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[First Reprint]

ASSEMBLY, No. 807

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

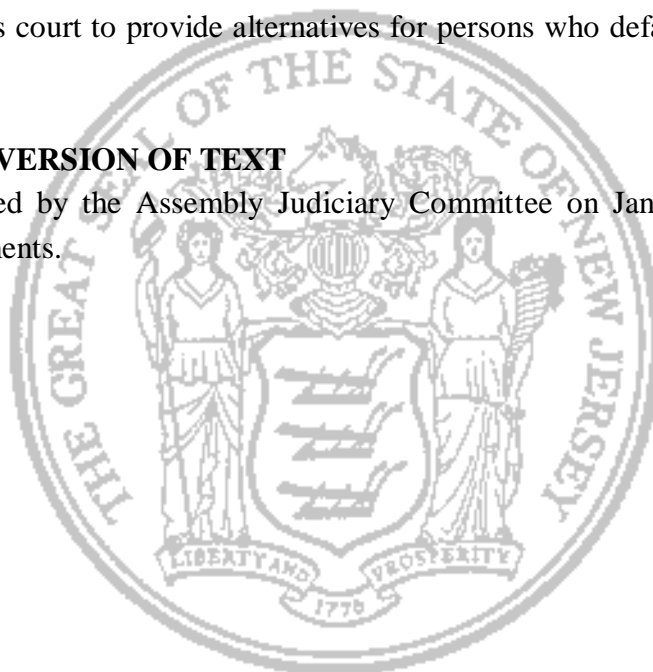
**Assemblyman Diegnan, Assemblywoman Oliver, Assemblymen Prieto,
Chivukula, Green, Albano, Giblin, Johnson, Senators Turner, Sarlo and
Bateman**

SYNOPSIS

Authorizes court to provide alternatives for persons who default in payment of fines.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on January 28, 2008, with amendments.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning municipal court fines and supplementing Title
2 2B of the New Jersey Statutes.

3

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

6 1. ¹a. Notwithstanding any other provision of law to the
7 contrary, if a municipal court finds that a person ¹**[has defaulted on**
8 **a court-imposed fine or State-assessed penalty]** does not have the
9 ability to pay a penalty in full on the date of the hearing or has
10 failed to pay a previously imposed penalty, the court may order the
11 payment of the penalty in installments for a period of time
12 determined by the court. If a person defaults on any payment and a
13 municipal court finds that the defendant does not have the ability to
14 pay¹, the court may:

15 ¹**[a.]** (1) reduce the penalty, suspend the penalty, or modify the
16 installment plan;

17 (2)¹ order that credit be given against the amount owed for each
18 day of confinement, if the court finds that the person has served jail
19 time for the default;

20 ¹**[b.]** (3)¹ revoke ¹**[or suspend the fine or]**¹ any unpaid portion
21 of the ¹**[fine]** penalty¹, if the court finds that the circumstances that
22 warranted the ¹**[fine]** imposition¹ have changed or that it would be
23 unjust to require payment;

24 ¹**[c.]** (4)¹ order the person to perform community service in
25 lieu of payment of the ¹**[fine or]**¹ penalty¹; or

26 (5) impose any other alternative permitted by law in lieu of
27 payment of the penalty¹.

28 ¹b. For the purposes of this section, “penalty” means any fine,
29 statutorily-mandated assessment, surcharge or other financial
30 penalty imposed by a municipal court, except restitution or a
31 surcharge assessed pursuant to subsection f. of section 1 of
32 P.L.2000, c.75 (C.39:4-97.2).¹

33

34 2. This act shall take effect immediately.

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:

¹Assembly AJU committee amendments adopted January 28, 2008.

ASSEMBLY, No. 807

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

**Assemblyman Diegnan, Assemblywoman Oliver, Assemblymen Prieto,
Chivukula, Green, Albano, Giblin and Johnson**

SYNOPSIS

Authorizes court to provide alternatives for persons who default in payment of fines.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning municipal court fines and supplementing Title
2 2B of the New Jersey Statutes.

