |
| 32 | (11) For advertising property under execution | |
| 33 | or any order..... | \$10.00 |
| 34 | (12) For selling property under execution or | |
| 35 | any order..... | \$10.00 |
| 36 | (13) Exemplified copy of judgment (two pages) | \$ 5.00 |
| 37 | each additional page..... | \$ 1.00 |

38 b. Except as provided in subsection c., the clerk shall pay over
39 to the treasurer of the county in which the action is filed all fees
40 collected pursuant to this section. After December 31, ¹[1993]
41 1994¹, the clerk shall pay over to the State all fees collected
42 pursuant to this section, including the entire fee collected
43 pursuant to paragraph (3) of subsection a.

44 c. From July 1, 1991 to June 30, 1993, the clerk shall pay over
45 to the treasurer of the county in which the action is filed \$12.00
46 of each fee paid to the clerk pursuant to paragraph 3 of
47 subsection a., with the balance made available for use by the
48 State.

49 (cf: P.L.1991, c.177, s.14)

50 14. N.J.S.2C:36A-1 is amended to read as follows:

51 2C:36A-1. Conditional discharge for certain first offenses;
52 expunging of records. a. Whenever any person who has not
53 previously been convicted of any offense under section 20 of
54 P.L.1970, c.226 (C.24:21-20), or a disorderly persons or petty

1 disorderly persons offense defined in chapter 35 or 36 of this title
2 or, subsequent to the effective date of this title, under any law of
3 the United States, this State or any other state relating to
4 marijuana, or stimulant, depressant, or hallucinogenic drugs, is
5 charged with or convicted of any disorderly persons offense or
6 petty disorderly persons offense under chapter 35 or 36 of this
7 title, the court upon notice to the prosecutor and subject to
8 subsection c. of this section, may on motion of the defendant or
9 the court:

10 (1) Suspend further proceedings and with the consent of the
11 person after reference to the State Bureau of Identification
12 criminal history record information files, place him under
13 supervisory treatment upon such reasonable terms and conditions
14 as it may require; or

15 (2) After plea of guilty or finding of guilty, and without
16 entering a judgment of conviction, and with the consent of the
17 person after proper reference to the State Bureau of
18 Identification criminal history record information files, place him
19 on supervisory treatment upon reasonable terms and conditions as
20 it may require, or as otherwise provided by law.

21 b. In no event shall the court require as a term or condition of
22 supervisory treatment under this section, referral to any
23 residential treatment facility for a period exceeding the
24 maximum period of confinement prescribed by law for the
25 offense for which the individual has been charged or convicted,
26 nor shall any term of supervisory treatment imposed under this
27 subsection exceed a period of three years. If a person is placed
28 under supervisory treatment under this section after a plea of
29 guilty or finding of guilt, the court as a term and condition of
30 supervisory treatment shall suspend the person's driving
31 privileges for a period to be fixed by the court at not less than six
32 months or more than two years. In the case of a person who at
33 the time of placement under supervisory treatment under this
34 section is less than 17 years of age, the period of suspension of
35 driving privileges authorized herein, including a suspension of the
36 privilege of operating a motorized bicycle, shall commence on
37 the day the person is placed on supervisory treatment and shall
38 run for a period as fixed by the court of not less than six months
39 or more than two years after the day the person reaches the age
40 of 17 years.

41 If the driving privilege of a person is under revocation,
42 suspension, or postponement for a violation of this title or Title
43 39 of the Revised Statutes at the time of the person's placement
44 on supervisory treatment under this section, the revocation,
45 suspension or postponement period imposed herein shall
46 commence as of the date of the termination of the existing
47 revocation, suspension or postponement. The court which places
48 a person on supervisory treatment under this section shall collect
49 and forward the person's driver's license to the Division of
50 Motor Vehicles and file an appropriate report with the division in
51 accordance with the procedure set forth in N.J.S.2C:35-16. The
52 court shall also inform the person of the penalties for operating a
53 motor vehicle during the period of license suspension or

1 postponement as required in N.J.S.2C:35-16.

2 Upon violation of a term or condition of supervisory treatment
3 the court may enter a judgment of conviction and proceed as
4 otherwise provided, or where there has been no plea of guilty or
5 finding of guilty, resume proceedings. Upon fulfillment of the
6 terms and conditions of supervisory treatment the court shall
7 terminate the supervisory treatment and dismiss the proceedings
8 against him. Termination of supervisory treatment and dismissal
9 under this section shall be without court adjudication of guilt and
10 shall not be deemed a conviction for purposes of disqualifications
11 or disabilities, if any, imposed by law upon conviction of a crime
12 or disorderly persons offense but shall be reported by the clerk of
13 the court to the State Bureau of Identification criminal history
14 record information files. Termination of supervisory treatment
15 and dismissal under this section may occur only once with respect
16 to any person. Imposition of supervisory treatment under this
17 section shall not be deemed a conviction for the purposes of
18 determining whether a second or subsequent offense has occurred
19 under section 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36
20 of this title or any law of this State.

21 c. Proceedings under this section shall not be available to any
22 defendant unless the court in its discretion concludes that:

23 (1) The defendant's continued presence in the community, or
24 in a civil treatment center or program, will not pose a danger to
25 the community; or

26 (2) That the terms and conditions of supervisory treatment will
27 be adequate to protect the public and will benefit the defendant
28 by serving to correct any dependence on or use of controlled
29 substances which he may manifest; and

30 (3) The person has not previously received supervisory
31 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
32 N.J.S.2C:43-12, or the provisions of this chapter.

33 d. A person seeking conditional discharge pursuant to this
34 section shall pay to the court a fee of [~~\$45.00~~] \$75.00. The court
35 shall forward all money collected under this subsection to the
36 treasurer of the county in which the court is located. This money
37 shall be used to defray the cost of juror compensation within that
38 county. A person may apply for a waiver of this fee, by reason of
39 poverty, pursuant to the Rules Governing the Courts of the State
40 of New Jersey. 4Of the moneys collected under this subsection,
41 \$30.00 of each fee shall be deposited in the temporary reserve
42 fund created by section 25 of P.L., c. ... (C.)(now
43 pending before the Legislature as this bill).⁴ After December 31,
44 ¹[1993] 1994¹, the \$75.00 fee shall be paid to the court, for use
45 by the State.

46 (cf: P.L.1988, c.44, s.12)

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

48 2C:43-13. Supervisory Treatment Procedure a. Agreement.
49 The terms and duration of the supervisory treatment shall be set
50 forth in writing, signed by the prosecutor and agreed to and
51 signed by the participant. Payment of the assessment required by
52 section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be included as a
53 term of the agreement. If the participant is represented by
54 counsel, defense counsel shall also sign the agreement. Each

1 order of supervisory treatment shall be filed with the county
2 clerk.

3 b. Charges. During a period of supervisory treatment the
4 charge or charges on which the participant is undergoing
5 supervisory treatment shall be held in an inactive status pending
6 termination of the supervisory treatment pursuant to subsection
7 d. or e. of this section.

8 c. Period of treatment. Supervisory treatment may be for
9 such period, as determined by the designated judge or the
10 assignment judge, not to exceed three years, provided, however,
11 that the period of supervisory treatment may be shortened or
12 terminated as the program director may determine with the
13 consent of the prosecutor and the approval of the court.

14 d. Dismissal. Upon completion of supervisory treatment, and
15 with the consent of the prosecutor, the complaint, indictment or
16 accusation against the participant may be dismissed with
17 prejudice.

18 e. Violation of conditions. Upon violation of the conditions of
19 supervisory treatment, the court shall determine, after summary
20 hearing, whether said violation warrants the participant's
21 dismissal from the supervisory treatment program or
22 modification of the conditions of continued participation in that
23 or another supervisory treatment program. Upon dismissal of
24 participant from the supervisory treatment program, the charges
25 against the participant may be reactivated and the prosecutor
26 may proceed as though no supervisory treatment had been
27 commenced.

28 f. Evidence. No statement or other disclosure by a participant
29 undergoing supervisory treatment made or disclosed to the person
30 designated to provide such supervisory treatment shall be
31 disclosed, at any time, to the prosecutor in connection with the
32 charge or charges against the participant, nor shall any such
33 statement or disclosure be admitted as evidence in any civil or
34 criminal proceeding against the participant. Nothing provided
35 herein, however, shall prevent the person providing supervisory
36 treatment from informing the prosecutor, or the court, upon
37 request or otherwise as to whether or not the participant is
38 satisfactorily responding to supervisory treatment.

39 g. Delay. No participant agreeing to undergo supervisory
40 treatment shall be permitted to complain of a lack of speedy trial
41 for any delay caused by the commencement of supervisory
42 treatment.

43 A person applying for admission to a program of supervisory
44 treatment shall pay to the court a fee of [~~\$45.00~~] \$75.00. The
45 court shall forward all money collected under this subsection to
46 the treasurer of the county in which the court is located. This
47 money shall be used to defray the cost of juror compensation
48 within that county. A person may apply for a waiver of this fee,
49 by reason of poverty, pursuant to the Rules Governing the Courts
50 of the State of New Jersey. ⁴Of the moneys collected under this
51 subsection, \$30.00 of each application fee shall be deposited in
52 the temporary reserve fund created by section 25 of P.L., c.
53 ... (C.)(now pending before the Legislature as this bill).⁴
54 After December 31, ¹[1993] 1994¹, the \$75.00 fee shall be paid to

1 the court, for use by the State.

