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LAW/RWH 3/2/09

P.L. 2008, CHAPTER 116, *approved December 15, 2008*
Assembly, No. 3170

1 **AN ACT** concerning the "New Jersey Forensic DNA Laboratory
2 Fund" and amending R.S.39:5-41.

3

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

6

7 1. R.S.39:5-41 is amended to read as follows:

8 39:5-41. a. All fines, penalties and forfeitures imposed and
9 collected under authority of law for any violations of R.S.39:4-63
10 and R.S.39:4-64 shall be forwarded by the judge to whom the same
11 have been paid to the proper financial officer of a county, if the
12 violation occurred within the jurisdiction of that county's central
13 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
14 municipality wherein the violation occurred, to be used by the
15 county or municipality to help finance litter control activities in
16 addition to or supplementing existing litter pickup and removal
17 activities in the municipality.

18 b. Except as otherwise provided by subsection a. of this
19 section, all fines, penalties and forfeitures imposed and collected
20 under authority of law for any violations of the provisions of this
21 Title, other than those violations in which the complaining witness
22 is the chief administrator, a member of his staff, a member of the
23 State Police, a member of a county police department and force or a
24 county park police system in a county that has established a central
25 municipal court, an inspector of the Board of Public Utilities, or a
26 law enforcement officer of any other State agency, shall be
27 forwarded by the judge to whom the same have been paid as
28 follows: one-half of the total amount collected to the financial
29 officer, as designated by the local governing body, of the respective
30 municipalities wherein the violations occurred, to be used by the
31 municipality for general municipal use and to defray the cost of
32 operating the municipal court; and one-half of the total amount
33 collected to the proper financial officer of the county wherein they
34 were collected, to be used by the county as a fund for the
35 construction, reconstruction, maintenance and repair of roads and
36 bridges, snow removal, the acquisition and purchase of rights-of-
37 way, and the purchase, replacement and repair of equipment for use
38 on said roads and bridges therein. Up to 25% of the money
39 received by a municipality pursuant to this subsection, but not more
40 than the actual amount budgeted for the municipal court, whichever
41 is less, may be used to upgrade case processing.

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 All fines, penalties and forfeitures imposed and collected under
2 authority of law for any violations of the provisions of this Title, in
3 which the complaining witness is a member of a county police
4 department and force or a county park police system in a county
5 that has established a central municipal court, shall be forwarded by
6 the judge to whom the same have been paid to the financial officer,
7 designated by the governing body of the county, for all violations
8 occurring within the jurisdiction of that court, to be used for general
9 county use and to defray the cost of operating the central municipal
10 court.

11 Whenever any county has deposited moneys collected pursuant
12 to this section in a special trust fund in lieu of expending the same
13 for the purposes authorized by this section, it may withdraw from
14 said special trust fund in any year an amount which is not in excess
15 of the amount expended by the county over the immediately
16 preceding three-year period from general county revenues for said
17 purposes. Such moneys withdrawn from the trust fund shall be
18 accounted for and used as are other general county revenues.

19 c. (Deleted by amendment, P.L.1993, c.293.)

20 d. Notwithstanding the provisions of subsections a. and b. of
21 this section, \$1 shall be added to the amount of each fine and
22 penalty imposed and collected through a court under authority of
23 any law for any violation of the provisions of Title 39 of the
24 Revised Statutes or any other motor vehicle or traffic violation in
25 this State and shall be forwarded by the person to whom the same
26 are paid to the State Treasurer. In addition, upon the forfeiture of
27 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
28 The State Treasurer shall annually deposit those moneys so
29 forwarded in the "Body Armor Replacement" fund established
30 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
31 in the fiscal year next following the effective date of this act, the
32 State Treasurer annually shall allocate from those moneys so
33 forwarded an amount not to exceed \$400,000 to the Department of
34 the Treasury to be expended exclusively for the purposes of funding
35 the operation of the "Law Enforcement Officer Crisis Intervention
36 Services" telephone hotline established and maintained under the
37 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
38 and C.26:2NN-2).