3

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

6

7 1. Notwithstanding any other provision of law to the contrary, if
8 a municipal court finds that a person has defaulted on a court-
9 imposed fine or State-assessed penalty, the court may:

10 a. order that credit be given against the amount owed for each
11 day of confinement, if the court finds that the person has served jail
12 time for the default;

13 b. revoke or suspend the fine or any unpaid portion of the fine, if
14 the court finds that the circumstances that warranted the fine have
15 changed or that it would be unjust to require payment;

16 c. order the person to perform community service in lieu of
17 payment of the fine or penalty.

18

19 2. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 Currently, if a person is sentenced by a municipal court to pay a
25 fine and that person defaults on the payment of that fine, the court
26 may order the person to perform community service pursuant to the
27 provisions of N.J.S.A.2B:12-23.

28 This bill would supplement that provision of the law by allowing
29 a municipal court to grant a credit for jail time against the fine; have
30 the fine suspended or revoked or order the performance of
31 community service in lieu of payment of the fine or penalty.

32 Under the provision of the bill, if the court finds that a person
33 has defaulted on a court-imposed fine or State-assessed penalty, the
34 court may: (1) order that credit be given against the amount owed
35 for each day of confinement, if the court finds that the person has
36 served jail time for the default; (2) revoke or suspend the fine or
37 any unpaid portion of the fine, if the court finds that the
38 circumstances that warranted the fine have changed or that it would
39 be unjust to require payment; or (3) order the person to perform
40 community service in lieu of payment of the fine or penalty.

41 It is the sponsor's intent to avoid the scenario where a person is
42 repeatedly picked up on outstanding warrants for not satisfying
43 court-imposed fines when the person does not have the means to
44 satisfy the fines. These individuals often serve jail time but that
45 time is not credited towards the amount owed. This bill would allow
46 the court to provide credit for time served, to revoke or suspend the
47 fine or to order community service.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 807

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 807.

Under current law, if a person is sentenced by a municipal court to pay a monetary penalty and that person defaults on the payment, the court may order the person to perform community service pursuant to the provisions of N.J.S.A.2B:12-23.

This bill as amended would supplement that provision of the law by allowing a municipal court to permit a person to pay in installments; grant a credit for jail time against the penalty; have the penalty suspended or revoked or order the performance of community service in lieu of payment of the penalty; or impose any other alternative authorized by law.

Under the provisions of the bill, if a person does not have the ability to pay on the day of the hearing, the court may order payment by installments. If the person defaults on an installment, the court may: (1) reduce or suspend the penalty or modify the installment plan, (2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default; (3) revoke or suspend any unpaid portion of the penalty, if the court finds that the circumstances that warranted it have changed or that it would be unjust to require payment; (4) order the person to perform community service in lieu of payment of the penalty; or (5) impose any other alternative permitted by law in lieu paying the penalty. Restitution, surcharges for unsafe driving pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2), and assessments that are not statutorily mandated are excluded from the definition of penalty.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

1. Permits the court to order a payment plan for a person who does not have the ability to pay in full on the date of the hearing;

2. Authorizes the court to reduce or suspend the penalty or modify the installment plan if the person defaults on any payment and the court finds that they do not have the ability to pay;

3. Permits a court to impose any other alternative permitted by law in lieu of payment of a penalty; and

4. Excludes from the bill restitution, surcharges for unsafe driving, and assessments that are not statutorily mandated.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 807

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Judiciary Committee reports favorably Assembly Bill No. 807 (1R).

Under current law, if a person is sentenced by a municipal court to pay a monetary penalty and that person defaults on the payment, the court may order the person to perform community service pursuant to the provisions of N.J.S.A.2B:12-23.

This bill as amended would supplement that provision of the law by allowing a municipal court to permit a person to pay in installments; grant a credit for jail time against the penalty; have the penalty suspended or revoked or order the performance of community service in lieu of payment of the penalty; or impose any other alternative authorized by law.

Under the provisions of the bill, if a person does not have the ability to pay on the day of the hearing, the court may order payment by installments. If the person defaults on an installment, the court may: (1) reduce or suspend the penalty or modify the installment plan, (2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default; (3) revoke or suspend any unpaid portion of the penalty, if the court finds that the circumstances that warranted it have changed or that it would be unjust to require payment; (4) order the person to perform community service in lieu of payment of the penalty; or (5) impose any other alternative permitted by law in lieu paying the penalty. Restitution, surcharges for unsafe driving pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2), and assessments that are not statutorily mandated are excluded from the definition of penalty.