2 (cf: P.L.1991, c.329, s.5)

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

4 2C:45-1. Conditions of Suspension or Probation.

5 a. When the court suspends the imposition of sentence on a
6 person who has been convicted of an offense or sentences him to
7 be placed on probation, it shall attach such reasonable conditions,
8 authorized by this section, as it deems necessary to insure that he
9 will lead a law-abiding life or is likely to assist him to do so.
10 These conditions may be set forth in a set of standardized
11 conditions promulgated by the county probation department and
12 approved by the court.

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

15 (1) To support his dependents and meet his family
16 responsibilities;

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

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

21 (4) To pursue a prescribed secular course of study or
22 vocational training;

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

25 (6) To refrain from frequenting unlawful or disreputable places
26 or consorting with disreputable persons;

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

29 (8) Deleted by amendment, P.L.1991, c.329;

30 (9) To remain within the jurisdiction of the court and to notify
31 the court or the probation officer of any change in his address or
32 his employment;

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

36 (11) To pay a fine;

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

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

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

47 d. In addition to any condition imposed pursuant to subsection
48 b. or c., the court shall order a person placed on probation to pay
49 a fee, not exceeding \$25.00 per month for the probationary term,
50 to probation services for use by the State, except as provided in
51 subsection g. of this section. This fee may be waived in cases of
52 indigency upon application by the chief probation officer to the
53 sentencing court.

54 [d.] e. When the court sentences a person who has been

1 convicted of a crime to be placed on probation, it may require
2 him to serve a term of imprisonment not exceeding 364 days as
3 an additional condition of its order. When the court sentences a
4 person convicted of a disorderly persons offense to be placed on
5 probation, it may require him to serve a term of imprisonment
6 not exceeding 90 days as an additional condition of its order. In
7 imposing a term of imprisonment pursuant to this subsection, the
8 sentencing court shall specifically place on the record the reasons
9 which justify the sentence imposed. The term of imprisonment
10 imposed hereunder shall be treated as part of the sentence, and in
11 the event of a sentence of imprisonment upon the revocation of
12 probation, the term of imprisonment served hereunder shall be
13 credited toward service of such subsequent sentence. A term of
14 imprisonment imposed under this section shall be governed by the
15 "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et seq.).

16 Whenever a person is serving a term of parole as a result of a
17 sentence of incarceration imposed as a condition of probation,
18 supervision over that person shall be maintained pursuant to the
19 provisions of the law governing parole. Upon termination of the
20 period of parole supervision provided by law, the county probation
21 department shall assume responsibility for supervision of the
22 person under sentence of probation. Nothing contained in this
23 section shall prevent the sentencing court from at any time
24 proceeding under the provisions of this chapter against any person
25 for a violation of probation.

26 [e.] f. The defendant shall be given a copy of the terms of his
27 probation or suspension of sentence and any requirements
28 imposed pursuant to this section, stated with sufficient
29 specificity to enable him to guide himself accordingly. The
30 defendant shall acknowledge, in writing, his receipt of these
31 documents and his consent to their terms.

32 4g. Of the moneys collected under the provisions of subsection
33 d. of this section, \$15.00 of each monthly fee collected before
34 January 1, 1995 shall be deposited in the temporary reserve fund
35 created by section 25 of P.L. c. (C.)(now pending
36 before the Legislature as section 25 of this bill), and \$10.00 of
37 each shall be deposited into a "Community Service Supervision
38 Fund" which shall be established by each county. The moneys in
39 the "Community Service Supervision Fund" shall be expended
40 only in accordance with the provisions of State law as shall be
41 enacted to provide for expenditures from this fund for the
42 purpose of supervising and monitoring probationers performing
43 community service to ensure, by whatever means necessary and
44 appropriate, that probationers are performing the community
45 service ordered by the court and that the performance is in the
46 manner and under the terms ordered by the court.⁴

47 (cf: P.L.1991, c.329, s.8)

48 17. N.J.S.2C:46-2 is amended to read as follows:

49 2C:46-2. Consequences of Nonpayment; Summary Collection.

50 a. When a defendant sentenced to pay an assessment imposed
51 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
52 probation fee, fine or to make restitution defaults in the payment
53 thereof or of any installment, upon the motion of the person
54 authorized by law to collect the payment, the motion of the

1 prosecutor, the motion of the victim entitled to payment of
2 restitution, the motion of the Violent Crimes Compensation
3 Board, the motion of the State or county Office of Victim and
4 Witness Advocacy or upon its own motion, the court shall recall
5 him, or issue a summons or a warrant of arrest for his
6 appearance. The court shall afford the person notice and an
7 opportunity to be heard on the issue of default. Failure to make
8 any payment when due shall be considered a default. The
9 standard of proof shall be by a preponderance of the evidence,
10 and the burden of establishing good cause for a default shall be on
11 the person who has defaulted.

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

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

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

19 (c) Notify the Director of the Division of Motor Vehicles of
20 the action taken.

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

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

43 (4) When failure to pay an assessment imposed pursuant to
44 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee
45 or restitution is determined to be willful, the failure to do so
46 shall be considered to be contumacious.

47 (5) When a fine, assessment imposed pursuant to section 2 of
48 P.L.1979, c.396 (C.2C:43-3.1) or restitution is imposed on a
49 corporation, it is the duty of the person or persons authorized to
50 make disbursements from the assets of the corporation or
51 association to pay it from such assets and their failure so to do
52 may be held to be contumacious.

53 b. Upon any default in the payment of a fine, assessment
54 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),

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

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

10 d. Upon any default in the payment of an assessment imposed
11 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
12 installment thereof, the Violent Crimes Compensation Board or
13 the party responsible for collection may institute summary
14 collection proceedings authorized by subsection b. of this section.
15 (cf: P.L.1991, c.329, s.11.)

16 18. Section 3 of P.L.1989, c.296(C.2A:5A-3) is amended to
17 read as follows:

18 3. a. Every county clerk shall be eligible, [for a period of 30
19 days following the effective date of this act] on January 1,
20 ¹[1994] 1995¹ and for a period up to and including the date the
21 incumbent county clerk must declare candidacy for re-election as
22 county clerk, to apply for the position of deputy clerk of the
23 Superior Court and to resign as county clerk. Any county clerk
24 who applies to become a deputy clerk of the Superior Court as
25 provided herein and who resigns as county clerk shall become a
26 deputy clerk of the Superior Court on the date of his resignation
27 in the county in which he is serving at the time of his resignation.

28 b. The deputy clerk of the Superior Court shall be an employee
29 of the judiciary and the position of deputy clerk of the Superior
30 Court shall be included in the budget of the State Judiciary. Any
31 county clerk becoming a deputy clerk of the Superior Court
32 pursuant to this section shall be in the permanent service of the
33 Superior Court with tenure and shall retain any accumulated sick
34 leave, longevity or vacation time that he has earned as county
35 clerk.

36 (cf: P.L.1989, c.296, s.3)

37 19. (New section) Every person serving as a juror in New
38 Jersey courts, whether as a grand or petit juror, shall receive, for
39 each days attendance at such courts, the sum of \$5.00. The
40 Assignment Judge of the vicinage shall designate the method of
41 juror payment.

42 The Assignment Judge shall keep an account of all juror fees
43 paid under this section and provide each juror with a statement of
44 the number of days the juror served and the amount of fees to
45 which the juror is entitled.

46 20. (New section) The State auditor shall perform a financial
47 audit of all accounts of the county clerk judicial function,
48 including bail, the Special Civil Part of the Superior Court and
49 each county probation department no later than November 1,
50 ¹[1993] 1994¹ . The auditor shall report his findings to the
51 Legislature, the Treasurer and the Administrative Office of the
52 Courts by December 1, ¹[1993] 1994¹.

53 21. R.S.46:30B-74 is amended to read as follows:

54 46:30B-74. Deposits of funds by administrator. The

1 administrator shall establish and manage two separate trust funds
2 to be known as the Unclaimed County Deposits Trust Fund and
3 the Unclaimed Personal Property Trust Fund.

4 a. All moneys received as unclaimed county deposits and the
5 accretions thereon shall be deposited into the Unclaimed County
6 Deposits Trust Fund. Each year, unless the administrator deems
7 it prudent and advisable to do otherwise, the administrator shall
8 pay to each county, within 45 days of the receipt of such funds,
9 75% of the unclaimed county deposits received from that county
10 by the administrator. The remaining portion shall be retained in
11 the trust fund, administered and invested by the State Treasurer,
12 and used to pay claims duly presented and allowed and all
13 expenses and costs incurred by the State of New Jersey. If the
14 Unclaimed County Deposits Trust Fund is insufficient to pay
15 specific claims against a county, the administrator shall report
16 the fact to the county governing body and the unpaid claim shall
17 become an affirmative obligation of that county.

18 Upon the effective date of this act, any county deposits paid to
19 the administrator between April 18, 1989 and the effective date
20 of this act shall be transferred from the Unclaimed Personal
21 Property Trust Fund to the Unclaimed County Deposits Trust
22 Fund.