39 e. Notwithstanding the provisions of subsections a. and b. of
40 this section, \$1 shall be added to the amount of each fine and
41 penalty imposed and collected through a court under authority of
42 any law for any violation of the provisions of Title 39 of the
43 Revised Statutes or any other motor vehicle or traffic violation in
44 this State and shall be forwarded by the person to whom the same
45 are paid to the State Treasurer. The State Treasurer shall annually
46 deposit those moneys so forwarded in the "New Jersey Spinal Cord
47 Research Fund" established pursuant to section 9 of P.L.1999, c.201
48 (C.52:9E-9). In order to comply with the provisions of Article VIII,

1 Section II, paragraph 5 of the State Constitution, a municipal or
2 county agency which forwards moneys to the State Treasurer
3 pursuant to this subsection may retain an amount equal to 2% of the
4 moneys which it collects pursuant to this subsection as
5 compensation for its administrative costs associated with
6 implementing the provisions of this subsection.

7 f. Notwithstanding the provisions of subsections a. and b. of
8 this section, \$1 shall be added to the amount of each fine and
9 penalty imposed and collected through a court under authority of
10 any law for any violation of the provisions of Title 39 of the
11 Revised Statutes or any other motor vehicle or traffic violation in
12 this State and shall be forwarded by the person to whom the same
13 are paid to the State Treasurer. The State Treasurer shall annually
14 deposit those moneys so forwarded in the "Autism Medical
15 Research and Treatment Fund" established pursuant to section 1 of
16 P.L.2003, c.144 (C.30:6D-62.2).

17 g. Notwithstanding the provisions of subsections a. and b. of
18 this section, \$2 shall be added to the amount of each fine and
19 penalty imposed and collected by a court under authority of any law
20 for any violation of the provisions of Title 39 of the Revised
21 Statutes or any other motor vehicle or traffic violation in this State
22 and shall be forwarded by the person to whom the same are paid to
23 the State Treasurer. The State Treasurer shall annually deposit
24 those moneys so forwarded in the "New Jersey Forensic DNA
25 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
26 depositing the moneys into the fund, the State Treasurer shall
27 forward to the Administrative Office of the Courts an amount not to
28 exceed \$475,000 from moneys initially collected pursuant to this
29 subsection to be used exclusively to establish a collection
30 mechanism and to provide funding to update the Automated Traffic
31 System Fund created pursuant to N.J.S.2B:12-30 to implement the
32 provisions of this subsection.

33 **【The authority to impose additional fines and penalties under**
34 **this subsection shall take effect 90 days after the effective date of**
35 **P.L.2003, c.183 and shall expire five years thereafter. Not later**
36 **than the 180th day prior to such expiration, the Attorney General**
37 **shall prepare and submit to the Governor and the Legislature a**
38 **report on the collection and use of DNA samples under P.L.1994,**
39 **c.136. The report shall cover the period beginning on that effective**
40 **date and ending four years thereafter. The report shall indicate**
41 **separately, for each one-year period during those four years that**
42 **begins on that effective date or an anniversary thereof, the number**
43 **of each type of biological sample taken and the total cost of taking**
44 **that type of sample, and also the number of identifications and**
45 **exonerations achieved through the use of the samples. In addition,**
46 **the report shall evaluate the effectiveness, including cost**
47 **effectiveness, of having the samples available to further police**
48 **investigations and other forensic purposes.】**

1 h. Notwithstanding the provisions of subsections a. and b. of
2 this section, \$1 shall be added to the amount of each fine and
3 penalty imposed and collected under authority of any law for any
4 violation of the provisions of Title 39 of the Revised Statutes or any
5 other motor vehicle or traffic violation in this State and shall be
6 forwarded by the person to whom the same are paid to the State
7 Treasurer. The State Treasurer shall annually deposit those moneys
8 so forwarded in the "New Jersey Brain Injury Research Fund"
9 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
10 The Administrative Office of the Courts may retain an amount
11 equal to \$475,000 from the moneys which it initially collects
12 pursuant to this subsection, prior to depositing any moneys in the
13 "New Jersey Brain Injury Research Fund," in order to meet the
14 expenses associated with utilizing the Automated Traffic System
15 Fund created pursuant to N.J.S.2B:12-30 to implement the
16 provisions of this subsection and serve other statutory purposes.

