

2A: 8-31.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:8-31.1

(Municipal courts—allows sentencing to work in lieu of other punishment)

LAW S OF: 1983

CHAPTER: 153

Bill No: A346

Sponsor(s): Flynn

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: June 14, 1982

Senate: Jan. 20, 1983

Date of Approval: April 22, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// ~~No~~ Yes

Following were printed:

Reports: /// No

Hearings: /// No

**Sponsor's statement:**

This bill authorizes judges of municipal courts to issue consent orders to work on municipal work programs in lieu of sentencing a person to jail who is unable to pay a fine imposed by the court.

4-22-83

[SECOND OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 346

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman FLYNN

AN ACT authorizing municipal courts to issue work orders in lieu  
of other punishment in certain cases.

1 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 **\*\***[1. Any defendant who states he is unable to pay a fine imposed  
2 upon him by a municipal court may, in lieu of being sentenced to  
3 imprisonment for failure to pay the fine, with his consent and that  
4 of the municipality, be ordered to perform work in a work program  
5 established by the municipality. The work performed by a defendant  
6 under a court order shall be compensated at the minimum hourly  
7 wage rate in effect in the State which compensation shall be credited  
8 against the amount of the fine imposed. A court work order shall  
9 expire and be cancelled upon receipt by the clerk of credits neces-  
10 sary to satisfy the fine and court costs.]\*\*

1 **\*\***1. *Any defendant sentenced by a municipal court to pay a fine*  
2 *or make restitution who defaults in payment thereof or of any*  
3 *installment may, in lieu of any other modification of the sentence,*  
4 *after a satisfactory showing of the defendant's indigency, be*  
5 *ordered to perform work in a work program established or desig-*  
6 *nated by the municipality. The court shall order the defendant to*  
7 *perform work upon the motion of the person authorized by law to*  
8 *collect the fine or restitution, the motion of the prosecutor, or its*  
9 *own motion, and shall issue the order only with the consent of the*  
10 *defendant and the municipality. The work performed by a defen-*  
11 *dant under a court order may be performed in an existing com-*  
12 *munity service program and shall be performed in the munici-*

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendment adopted May 20, 1982.

\*\*—Senate committee amendments adopted December 13, 1982.

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1 BE IT ENACTED *by the Senate and General Assembly of the State*  
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8 against the amount of the fine imposed. A court work order shall  
9 expire and be cancelled upon receipt by the clerk of credits neces-  
10 sary to satisfy the fine and court costs.

1 2. The municipal official in charge of the work program shall  
2 report to the municipal court any failure of a person subject to  
3 a court work order to report for work or to perform the assigned  
4 work. Upon receipt of such a report the court may revoke its work  
5 order and impose an appropriate sentence.

1 3. This act shall take effect immediately.

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STATEMENT

This bill authorizes judges of municipal courts to issue consent orders to work on municipal work programs in lieu of sentencing a person to jail who is unable to pay a fine imposed by the court.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 346**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 20, 1982

This bill authorizes judges of municipal courts to issue consent orders to work on municipal work programs in lieu of sentencing a person to jail who is unable to pay a fine imposed by the court.

The committee amendment clarifies the imposition of a sentence where the person subject to the court order fails to perform the assigned work.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 346**

[OFFICIAL COPY REPRINT]

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 1982

This bill would permit a municipal court judge to order a defendant to perform work if the defendant were indigent and unable to pay a fine or make restitution to which he was originally sentenced.

The committee amended the bill to permit the court to order the defendant to work in an existing community service program administered through the county probation department. The committee's intention was to preclude work programs established pursuant to this bill from conflicting with existing community service programs.

The committee also amended the bill to clarify that the court's work order could be issued upon the motion of the person authorized to collect the fine or restitution, the motion of the prosecutor or its own motion, and that the work order could be issued only with the consent of the defendant and the municipality.

The committee removed the bill's requirement that the defendant be paid the minimum hourly wage and that this compensation be credited against his fine. Instead, in order to enable the court to place the defendant in a work site more easily and to ensure that the municipality benefitted from the defendant's work. The committee's amendment includes a requirement that the defendant perform his work in the municipality in which the offense occurred.

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CONTACT: PAUL WOLCOTT

MONDAY, APRIL 25, 1983

185 W. State Street  
Trenton, N. J.

Governor Thomas H. Kean has signed the following bills:

A-346, sponsored by Assemblyman William E. Flynn, (D-Middlesex), which authorizes municipal courts to issue consent orders directing indigent defendants who have defaulted on fines or restitution to participate in municipal work programs.

A-3260, sponsored by Assemblyman D. Bennett Mazur, (D-Bergen), which clarifies the new property tax exemption for newly constructed single family homes applies only to those homes for which construction began on or after December 29, 1982, the date of enactment of the new property tax exemption.

S-1319, sponsored by State Senator Frank E. Rodgers, (D-Hudson), which increases the interest charged on late payments to the Passaic Valley Sewerage Commission from the present 6 to 12 percent.

S-1740, sponsored by State Senator Edward T. O'Connor, Jr., (D-Hudson), which makes the wearing or use of a bullet-resistant body armor during the commission of serious crimes a criminal offense.

S-1453, sponsored by State Senator John H. Ewing, (R-Somerset), which requires lending institutions to make student loan payment checks payable jointly to the student and the college, or, in the case of foreign institutions, the student and a parent. The bill is intended to prevent the use of student loan funds for personal purposes.

A-1226, sponsored by Assemblyman John T. Hendrickson, Jr., (R-Ocean), which excludes retirement communities owned by non-profit corporations from inspection under the Hotel and Multiple Dwelling Law and provides for a self-inspection program in lieu of State inspections.

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