23 b. All other moneys received as unclaimed property presumed
24 abandoned, the accretions thereon, and the proceeds of sale of
25 unclaimed property shall be deposited into the Unclaimed
26 Personal Property Trust Fund. Unless the administrator deems it
27 prudent and advisable to do otherwise, 75% of all funds received
28 shall be transferred to the General State Fund. The remaining
29 portion shall be retained in the trust fund, administered and
30 invested by the State Treasurer, and used to pay claims duly
31 presented and allowed and all expenses and costs incurred by the
32 State of New Jersey.

33 Upon the effective date of this act, all funds and assets of the
34 trust funds established pursuant to N.J.S.2A:37-41, section 8 of
35 P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be
36 transferred to and become part of the Unclaimed Personal
37 Property Trust Fund established by this act, which shall be
38 responsible for payment of any allowed claims for restitution of
39 unclaimed property paid into those three funds.

40 c. As used in this section, "county deposits" means: the
41 proceeds of a judgment received in favor of a minor and placed
42 under the control of a county surrogate[,] or any devise or
43 distribution from an estate paid into the county surrogate's court
44 prior to April 14, 1989[, and any money deposited with the county
45 clerk as bail] ²[and]; any² unclaimed bail ³and any interest
46 thereon³ deposited prior to January 1, ¹[1994] 1995¹ ²and 50% of
47 any unclaimed bail ³and any interest thereon³ deposited after
48 January 1, 1995².

49 (cf: P.L.1992, c.173, s.1)

50 ³22. (New section) a. If any bail deposited with a county
51 clerk prior to January 1, 1995 shall be forfeited such forfeited
52 bail and any interest thereon shall remain with the county.

53 b. If any bail deposited on or after January 1, 1995 shall be
54 forfeited, 50% of such bail and any interest thereon shall be paid

1 to the county in which the bail was deposited.³

2 ³[22.] 23.³ The following are repealed:

3 Section 16 of P.L.1991, c.177 (C.2B:6-1.1);

4 N.J.S.22A:1-1

5 N.J.S.22A:1-2

6 N.J.S.22A:1-3

7 ¹[23. There is hereby appropriated \$100,000 to the
8 Administrative Office of the Courts to prepare for the effective
9 transfer of judicial employees to the State payroll pursuant to the
10 provisions of this act.]¹

11 ³[^{123.} 24.³ (New section) a. There is established in, but not
12 of, the Department of ²[Personnel] Treasury², a ²[commission]
13 committee² to be known as the "Judicial Unification Transition
14 ²[Commission] Committee²." The ²[commission] committee²
15 shall consist of ²[7] ⁴[8²] ⁹4 members, each of whom shall be a
16 citizen and resident of this State, as follows: ²[one member
17 appointed by the Director of the Administrative Office of the
18 Courts] two members appointed by the Chief Justice of the
19 Supreme Court², one member appointed by the Commissioner of
20 the Department of Personnel, one member appointed by the
21 Commissioner of the Department of the Treasury, one member
22 appointed by the President of the Senate, one member appointed
23 by the Senate Minority Leader, one member appointed by the
24 Speaker of the General Assembly ⁴[and],⁴ one member appointed
25 by the Assembly Minority Leader ⁴and one member appointed by
26 the President of the New Jersey Association of Counties⁴.

27 Each member of the ²[commission] committee² shall serve
28 until the expiration of the ²[commission] committee². The
29 ²[commission] committee² shall expire July 1, 1995. Any
30 vacancy during a term shall be filled in the same manner as the
31 original appointment. Any member of the ²[commission]
32 committee² may be removed for cause by the appointing
33 authority. The ²[commission] committee² shall organize upon
34 appointment of a majority of its members and shall select a
35 chairperson from among its members. The members shall be
36 reimbursed for necessary expenses incurred in the performance of
37 their duties, subject to the availability of funds therefor.

38 b. The ²[commission] committee² shall engage in a review of
39 the transition period of the State's assumption of the judicial
40 system and the implementation of the "State Judicial Unification
41 Act," P.L. , c. (C). The ²[commission] committee² shall:

42 (1) Assess the implementation of a unified administrative
43 system for the courts;

44 ²[(2) Assess the establishment of a central management
45 system for the courts and its success in providing equitable and
46 stable levels of resources to the courts of all areas of the State;

47 (3) Assess the impact of judicial unification through the
48 State's assumption of the cost of the judicial system on affording
49 significant property tax relief to the citizens of this State; and

50 (4) Identify any problems with the implementation of the
51 judicial unification and make specific recommendations regarding
52 the use of State funds in assuming the cost of the judicial system]

53 (2) Assess the adequacy of county collection procedures and
54 record keeping systems related to court revenues and

1 expenditures and make such recommendations with respect to
2 them as appropriate;

3 (3) Establish standards to be used in the preparation of 1993
4 base year amount reports to include central, direct and indirect
5 costs of the judiciary;

6 (4) Consult with the Division of Local Government Services in
7 development and promulgation of forms for reporting of base
8 year amounts;

9 (5) Receive a preliminary report on base year amounts from
10 the counties for the period ending June 30, 1993, to be submitted
11 to the Administrative Office of the Courts, by August 30, 1993,
12 and a final report for the calendar year to be submitted by
13 February 28, 1994;

14 (6) As requested by the Chief Justice, the committee will
15 review and comment on the judiciary's long range plan for
16 equalization of programs and staff;

17 (7) Assess the impact of judicial unification through the
18 State's assumption of the cost of the judicial system on affording
19 significant property tax relief to the citizens of this State².

20 c. The ²[commission] committee² shall have a staff director
21 appointed jointly by the Chief Justice of the Supreme Court, the
22 Governor, the President of the Senate and the Speaker of the
23 General Assembly. The staff director shall be a person qualified
24 by training and experience to assist the ²[commission]
25 committee² members in the performance of their duties. The
26 ²[commission] committee² shall be entitled to call to its
27 assistance and avail itself of the services of employees of the
28 Department of the Treasury, the Department of Personnel, and
29 the Administrative Office of the Courts as may be available to it
30 for its purposes, and incur traveling and other miscellaneous
31 expenses as it may deem necessary, in order to perform its
32 duties, and as are within the limits of funds appropriated or
33 otherwise made available to it for its purposes.

34 The ²[commission] committee² may make use of existing
35 studies, surveys, data and other materials in the possession of any
36 State agency, or any county government.

37 d. The ²[commission] committee² shall report its findings and
38 recommendations to the Governor, the Judiciary and the
39 Legislature by July 1, 1995 accompanying the same with such
40 recommendations for further legislation for adoption by the
41 Legislature as it may find appropriate.¹

42 ^{425.} (New section) There shall be established in each county a
43 temporary reserve fund entitled "County Purposes Tax Relief
44 Fund." All moneys deposited in such fund pursuant to law prior
45 to January 1, 1995, shall be used solely and exclusively by the
46 county to reduce the amount required to be raised for county
47 purposes by local property tax levy in the county budget year
48 subsequent to the year in which they are collected. The Director
49 of the Division of Local Government Services in the Department
50 of Community Affairs shall certify that each county has
51 complied with this section. If the director finds that moneys in
52 the fund have not been used by a county solely and exclusively to
53 reduce the amount required to be raised for county purposes by
54 local property tax levy, the director shall direct that the county

1 governing body make corrections to its budget.⁴
2 ³[24.] ⁴[^{25.}³] 26.⁴ Sections 1 through 9 and sections 18 through
3 ³[23] ⁴[²⁴³] 25.⁴ shall take effect immediately, sections 10
4 through 17 of this act shall take effect on the 30th day after
5 enactment.

6

7

8

9

10 Provides for the transfer of judicial employees and costs from the
11 counties to the State.

J

ASSEMBLY, No. 1529

STATE OF NEW JERSEY

INTRODUCED JUNE 1, 1992

By Assemblymen KELLY, LUSTBADER, Roma,
Assemblywoman Ogden, Assemblymen McEnroe, Charles,
Green, Watson, Doria, Roberts, Felice, Wolfe, Zangari,
Assemblywoman Crecco, Assemblyman Catania,
Assemblywoman Heck, Assemblymen DiGaetano, Hartmann,
R. Brown, Romano, Kronick, Pascrell, Dunn, Hudak,
Assemblywoman Farragher, Assemblyman Zecker
and Assemblywoman Haines

1 AN ACT concerning the transfer of county judicial costs and fees
2 to the State and revising various sections of the statutory law.

3

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

6 1. (New section) Sections 1 through 9 of this act shall be
7 known and may be cited as the "State Judicial Unification Act."

8 2. (New section) The Legislature finds and declares that:

9 a. The current method of financing the State's judicial system
10 has created undue hardship for both the counties and the courts.

11 b. The counties have had to balance the financial needs of the
12 judicial system with the need to provide essential county services
13 and have been denied any oversight over court operations.

14 c. As a result of the differing funding bases among the
15 counties, the courts have varying levels of resources available in
16 order to fulfill their responsibilities.

17 d. Those differing bases and varying levels of available
18 resources have significantly hindered the development and
19 implementation of a unified administrative system for the courts.

20 e. If the State were to assume the administrative costs of the
21 judicial system, resources would be provided on a more equitable
22 basis and a central management system could be established by
23 the Chief Justice of the Supreme Court.

24 f. Furthermore, significant property tax relief would be
25 afforded to the citizens of this State since the counties would no
26 longer need to generate tax revenues currently required to
27 finance the judicial system.