17 i. Notwithstanding the provisions of subsections a. and b. of
18 this section, all fines and penalties imposed and collected under
19 authority of law for any violation related to the unlawful operation
20 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
21 17.1) shall be forwarded by the judge to whom the same have been
22 paid to the State Treasurer, if the complaining witness is the chief
23 administrator, a member of his staff, a member of the State Police,
24 an inspector of the Board of Public Utilities, or a law enforcement
25 officer or other official of any other State agency; or, if the
26 complaining witness is not one of the foregoing, one-half to the
27 chief financial officer of the county and one-half to the chief
28 financial officer of the municipality wherein the violation occurred.
29 (cf: P.L.2008, c.29, s.95)

30

31 2. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill would make permanent the \$2 surcharge on traffic
37 tickets dedicated to the State's DNA laboratory and the analysis of
38 DNA for criminal and other forensic purposes.

39 P.L.2003, c.183 expanded the list of criminal offenses for which
40 a conviction requires the taking of blood or other biological samples
41 for DNA testing to include all crimes of the first through fourth
42 degree. To cover the additional expenses created by this new DNA
43 law, section 7 of the law imposed a \$2 surcharge on traffic tickets,
44 but only for the five years immediately following the effective date
45 of the law (September 22, 2003). This section also required the
46 Attorney General to report on the effectiveness of the State's DNA
47 program six months prior to the expiration date of the funding
48 (September 22, 2008), presumably to provide information to the

1 Legislature and Governor as to whether the surcharge should be
2 made permanent.

3 The report was issued by the Attorney General on June 24, 2008.
4 The report notes the success of the DNA program and that it “. . .is
5 increasingly vital to ensuring accuracy and fairness in the criminal
6 justice system.” As indicated in the report, there are three sources
7 of funding for the DNA program: the traffic ticket surcharge, State
8 appropriations, and federal grants. As State appropriations are not
9 guaranteed and the State will no longer be eligible for the federal
10 funding that it has received over the last five years, it is imperative
11 that the traffic ticket surcharge be made permanent. This bill makes
12 the surcharge permanent by removing the sunset provision.

13

14

15

16

17 _____
18 Makes permanent traffic ticket surcharge used to fund State’s
DNA program.

ASSEMBLY, No. 3170

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2008

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Greenstein and Senator Girgenti

SYNOPSIS

Makes permanent traffic ticket surcharge used to fund State's DNA program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/25/2008)

A3170 JOHNSON, VAINIERI HUTTLE

2

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13 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
14 municipality wherein the violation occurred, to be used by the
15 county or municipality to help finance litter control activities in
16 addition to or supplementing existing litter pickup and removal
17 activities in the municipality.

18 b. Except as otherwise provided by subsection a. of this
19 section, all fines, penalties and forfeitures imposed and collected
20 under authority of law for any violations of the provisions of this
21 Title, other than those violations in which the complaining witness
22 is the chief administrator, a member of his staff, a member of the
23 State Police, a member of a county police department and force or a
24 county park police system in a county that has established a central
25 municipal court, an inspector of the Board of Public Utilities, or a
26 law enforcement officer of any other State agency, shall be
27 forwarded by the judge to whom the same have been paid as
28 follows: one-half of the total amount collected to the financial
29 officer, as designated by the local governing body, of the respective
30 municipalities wherein the violations occurred, to be used by the
31 municipality for general municipal use and to defray the cost of
32 operating the municipal court; and one-half of the total amount
33 collected to the proper financial officer of the county wherein they
34 were collected, to be used by the county as a fund for the
35 construction, reconstruction, maintenance and repair of roads and
36 bridges, snow removal, the acquisition and purchase of rights-of-
37 way, and the purchase, replacement and repair of equipment for use
38 on said roads and bridges therein. Up to 25% of the money
39 received by a municipality pursuant to this subsection, but not more
40 than the actual amount budgeted for the municipal court, whichever
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44 which the complaining witness is a member of a county police
45 department and force or a county park police system in a county

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.

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2 the judge to whom the same have been paid to the financial officer,
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4 occurring within the jurisdiction of that court, to be used for general
5 county use and to defray the cost of operating the central municipal
6 court.