This bill is identical to Senate, No. 1471.

SENATE, No. 1471

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 6, 2008

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Authorizes court to provide alternatives for persons who default in payment of fines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/5/2010)

1 AN ACT concerning municipal court fines and supplementing Title
2 2B of the New Jersey Statutes.

3

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

6

7 1. a. Notwithstanding any other provision of law to the contrary,
8 if a municipal court finds that a person does not have the ability to
9 pay a penalty in full on the date of the hearing or has failed to pay a
10 previously imposed penalty, the court may order the payment of the
11 penalty in installments for a period of time determined by the court.
12 If a person defaults on any payment and a municipal court finds that
13 the defendant does not have the ability to pay, the court may:

14 (1) reduce the penalty, suspend the penalty, or modify the
15 installment plan;

16 (2) order that credit be given against the amount owed for each
17 day of confinement, if the court finds that the person has served jail
18 time for the default;

19 (3) revoke any unpaid portion of the penalty, if the court finds
20 that the circumstances that warranted the imposition have changed
21 or that it would be unjust to require payment;

22 (4) order the person to perform community service in lieu of
23 payment of the penalty; or

24 (5) impose any other alternative permitted by law in lieu of
25 payment of the penalty.

26 b. For the purposes of this section, "penalty" means any fine,
27 statutorily-mandated assessment, surcharge or other financial
28 penalty imposed by a municipal court, except restitution or a
29 surcharge assessed pursuant to subsection f. of section 1 of
30 P.L.2000, c.75 (C.39:4-97.2).

31

32 2. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 Under current law, if a person is sentenced by a municipal court
38 to pay a monetary penalty and that person defaults on the payment,
39 the court may order the person to perform community service
40 pursuant to the provisions of N.J.S.A.2B:12-23.

41 This bill would supplement that provision of the law by
42 allowing a municipal court to permit a person to pay in
43 installments; grant a credit for jail time against the penalty; have the
44 penalty suspended or revoked or order the performance of
45 community service in lieu of payment of the penalty; or impose any
46 other alternative authorized by law.

47 Under the provisions of the bill, if a person does not have the
48 ability to pay on the day of the hearing, the court may order

S1471 TURNER, SARLO

1 payment by installments. If the person defaults on an installment
2 payment, the court may: (1) reduce or suspend the penalty or
3 modify the installment plan, (2) order that credit be given against
4 the amount owed for each day of confinement, if the court finds that
5 the person has served jail time for the default; (3) revoke any
6 unpaid portion of the penalty, if the court finds that the
7 circumstances that warranted it have changed or that it would be
8 unjust to require payment; (4) order the person to perform
9 community service in lieu of payment of the penalty; or (5) impose
10 any other alternative permitted by law in lieu of paying the penalty.
11 Restitution, surcharges for unsafe driving pursuant to subsection f.
12 of section 1 of P.L.2000, c.75 (C.39:4-97.2), and assessments that
13 are not statutorily mandated are excluded from the definition of
14 penalty.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1471

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Judiciary Committee reports favorably Senate Bill No. 1471.

Under current law, if a person is sentenced by a municipal court to pay a monetary penalty and that person defaults on the payment, the court may order the person to perform community service pursuant to the provisions of N.J.S.A.2B:12-23.

This bill would supplement that provision of the law by allowing a municipal court to permit a person to pay in installments; grant a credit for jail time against the penalty; have the penalty suspended or revoked or order the performance of community service in lieu of payment of the penalty; or impose any other alternative authorized by law.

Under the provisions of the bill, if a person does not have the ability to pay on the day of the hearing, the court may order payment by installments. If the person defaults on an installment payment, the court may: (1) reduce or suspend the penalty or modify the installment plan, (2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default; (3) revoke any unpaid portion of the penalty, if the court finds that the circumstances that warranted it have changed or that it would be unjust to require payment; (4) order the person to perform community service in lieu of payment of the penalty; or (5) impose any other alternative permitted by law in lieu of paying the penalty. Restitution, surcharges for unsafe driving pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2), and assessments that are not statutorily mandated are excluded from the definition of penalty.

This bill is identical to Assembly, No. 807 (1R).