28 g. It is, therefore, altogether fitting and proper for the State
29 to assume the cost of the judicial system in order to unify the
30 administrative system and to provide property tax relief.

31 3. (New section) As used in this act:

32 a. "County judicial employees" means the employees of the
33 surrogate's office and the sheriff's office who perform judicial
34 functions;

35 b. "County judicial costs" means any costs incurred by county
36 judicial employees in performing judicial functions;

37 c. "Director" means the Director of the Division of Local
38 Government Services in the Department of Community Affairs;

39 d. "Judicial costs" means the costs incurred by the county for
40 funding the judicial system, including but not limited to the
41 following: salaries, health benefits and pension payments of all

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.

1 judicial employees, juror fees and library material costs;

2 e. "Judicial employee" means any person employed by the
3 county prior to July 1, 1993 to perform judicial functions,
4 including but not limited to employees working for the courts and
5 the law library, except that county judicial employees and
6 probation employees shall not be construed to be judicial
7 employees;

8 f. "Judicial fees" means any fees or fines collected by the
9 judiciary but shall not include sheriff's or surrogate's fees or
10 municipal court fees or fines;

11 g. "Judicial functions" means any duties and responsibilities
12 performed in providing any services and direct support necessary
13 for the effective operation of the judicial system;

14 h. "Probation costs" means any costs incurred by the county
15 for the operation of the county probation department, including
16 but not limited to the costs of salaries, health benefits, and
17 pension payments of probation employees;

18 i. "Probation employees" means the officers and employees of
19 the county probation department;

20 j. "Probation fees" means any fees or fines collected in
21 connection with the probation of any person.

22 4. (New section) On and after July 1, 1993:

23 a. The State is required to pay for judicial costs and probation
24 costs which shall not be construed to include county judicial costs;

25 b. All judicial and probation employees shall be employees of
26 the State; and,

27 c. Any judicial fees or probation fees collected shall be paid to
28 the State Treasury.

29 5. (New section) On or before July 31, 1993, the chief financial
30 officer of each county shall certify to the director how much was
31 appropriated for judicial costs and how much was collected in
32 judicial fees during the 1992 local fiscal year. The director shall
33 review and approve or disapprove the costs and fees so certified
34 and, upon approval, shall determine a net judicial cost for each
35 county by subtracting judicial fees from judicial costs. The
36 director shall notify the county of his determinations by
37 September 1, 1993. The director may require any additional
38 information from the chief financial officer of the county that he
39 may deem necessary and shall approve of the certified costs and
40 fees, in whole or in part, if he determines that the costs and fees
41 are accurate calculations. The chief financial officer of the
42 county may request a reconsideration of any disapproval and may
43 supply additional information to the director. The director may
44 reconsider his determinations subject to the approval provisions
45 of this section and shall notify the county of his determinations
46 by October 1, 1993.

47 6. (New section) a. In local fiscal years 1993, 1994, 1995, 1996
48 and 1997, each county shall pay a share of its 1992 net judicial
49 costs as determined by the director based on the following
50 schedule:

| | | | | |
|----|-----|------|-------|----------------------------------|
| 51 | (1) | 1993 | | 50% of 1992 net judicial costs |
| 52 | (2) | 1994 | | 87.5% of 1992 net judicial costs |
| 53 | (3) | 1995 | | 62.5% of 1992 net judicial costs |
| 54 | (4) | 1996 | | 37.5% of 1992 net judicial costs |
| 55 | (5) | 1997 | | 12.5% of 1992 net judicial costs |

1 b. Each county shall pay the respective amounts established in
2 subsection a. to the State Treasurer on the following schedule:

- 3 (1) 1993. On October 15, 50.0% of 1992 net
4 judicial costs;
5 (2) 1994. On May 15, 50.0% of 1992 net
6 judicial costs, and on September
7 15, 37.5% of 1992 net judicial
8 costs;
9 (3) 1995. On May 15, 31.0% of 1992 net
10 judicial costs, and on September
11 15, 31.5% of 1992 net judicial
12 costs;
13 (4) 1996. On May 15, 18.5% of 1992 net
14 judicial costs, and on September
15 15, 19.0% of 1992 net judicial
16 costs;
17 (5) 1997. On May 15, 12.5% of 1992 net
18 judicial costs.

19 c. In local budget year 1998 and thereafter, no county shall be
20 required to pay judicial costs.

21 7. (New section) By April 1, 1993, a list shall be jointly
22 developed by the Administrative Office of the Courts and the
23 governing body of each county of the furnishings and office
24 equipment currently used by the courts which shall become the
25 property of the State on July 1, 1992.

26 8. (New section) a. Consistent with the purposes of this act, it
27 is the intention of this act to ensure that until July 1, 1994, the
28 level of salaries and accumulated benefits of all judicial
29 employees shall not be affected by the transfers of these
30 employees to the State and, therefore, during the 1992 local
31 budget year, the percentage increase in the salaries and benefits
32 of judicial employees shall be commensurate with the percentage
33 increase in the salaries and benefits of county employees; except
34 that this section shall not affect any existing contract
35 agreements. No contract agreements with these employees shall
36 be negotiated after the effective date of this act without the
37 approval of the Administrative Office of the Courts.

38 b. No judicial employee who becomes a State employee
39 pursuant to the provisions of this act shall receive a reduction in
40 salary, accumulated benefits, or terms and conditions of
41 employment, except that future collective bargaining agreements
42 may provide for a modification in benefits so long as benefits are
43 not modified below the level of benefits provided to State
44 employees and salaries are simultaneously increased to be at
45 least equivalent to the salaries of State employees in similar
46 titles with similar duties.

47 c. Any changes in the collective bargaining units to which
48 judicial employees belong, including elections to establish new
49 collective bargaining units, shall be accomplished through the
50 Administrative Office of the Court in accordance with the rules
51 and procedures of the New Jersey Public Employment Relations
52 Commission.

53 d. Upon expiration of existing collective bargaining
54 agreements, salaries and benefits of judicial employees shall be

1 negotiated between employee representatives and the
2 Administrative Office of the Courts with the objective that by
3 local budget year 1995 salaries and benefits of these employees
4 shall be at least equivalent to the salaries and benefits of other
5 State employees in similar titles and with similar duties.

6 e. Judicial employees shall be employees of the Administrative
7 Office of the Courts, except that the Administrative Office of
8 the Courts shall provide that classified employees be accorded
9 the same rights, privileges and protections in regard to hiring,
10 firing, layoffs, transfers, promotions and disciplinary actions
11 which are accorded employees in the career service of State
12 service.

13 9. (New section) For the purposes of determining the county
14 tax levy upon which a county shall calculate its permissible tax
15 levy for the 1994, 1995, 1996, 1997 and 1998 local fiscal years
16 pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), the county
17 shall deduct from its tax levy an amount equal to 12.5%, 25%,
18 25%, 25%, and 12.5%, respectively, of the 1992 net judicial costs
19 as determined by the director pursuant to section 5 of this act.

20 10. N.J.S.22A:2-6 is amended to read as follows:

21 22A:2-6. a. Upon the filing or entering of the first paper or
22 proceeding in any action or proceeding in the Law Division of the
23 Superior Court, the plaintiff shall pay to the clerk \$135.00 for the
24 first paper filed by him, which shall cover all fees payable therein
25 down to, and including entry of final judgment, taxation of costs,
26 copy of costs and the issuance and recording of final process,
27 except such as may be otherwise provided herein, or provided by
28 law, or the rules of court. Of the \$135.00 paid to the clerk,
29 \$40.00 shall be paid over by him to the treasurer of the county in
30 which venue is laid for the use of the county. Any person filing an
31 answer setting forth a counterclaim or a third party claim in such
32 cause shall pay to the clerk \$135.00 for the first paper filed by
33 him. Any person other than the plaintiff filing any other paper in
34 any such cause shall pay to the clerk \$80.00 for the first paper
35 filed by him.

36 b. [From July 1, 1991 to] Until June 30, 1992, the \$80.00 fee
37 set forth in subsection a. for the filing of a paper by a person
38 other than the plaintiff shall be paid to the clerk, for use by the
39 State. [After June 30, 1992,] From July 1, 1992 to June 30, 1993,
40 of the \$80.00 paid to the clerk, \$25.00 shall be paid over by him
41 to the treasurer of the county in which venue is laid for the use
42 of the county. After June 30, 1993, the \$80.00 fee set forth in
43 subsection a. for the filing of a paper by a person other than the
44 plaintiff shall be paid to the clerk, for use by the State.

45 c. Any person filing a motion in any action or proceeding shall
46 pay to the clerk \$15.00. [From July 1, 1991, to] Until June 30,
47 1992, the \$15.00 motion fee shall be paid to the clerk, for use by
48 the State. [After June 30, 1992,] From July 1, 1992, to June 30,
49 1993, the \$15.00 motion fee shall be paid over to the treasurer of
50 the county in which venue is laid for the use of the county. After
51 June 30, 1993, the \$15.00 motion fee shall be paid to the clerk,
52 for use by the State.

53 d. When a jury trial is requested in a civil action or proceeding
54 in the Law Division, the party requesting the jury trial shall pay

1 an additional jury fee of \$50.00 to the clerk for use by the State.

2 (cf: P.L.1991, c.177, s.6)

3 11. N.J.S.22A:2-27 is amended to read as follows:

4 22A:2-27. In cases appealed to the Law Division of the
5 Superior Court from any inferior court or tribunal, criminal or
6 civil, the clerk of the division shall charge a fee of \$75.00 for
7 filing a notice of appeal, appeal papers and proceedings, including
8 judgment in the Superior Court or order of dismissal. The clerk
9 shall pay this \$75.00 to the treasurer of the county in which the
10 appeal is taken for the use by the county. After July 1, 1993, this
11 \$75.00 fee shall be paid to the clerk, for use by the State.

12 (cf: P.L.1991, c.177, s.13)

13 12. Section 14 of P.L.1991. c.177 (C.22A:2-37.1) is amended to
14 read as follows:

15 14. a. In all civil actions and proceedings in the Special Civil
16 Part of the Superior Court, Law Division, only the following fees
17 shall be charged by the clerk and no service shall be performed
18 until the specified fee has been paid:

19 (1) Filing of small claim, one defendant..... \$12.00

20 Each additional defendant..... \$2.00

21 (2) Filing of complaint in tenancy, one

22 defendant..... \$15.00

23 Each additional defendant..... \$2.00

24 (3)(a) Filing of complaint, counterclaim, cross-claim

25 or third party complaint in all other civil

26 actions, whether commenced without process or

27 by summons, capias, replevin or attachment

28 where the amount exceeds \$1,000.00..... \$38.00

29 Each additional defendant..... \$2.00

30 (b) Filing of complaint, counterclaim, cross-

31 claim or third party complaint in all other

32 civil actions, whether commenced without

33 process or by summons, capias, replevin or

34 attachment where the amount does not

35 exceed \$1,000.00 \$22.00

36 Each additional defendant..... \$2.00

37 (4) Filing of answer in all matters except

38 small claims..... \$7.00

39 (5) Service of Process:

40 Summons by mail, each defendant..... \$3.00

41 Summons by mail, each defendant at place of

42 business or employment with postal instructions

43 to deliver to addressee only,

44 additional fee..... \$3.00

45 Reservice of summons by mail, each defendant.... \$3.00

46 Reservice of summons or other original process

47 by court officer, one defendant..... \$3.00

48 plus mileage

49 Each additional defendant..... \$2.00

50 plus mileage

51 Substituted service of process by the

52 clerk upon the Director of the Division

53 of Motor Vehicles..... \$10.00

54 (6) Mileage of court officer in serving or executing any

1 process, writ, order, execution, notice, or warrant, the distance
 2 to be computed by counting the number of miles in or out, by the
 3 most direct route from the place where process is issued, at the
 4 same rate per mile set by the county governing body for other
 5 county employees and the total mileage fee rounded upward to
 6 the nearest dollar

- 7 (7) Jury of six persons..... \$50.00
 8 (8) Warrant for possession in tenancy..... \$15.00
 9 (9) Warrant to arrest, commitment or writ
 10 of *capias ad respondendum*, each defendant..... \$15.00
 11 (10) Writ of execution or an order in the nature
 12 of execution, writs of *replevin* and attachment
 13 issued subsequent to summons..... \$5.00
 14 (11) For advertising property under execution
 15 or any order..... \$10.00
 16 (12) For selling property under execution or any
 17 order..... \$10.00
 18 (13) Exemplified copy of judgment (two pages).... \$5.00
 19 each additional page..... \$1.00

20 b. Except as provided in subsection c., the clerk shall pay over
 21 to the treasurer of the county in which the action is filed all fees
 22 collected pursuant to this section. After June 30, 1993, the clerk
 23 shall pay over to the State all fees collected pursuant to this
 24 section, including the entire fee collected pursuant to paragraph
 25 (3) of subsection a.

26 c. From July 1, 1991 to June 30, 1993, the clerk shall pay over
 27 to the treasurer of the county in which the action is filed \$12.00
 28 of each fee paid to the clerk pursuant to paragraph 3 of
 29 subsection a., with the balance made available for use by the
 30 State.

31 (cf: P.L.1991, c.177, s.14)

32 13. N.J.S.2C:36A-1 is amended to read as follows:

33 2C:36A-1. Conditional discharge for certain first offenses;
 34 expunging of records. a. Whenever any person who has not
 35 previously been convicted of any offense under section 20 of
 36 P.L.1970, c.226 (C.24:21-20), or a disorderly persons or petty
 37 disorderly persons offense defined in chapter 35 or 36 of this title
 38 or, subsequent to the effective date of this title, under any law of
 39 the United States, this State or any other state relating to
 40 marijuana, or stimulant, depressant, or hallucinogenic drugs, is
 41 charged with or convicted of any disorderly persons offense or
 42 petty disorderly persons offense under chapter 35 or 36 of this
 43 title, the court upon notice to the prosecutor and subject to
 44 subsection c. of this section, may on motion of the defendant or
 45 the court:

46 (1) Suspend further proceedings and with the consent of the
 47 person after reference to the State Bureau of Identification
 48 criminal history record information files, place him under
 49 supervisory treatment upon such reasonable terms and conditions
 50 as it may require; or

51 (2) After plea of guilty or finding of guilty, and without
 52 entering a judgment of conviction, and with the consent of the
 53 person after proper reference to the State Bureau of
 54 Identification criminal history record information files, place him

1 on supervisory treatment upon reasonable terms and conditions as
2 it may require, or as otherwise provided by law.

3 b. In no event shall the court require as a term or condition of
4 supervisory treatment under this section, referral to any
5 residential treatment facility for a period exceeding the
6 maximum period of confinement prescribed by law for the
7 offense for which the individual has been charged or convicted,
8 nor shall any term of supervisory treatment imposed under this
9 subsection exceed a period of three years. If a person is placed
10 under supervisory treatment under this section after a plea of
11 guilty or finding of guilt, the court as a term and condition of
12 supervisory treatment shall suspend the person's driving
13 privileges for a period to be fixed by the court at not less than six
14 months or more than two years. In the case of a person who at
15 the time of placement under supervisory treatment under this
16 section is less than 17 years of age, the period of suspension of
17 driving privileges authorized herein, including a suspension of the
18 privilege of operating a motorized bicycle, shall commence on
19 the day the person is placed on supervisory treatment and shall
20 run for a period as fixed by the court of not less than six months
21 or more than two years after the day the person reaches the age
22 of 17 years.

23 If the driving privilege of a person is under revocation,
24 suspension, or postponement for a violation of this title or Title
25 39 of the Revised Statutes at the time of the person's placement
26 on supervisory treatment under this section, the revocation,
27 suspension or postponement period imposed herein shall
28 commence as of the date of the termination of the existing
29 revocation, suspension or postponement. The court which places
30 a person on supervisory treatment under this section shall collect
31 and forward the person's driver's license to the Division of
32 Motor Vehicles and file an appropriate report with the division in
33 accordance with the procedure set forth in N.J.S.2C:35-16. The
34 court shall also inform the person of the penalties for operating a
35 motor vehicle during the period of license suspension or
36 postponement as required in N.J.S.2C:35-16.

37 Upon violation of a term or condition of supervisory treatment
38 the court may enter a judgment of conviction and proceed as
39 otherwise provided, or where there has been no plea of guilty or
40 finding of guilty, resume proceedings. Upon fulfillment of the
41 terms and conditions of supervisory treatment the court shall
42 terminate the supervisory treatment and dismiss the proceedings
43 against him. Termination of supervisory treatment and dismissal
44 under this section shall be without court adjudication of guilt and
45 shall not be deemed a conviction for purposes of disqualifications
46 or disabilities, if any, imposed by law upon conviction of a crime
47 or disorderly persons offense but shall be reported by the clerk of
48 the court to the State Bureau of Identification criminal history
49 record information files. Termination of supervisory treatment
50 and dismissal under this section may occur only once with respect
51 to any person. Imposition of supervisory treatment under this
52 section shall not be deemed a conviction for the purposes of
53 determining whether a second or subsequent offense has occurred
54 under section 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36

1 of this title or any law of this State.

2 c. Proceedings under this section shall not be available to any
3 defendant unless the court in its discretion concludes that:

4 (1) The defendant's continued presence in the community, or
5 in a civil treatment center or program, will not pose a danger to
6 the community; or

7 (2) That the terms and conditions of supervisory treatment will
8 be adequate to protect the public and will benefit the defendant
9 by serving to correct any dependence on or use of controlled
10 substances which he may manifest; and

11 (3) The person has not previously received supervisory
12 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
13 N.J.S.2C:43-12, or the provisions of this chapter.

14 d. A person seeking conditional discharge pursuant to this
15 section shall pay to the court a fee of [~~\$45.00~~] \$75.00. The court
16 shall forward all money collected under this subsection to the
17 treasurer of the county in which the court is located. This money
18 shall be used to defray the cost of juror compensation within that
19 county. A person may apply for a waiver of this fee, by reason of
20 poverty, pursuant to the Rules Governing the Courts of the State
21 of New Jersey.

22 (cf: P.L.1988, c.44, s.12)

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

24 2C:43-13. Supervisory Treatment Procedure a. Agreement.
25 The terms and duration of the supervisory treatment shall be set
26 forth in writing, signed by the prosecutor and agreed to and
27 signed by the participant. Payment of the assessment required by
28 section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be included as a
29 term of the agreement. If the participant is represented by
30 counsel, defense counsel shall also sign the agreement. Each
31 order of supervisory treatment shall be filed with the county
32 clerk.

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

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

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

48 e. Violation of conditions. Upon violation of the conditions of
49 supervisory treatment, the court shall determine, after summary
50 hearing, whether said violation warrants the participant's
51 dismissal from the supervisory treatment program or
52 modification of the conditions of continued participation in that
53 or another supervisory treatment program. Upon dismissal of
54 participant from the supervisory treatment program, the charges

1 against the participant may be reactivated and the prosecutor
2 may proceed as though no supervisory treatment had been
3 commenced.

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

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

19 A person applying for admission to a program of supervisory
20 treatment shall pay to the court a fee of [~~\$45.00~~] \$75.00. The
21 court shall forward all money collected under this subsection to
22 the treasurer of the county in which the court is located. This
23 money shall be used to defray the cost of juror compensation
24 within that county. A person may apply for a waiver of this fee,
25 by reason of poverty, pursuant to the Rules Governing the Courts
26 of the State of New Jersey.

27 (cf: P.L.1991, c.329, s.5)

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

29 2C:45-1. Conditions of Suspension or Probation. a. When the
30 court suspends the imposition of sentence on a person who has
31 been convicted of an offense or sentences him to be placed on
32 probation, it shall attach such reasonable conditions, authorized
33 by this section, as it deems necessary to insure that he will lead a
34 law-abiding life or is likely to assist him to do so. These
35 conditions may be set forth in a set of standardized conditions
36 promulgated by the county probation department and approved by
37 the court.

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

40 (1) To support his dependents and meet his family
41 responsibilities;

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

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

46 (4) To pursue a prescribed secular course of study or
47 vocational training;

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

50 (6) To refrain from frequenting unlawful or disreputable places
51 or consorting with disreputable persons;

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

54 (8) [~~Deleted by amendment, P.L.1991, c.329;~~] (Deleted by

1 amendment, P.L.1991, c.329;]

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;

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. In addition to any condition imposed pursuant to subsection
20 b. or c., the court shall order a person placed on probation to pay
21 a fee, not exceeding \$15.00 per month for the probationary term,
22 to the county providing probation services. This fee may be
23 waived in cases of indigency upon application by the chief
24 probation officer to the sentencing court.

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

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

51 [e.] f. The defendant shall be given a copy of the terms of his
52 probation or suspension of sentence and any requirements
53 imposed pursuant to this section, stated with sufficient
54 specificity to enable him to guide himself accordingly. The

1 defendant shall acknowledge, in writing, his receipt of these
2 documents and his consent to their terms.

3 (cf: P.L.1991, c.329, s.8)

4 16. N.J.S.2C:46-2 is amended to read as follows:

5 2C:46-2. Consequences of Nonpayment; Summary Collection.

6 a. When a defendant sentenced to pay an assessment imposed
7 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
8 probation fee, fine or to make restitution defaults in the payment
9 thereof or of any installment, upon the motion of the person
10 authorized by law to collect the payment, the motion of the
11 prosecutor, the motion of the victim entitled to payment of
12 restitution, the motion of the Violent Crimes Compensation
13 Board, the motion of the State or county Office of Victim and
14 Witness Advocacy or upon its own motion, the court shall recall
15 him, or issue a summons or a warrant of arrest for his
16 appearance. The court shall afford the person notice and an
17 opportunity to be heard on the issue of default. Failure to make
18 any payment when due shall be considered a default. The
19 standard of proof shall be by a preponderance of the evidence,
20 and the burden of establishing good cause for a default shall be on
21 the person who has defaulted.

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

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

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

29 (c) Notify the Director of the Division of Motor Vehicles of
30 the action taken.

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

45 (3) Except where incarceration is ordered pursuant to
46 paragraph a. (2) of this section, if the court finds that the person
47 has defaulted the court shall take appropriate action to modify or
48 establish a reasonable schedule for payment, and, in the case of a
49 fine, if the court finds that the circumstances that warranted the
50 fine have changed or that it would be unjust to require payment,
51 the court may revoke or suspend the fine or the unpaid portion of
52 the fine.

53 (4) When failure to pay an assessment imposed pursuant to
54 section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee

1 or restitution is determined to be willful, the failure to do so
2 shall be considered to be contumacious.

3 (5) When a fine, assessment imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1) or restitution is imposed on a
5 corporation, it is the duty of the person or persons authorized to
6 make disbursements from the assets of the corporation or
7 association to pay it from such assets and their failure so to do
8 may be held to be contumacious.

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

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

20 d. Upon any default in the payment of an assessment imposed
21 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
22 installment thereof, the Violent Crimes Compensation Board or
23 the party responsible for collection may institute summary
24 collection proceedings authorized by subsection b. of this section.
25 (cf: P.L.1991, c.329, s.11.)

26 17. Section 8 of P.L.1989, c.296 is amended to read as follows:

27 8. This act shall take effect [upon the enactment into law of
28 P.L. , c. (now pending before the Legislature as either Senate
29 Bill 1620 of 1988 or Assembly Bill 2419 of 1988] July 1, 1993.

30 18. Section 16 of P.L.1991, c.177 (C.2B:6-1.1) is hereby
31 repealed.

32 19. Sections 1 through 9 shall take effect immediately but
33 shall remain inoperative until a concurrent resolution proposing
34 an amendment to the Constitution transferring county judicial
35 costs and fees to the State shall become part of the Constitution;
36 sections 10 through 16 of this act shall take effect on January 1,
37 1993; sections 17 and 18 of this act shall take effect on July 1,
38 1993.

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42 STATEMENT

43

44 This bill provides for the transfer of judicial and probation
45 costs presently borne by the counties to the State beginning on
46 July 1, 1993. After the transfer, all judicial and probation
47 employees would be employees of the State; any county judicial
48 or probation costs would be paid by the State, and judicial and
49 probation fees currently collected by the counties would be paid
50 to the State. The bill provides for mandated payments from the
51 counties to the State for the first four years of the State's
52 takeover of the costs. These payments would decrease over the
53 five year period with the last payment due in 1997. This will
54 allow for the State to phase in the fiscal impact of the additional
costs.

1 In order to help to offset the costs which the State will incur,
2 the bill would establish a fee for requests for jury trials. The bill
3 would also impose a monthly fee on persons on probation and
4 raise the fees charged to those seeking admission to a pre-trial
5 intervention or conditional discharge program.

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9

10 Provides for the transfer of judicial and probation employees and
11 costs from the counties to the State.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1529 and 2266

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 1529/2266 Acs, with committee amendments.

Assembly Bill Nos. 1529/2266 Acs, as amended, implements the recently adopted constitutional amendment requiring the State to assume by July 1, 1997 certain costs presently borne by the counties with regard to the judicial system.

In order to facilitate a more orderly transfer of judicial functions and employees from the counties to the State, the bill provides that all affected county judicial employees will become State employees on January 1, 1995. As of that date, all judicial costs will be paid by the State and all judicial fees currently collected by the counties will be paid to the State.

In order to permit a phase-in of these costs, this bill requires the counties to make payments to the State for a period of four years. These payments would decrease over the three year period with the last payment due in 1997. The each county's expenditures for judicial expenses in 1993 will serve as the base year for determining the amount which each county will pay to the State over this period. The estimated base year amounts will serve as the basis for any preliminary calculations of the amount of the first payments required to be made on May 15, 1995, to the State by the counties. This will enable the State to calculate these anticipated revenues for FY 1995.

The bill establishes a fee of \$25.00 for docketing of Law and Chancery Division judgments in Superior Court.

In addition to these fees, the bill also imposes a monthly fee of \$25.00 on persons on probation and raises the fee charged to those seeking admission to a pre-trial intervention or conditional discharge program from \$45.00 to \$75.00.

Further provisions of the bill are as follows:

1. Clarifies that judicial fees going to the State include bail forfeitures and interest earned on bail deposits for bail deposited after January 1, 1995. Fines allocated by law to counties for offenses within the jurisdiction of the municipal court would not, however, go to the State. This provision affects Hudson, Bergen and Warren counties which hear municipal court matters in the Special Civil Part.

2. Requires counties beginning in 1995 to adjust the county tax levy to reflect the phase-out of court costs.

3. Provides that county property used by the courts and probation departments would become State property but that the counties need not include funds expended for furniture and furnishings as part of their 1993 base year.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1529 and 2266

STATE OF NEW JERSEY

DATED: MAY 10, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 1529 and 2266.

This substitute implements the recently adopted constitutional amendment requiring the State to assume by July 1, 1997 certain costs presently borne by the counties with regard to the judicial system.

In order to facilitate a more orderly transfer of judicial functions and employees from the counties to the State, the substitute provides that all affected county judicial employees would become State employees on January 1, 1994. As of that date, all judicial costs would be paid by the State and all judicial fees currently collected by the counties would be paid to the State.

In order to permit a phase-in of these costs, this substitute requires the counties to make payments to the State for a period of four years. These payments would decrease over the four year period with the last payment due in 1997. The average of each county's expenditures for judicial expenses in 1992 and 1993 would serve as the base year for determining the amount which each county would pay to the State over this period. The estimated base year amounts will serve as the basis for any preliminary calculations under section 6 of the substitute as to the amount of the first payments required to be made on May 15, 1994, to the State by the counties. This will enable the State to calculate these anticipated revenues for FY 1994.

The substitute establishes a fee of \$25.00 for docketing of Law and Chancery Division judgments in Superior Court.

In addition to these fees, the substitute also imposes a monthly fee of \$25.00 on persons on probation and raises the fee charged to those seeking admission to a pre-trial intervention or conditional discharge program from \$45.00 to \$75.00.

Other provisions of the substitute are as follows:

1. Clarifies that judicial fees going to the State include bail forfeitures and interest earned on bail deposits for bail deposited after January 1, 1994. Fines allocated by law to counties for offenses within the jurisdiction of the municipal court would not, however, go to the State. This provision affects Hudson, Bergen and Warren counties which hear municipal court matters in the Special Civil Part.

2. Requires counties beginning in 1994 to adjust the county tax levy to reflect the phase-out of court costs.

3. Provides that county property used by the courts and probation departments would become State property but that the counties need not include funds expended for furniture and furnishings during 1992 as part of their base year.

4. Repeals N.J.S.A.2B:6-1.1 which currently requires counties to use certain fee increases to offset county court costs and N.J.S.22A:1-1 through 22A:1-3 inclusive.

5. Amends P.L.1989, c.296 to permit persons presently serving as county clerks to wait until the date the declaration for candidacy for re-election must be made to decide whether to become a State employee.

6. Amends subsection c. of N.J.S.A.46:30B-74 to clarify that "county deposits" includes unclaimed bail deposited prior to January 1, 1994.

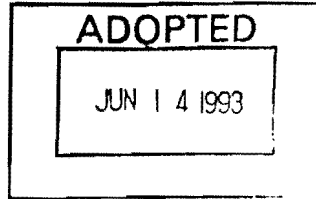
7. Adds a section concerning juror compensation and a section providing for a financial audit by the State auditor of all accounts of the county clerk judicial functions.

8. Appropriates \$100,000 to the Administrative Office of the Courts to prepare for the transfer of county judicial employees to the State payroll.

ASSEMBLY A&P COMMITTEE

AMENDMENTS

to



Assembly Bill No. 1529/2266 Acs
(Sponsored by Assemblymen KELLY and LUSTBADER)

REPLACE TITLE TO READ:

AN ACT concerning the transfer of county judicial costs and fees to the State, ¹and¹ revising various parts of the statutory law ¹[and making an appropriation]¹.

REPLACE SECTION 3 TO READ:

3. (New section) As used in this act:

a. "Base year amount" means the ¹[average of the]¹ total local fiscal year ¹[1992 and]¹ 1993 expenditures for judicial costs and probation costs, ¹[exclusive of] including the employer pension contributions for employees who become employees of the State pursuant to this act for the 1993 actuarial valuation year but excluding¹ the amount paid and charged in full in ¹[1992 and]¹ 1993 for equipment for court or probation purposes; less the realized revenue for judicial fees and probation fees.

b. "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs:

c. "Judicial costs" means the costs incurred by the county for funding the judicial system, including but not limited to the following: salaries, health benefits and pension costs, ¹[based on the average of the 1992 and 1993 valuation years,]¹ of all judicial employees, juror fees, library material costs, and centrally-budgeted items such as printing, supplies, and mail services, except that judicial costs shall not include costs incurred by employees of the surrogate's office or the sheriff's office:

d. "Judicial employee" means any person employed by the county prior to January 1, ¹[1994] 1995¹ to perform judicial functions, including but not limited to employees working for the courts and the law library, employees who act as court aides and employees of the county clerk judicial function and those involved in bail processing and any person employed by a county probation office, except that employees of the surrogate's office and employees of the sheriff's office shall not be construed to be judicial employees:

e. "Judicial fees" means any fees or court costs collected by the judiciary including bail forfeitures and interest earned on bail deposits for bail deposited after January 1, ¹[1994] 1995¹ but shall not include sheriff's or surrogate's fees or fines otherwise allocated by law to counties or municipalities for offenses within the jurisdiction of municipal courts:

f. "Judicial functions" means any duties and responsibilities performed in providing any services and direct support necessary for the effective operation of the judicial system:

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Assembly Amendments
(Proposed by Assemblyman Lustbader)

- Speaker
- Clerk (3)
- Majority Leader
- Minority Leader
- Sponsor of Aa
- Sponsor of Bill

to

Assembly 1529/2226 ACS(1R)

(Sponsored by Assemblymen Kelly and Lustbader)

REPLACE SECTION 6 TO READ:

6. (New section) a. In local fiscal years ¹[, 1994.]¹ 1995, 1996 and 1997, each county shall pay a share of its base year amount as determined by the director based on the following schedule:

- (1) ¹[1994] 1995¹..... 87.5% of the base year amount;
- (2) ¹[1995] 1996¹..... 62.5% of the base year amount;
- (3) ¹[1996] 1997¹..... ¹[37.5%] 50.0%¹ of the base year amount¹;
- (4) 1997 12.5% of the base year amount¹].

b. Each county shall pay the respective amounts established in subsection a. to the State Treasurer on the following schedule:

- (1) ¹[1994] 1995¹..... On May 15, 50.0% of the base year amount, and on October 1, 37.5% of the base year amount;
- (2) ¹[1995] 1996¹..... On May 15, 37.5% of the base year amount, and on October 1, 25.0% of the base year amount;
- (3) ¹[1996] 1997¹..... On May 15, 25.0% of the base year amount, and on October 1, ¹[12.5%] 25.0%¹ of the base year amount¹;
- (4) 1997..... On May 15, 12.5% of the base year amount¹].

c. In local budget year 1998 and thereafter, no county shall be required to pay judicial costs or probation costs.

²d. No county shall be required to pay the employer pension contribution on behalf of any employee who becomes an employee of the State under this act after the date the person becomes an employee of the State. However, notwithstanding the provisions of subsections (b) and (c) above, it shall continue to be the responsibility of each county to pay any additional liability for any employee who would have become an employee of the State under this act but who retired and received a benefit under P.L. 1993, c. 138 + (now pending before the Legislature as Assembly Bill No. 2130 and Senate Bill No. 1485) as provided under that act, and the liability for late enrollment of an employee in the Public Employees' Retirement System, whose date of compulsory enrollment is prior to the date the person becomes an employee of the State under this act, as provided under P.L. 1971, c. 218 (C. 43:15A-7.1).²

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Assembly Amendments
(Proposed by Assemblyman Lustbader)

to

ACS for Assembly, Nos. 1529 and 2266(2R)

(Sponsored by Assemblymen Kelly and Lustbader)

____ Speaker
____ Clerk (3)
____ Majority Leader
____ Minority Leader
____ Sponsor of Aa
____ Sponsor of Bill

REPLACE SECTION 21 TO READ:

21. R.S.46:30B-74 is amended to read as follows:

46:30B-74. Deposits of funds by administrator. The administrator shall establish and manage two separate trust funds to be known as the Unclaimed County Deposits Trust Fund and the Unclaimed Personal Property Trust Fund.

a. All moneys received as unclaimed county deposits and the accretions thereon shall be deposited into the Unclaimed County Deposits Trust Fund. Each year, unless the administrator deems it prudent and advisable to do otherwise, the administrator shall pay to each county, within 45 days of the receipt of such funds, 75% of the unclaimed county deposits received from that county by the administrator. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey. If the Unclaimed County Deposits Trust Fund is insufficient to pay specific claims against a county, the administrator shall report the fact to the county governing body and the unpaid claim shall become an affirmative obligation of that county.

Upon the effective date of this act, any county deposits paid to the administrator between April 18, 1989 and the effective date of this act shall be transferred from the Unclaimed Personal Property Trust Fund to the Unclaimed County Deposits Trust Fund.

b. All other moneys received as unclaimed property presumed abandoned, the accretions thereon, and the proceeds of sale of unclaimed property shall be deposited into the Unclaimed Personal Property Trust Fund. Unless the administrator deems it prudent and advisable to do otherwise, 75% of all funds received shall be transferred to the General State Fund. The remaining portion shall be retained in the trust fund, administered and invested by the State Treasurer, and used to pay claims duly presented and allowed and all expenses and costs incurred by the State of New Jersey.

Upon the effective date of this act, all funds and assets of the trust funds established pursuant to N.J.S.2A:37-41, section 8 of P.L.1945, c.199 (C.17:9-25), and N.J.S.17B:31-7, shall be transferred to and become part of the Unclaimed Personal Property Trust Fund established by this act, which shall be responsible for payment of any allowed claims for restitution of unclaimed property paid into those three funds.

c. As used in this section, "county deposits" means: the proceeds of a judgment received in favor of a minor and placed under the control of a county surrogate[,] or any devise or distribution from an estate paid into the county surrogate's court prior to April 14, 1989[, and any money deposited with the county clerk as bail] ²[and]; any ²unclaimed bail ³and any interest thereon ³ deposited prior to January 1, ¹[1994] ¹1995 ¹and 50% of any unclaimed bail ³and any interest thereon ³ deposited after January 1, 1995 ².

(cf: P.L.1992. c.173. s.1)

INSERT NEW SECTION 22 TO READ:

³22. (New section)a. If any bail deposited with a county clerk prior to January 1, 1995 shall be forfeited such forfeited bail and any interest thereon shall remain with the county.

b. If any bail deposited on or after January 1, 1995 shall be forfeited. 50% of such bail and any interest thereon shall be paid to the county in which the bail was deposited. ³

RENUMBER SECTIONS 22 and 23 AS SECTIONS 23 and 24

REPLACE SECTION 24 TO READ:

³[24.] ^{25:} ³Sections 1 through 9 and sections 18 through ³[23] ²⁴ shall take effect immediately, sections 10 through 17 of this act shall take effect on the 30th day after enactment.

STATEMENT

This amendment would clarify that 50% of all bail deposited after January 1, 1995, which is either forfeited or unclaimed together with any interest thereon would remain with the counties.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[THIRD REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1529 and 2266

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 1993

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1529 and 2266 ACS (3R) with amendments.

Assembly Bill No. 1529/2266 ACS (3R), as amended, implements the recently adopted constitutional amendment requiring the State to assume by July 1, 1997 certain costs presently borne by the counties with regard to the judicial system.

In order to facilitate a more orderly transfer of judicial functions and employees from the counties to the State, the bill provides that all affected county judicial employees will become State employees on January 1, 1995. As of that date, all judicial costs will be paid by the State and all judicial fees currently collected by the counties will be paid to the State.

In order to permit a phase-in of these costs, this bill requires the counties to make payments to the State for a period of three years. These payments would decrease over the three year period with the last payment due in 1997. Each county's expenditures for judicial expenses in 1993 will serve as the base year for determining the amount which each county will pay to the State over this period. The estimated base year amounts will serve as the basis for any preliminary calculations of the amount of the first payments required to be made on May 15, 1995, to the State by the counties. This will enable the State to calculate these anticipated revenues for FY 1995.

The bill establishes a new fee of \$25.00 for docketing of Law and Chancery Division judgments in Superior Court. In addition, the bill also imposes a monthly fee of \$25.00 on persons on probation and raises the fee charged to those seeking admission to a pre-trial intervention or conditional discharge program from \$45.00 to \$75.00. The counties would collect these fees until December 31, 1994, but must deposit them into a fund to be used for local property tax relief. This provision is intended to ensure that county tax requirements are reduced by the amount accumulated in the fund annually and the fees are not diverted for additional spending. After December 31, 1994 these fees would become State revenues.

In addition, the bill requires that \$10 of the new monthly probation fee be deposited into a "Community Service Supervision Fund" which is to be established by each county. The moneys in the "Community Service Supervision Fund" are to be expended only in accordance with the provisions of State law enacted to provide for expenditures from this fund for the purpose of supervising and monitoring probationers performing community service to ensure, by whatever means necessary and appropriate, that probationers are

performing the community service ordered by the court and that the performance is in the manner and under the terms ordered by the court.

Other provisions of the bill:

1. Clarify that judicial fees going to the State include 50% of bail forfeitures and interest earned on bail deposits for bail deposited after January 1, 1995; the counties would retain the other 50% of unclaimed bail deposits. Fines allocated by law to counties for offenses within the jurisdiction of the municipal court would not, however, go to the State. This provision affects Hudson, Bergen and Warren counties which hear municipal court matters in the Special Civil Part.

2. Require counties beginning in 1995 to adjust the county tax levy to reflect the phase-out of court costs.

3. Provide that county property used by the courts and probation departments would become State property.

4. Repeal N.J.S.A.2B:6-1.1 which requires counties to use certain fee increases to offset county court costs and N.J.S.22A:1-1 through 22A:1-3, inclusive, which concerns juror compensation.

5. Permit persons presently serving as county clerks to wait until the date the declaration for candidacy for re-election must be made to decide whether to become a State employee.

6. Provide for juror compensation and a financial audit by the State auditor of all accounts of the county clerk's judicial functions.

7. Clarify that while normal pension payments for judicial employees after the takeover would be a State responsibility, any liabilities incurred for a county early retirement initiative and any liabilities for late enrollment of employees that were required to be enrolled in the pension system prior to the State takeover would remain the responsibility of the counties.

8. Create a 9 member Judicial Unification Committee to review the takeover process.

As reported and amended, this bill is identical to Senate Bill Nos. 888 SCS (2R) also as amended by this committee on June 24, 1993.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that until January 1, 1995 the fees for docketing judgments in the Superior Court and for probation services established by the bill would be collected by the counties and deposited in a fund to be used for local property tax relief. In addition, the amendments require that \$10 of the new \$25 monthly probation fee is to be placed into a "Community Service Supervision Fund" and expended only pursuant to a State law to be enacted.

In addition, the amendments add a representative of the New Jersey Association of Counties to the Judicial Unification Committee.

FISCAL IMPACT

The Office of Legislative Services had prepared a fiscal note on an earlier version of the bill based on information obtained from the Administrative Office of the Courts. However, a revised estimate of State costs taking into account the changes made subsequent to that fiscal note is not available at this time.

SENATE SBA COMMITTEE

AMENDMENTS

10

ADOPTED
JUN 24 1993

ASSEMBLY, Nos. 1529 and 2266 ACS (3R)
(Sponsored by Assemblymen KELLY, LUSTBADER,
STUHLTRAGER, BAER and KAVANAUGH)

REPLACE SECTION 11 TO READ:

11. N.J.S.22A:2-7 is amended to read as follows:

22A:2-7. ⁴a. Upon the filing, entering, docketing or recording of the following papers, documents or proceedings by either party to any action or proceeding in the Law Division of the Superior Court, the party or parties filing, entering, docketing or recording the same shall pay to the clerk of said court the following fees:

Filing of the first paper in any motion, petition or application, if not in a pending action or proceeding under section 22A:2-6 of this Title, or if made after dismissal or judgment entered other than withdrawal of money deposited in court, the moving party shall pay \$15.00 which shall cover all fees payable on such motion, petition or application down to and including filing and entering of order therein and taxation of costs.

For withdrawal of money deposited in court where the sum to be withdrawn is less than \$100.00, no fee; where the sum is \$100.00 or more but less than \$1,000.00, a fee of \$5.00; where such sum is \$1,000.00 or more, a fee of \$10.00.

Entering judgment on bond and warrant by attorney and issuance of one final process, \$15.00 in lieu of the fee required by section 22A:2-6 of this Title.

Recording of judgment in the civil judgment and order docket,

\$25.00 shall be paid to the clerk for use by the State¹; ^{4, except as provided in}

Docketing judgments or orders from other courts or divisions, ^{subsection 6. of}

[\$5.00] including Chancery Division judgments, \$25.00 shall be ^{this section 4}

paid to the clerk for use by the State¹; ^{4, except as provided in}

Satisfaction of judgment or other lien, \$5.00. ^{Subsection 6. of this}

Recording assignment of judgment or release, \$5.00. ^{section 4}

Issuing of executions and recording same, except as otherwise provided in this article, \$5.00.

Recording of instruments not otherwise provided for in this article, \$5.00.

Filing and entering recognizance of civil bail, \$5.00.

Signing and issuing subpoena, \$5.00.

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FISCAL NOTE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1529 and 2266

STATE OF NEW JERSEY

DATED: July 8, 1993

The Assembly Committee Substitute for Assembly Bill No. 1529 and 2266 of 1992 implements the recently adopted constitutional amendment requiring the State to assume certain costs presently borne by the counties with regard to the judicial system by July 1, 1997.

The bill provides that all affected county judicial employees and probation employees would become State employees on January 1, 1994. As of that date, all judicial and probation costs would be paid by the State and all judicial and probation fees currently collected by the counties would be paid to the State.

In order to permit a phase-in of these costs, the bill requires the counties to make decreasing payments to the State for a period of four years. The county payments are based on declining percentages of actual judicial and probation costs incurred by the counties in 1992 and 1993.

The bill also establishes a fee of \$25.00 for docketing of Law and Chancery Division judgments in Superior Court and raises the fee for docketing of Special Civil Part judgments from \$5.00 to \$25.00. In addition, the bill imposes a monthly fee of \$25.00 on persons on probation and raises the fee charged to those seeking admission to a pre-trial intervention or conditional discharge program from \$45.00 to \$75.00. All of these fees are to be deposited into the General Fund.

The bill appropriates \$100,000 to the Administrative Office of the Courts (AOC) to prepare for the transfer of affected county employees to the State payroll.

The AOC notes that in FY 1994, when the shift of personnel and facilities is to take place, the net cost to the State would be \$20.987 million for the six-month period between January 1, and June 30, 1994. During FY 1995, the State cost for the entire year will increase to \$115.442 million. During this same period, FY 1994 and FY 1995, the counties will realize a savings of \$24.570 million and \$125.159 million, respectively. By FY 1998, which is the first year that the State is to receive no reimbursement from the counties, the net cost to the State will be about \$352 million. The county savings in FY 1998 are expected to total approximately \$367 million. Under the provisions of the bill, beginning in FY 1994, the counties are required to adjust the county tax bills to reflect the savings realized by the phase-out of county court costs.

The Office of Legislative Services concurs but notes that these estimates, of necessity, were based upon a number of assumptions made by the AOC. These assumptions include salary levels, fringe benefits, ongoing operating expenses, revenue estimates, fee collection rates and base-year costs. If any of these assumptions vary too greatly from the actual figures, the net costs could be quite different from those stated herein.

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