7 Whenever any county has deposited moneys collected pursuant
8 to this section in a special trust fund in lieu of expending the same
9 for the purposes authorized by this section, it may withdraw from
10 said special trust fund in any year an amount which is not in excess
11 of the amount expended by the county over the immediately
12 preceding three-year period from general county revenues for said
13 purposes. Such moneys withdrawn from the trust fund shall be
14 accounted for and used as are other general county revenues.

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28 State Treasurer annually shall allocate from those moneys so
29 forwarded an amount not to exceed \$400,000 to the Department of
30 the Treasury to be expended exclusively for the purposes of funding
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32 Services" telephone hotline established and maintained under the
33 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
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42 deposit those moneys so forwarded in the "New Jersey Spinal Cord
43 Research Fund" established pursuant to section 9 of P.L.1999, c.201
44 (C.52:9E-9). In order to comply with the provisions of Article VIII,
45 Section II, paragraph 5 of the State Constitution, a municipal or
46 county agency which forwards moneys to the State Treasurer
47 pursuant to this subsection may retain an amount equal to 2% of the
48 moneys which it collects pursuant to this subsection as

1 compensation for its administrative costs associated with
2 implementing the provisions of this subsection.

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7 Revised Statutes or any other motor vehicle or traffic violation in
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10 deposit those moneys so forwarded in the "Autism Medical
11 Research and Treatment Fund" established pursuant to section 1 of
12 P.L.2003, c.144 (C.30:6D-62.2).

13 g. Notwithstanding the provisions of subsections a. and b. of
14 this section, \$2 shall be added to the amount of each fine and
15 penalty imposed and collected by a court under authority of any law
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18 and shall be forwarded by the person to whom the same are paid to
19 the State Treasurer. The State Treasurer shall annually deposit
20 those moneys so forwarded in the "New Jersey Forensic DNA
21 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
22 depositing the moneys into the fund, the State Treasurer shall
23 forward to the Administrative Office of the Courts an amount not to
24 exceed \$475,000 from moneys initially collected pursuant to this
25 subsection to be used exclusively to establish a collection
26 mechanism and to provide funding to update the Automated Traffic
27 System Fund created pursuant to N.J.S.2B:12-30 to implement the
28 provisions of this subsection.

29 **【The authority to impose additional fines and penalties under**
30 **this subsection shall take effect 90 days after the effective date of**
31 **P.L.2003, c.183 and shall expire five years thereafter. Not later**
32 **than the 180th day prior to such expiration, the Attorney General**
33 **shall prepare and submit to the Governor and the Legislature a**
34 **report on the collection and use of DNA samples under P.L.1994,**
35 **c.136. The report shall cover the period beginning on that effective**
36 **date and ending four years thereafter. The report shall indicate**
37 **separately, for each one-year period during those four years that**
38 **begins on that effective date or an anniversary thereof, the number**
39 **of each type of biological sample taken and the total cost of taking**
40 **that type of sample, and also the number of identifications and**
41 **exonerations achieved through the use of the samples. In addition,**
42 **the report shall evaluate the effectiveness, including cost**
43 **effectiveness, of having the samples available to further police**
44 **investigations and other forensic purposes.】**

45 h. Notwithstanding the provisions of subsections a. and b. of
46 this section, \$1 shall be added to the amount of each fine and
47 penalty imposed and collected under authority of any law for any
48 violation of the provisions of Title 39 of the Revised Statutes or any

1 other motor vehicle or traffic violation in this State and shall be
2 forwarded by the person to whom the same are paid to the State
3 Treasurer. The State Treasurer shall annually deposit those moneys
4 so forwarded in the "New Jersey Brain Injury Research Fund"
5 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
6 The Administrative Office of the Courts may retain an amount
7 equal to \$475,000 from the moneys which it initially collects
8 pursuant to this subsection, prior to depositing any moneys in the
9 "New Jersey Brain Injury Research Fund," in order to meet the
10 expenses associated with utilizing the Automated Traffic System
11 Fund created pursuant to N.J.S.2B:12-30 to implement the
12 provisions of this subsection and serve other statutory purposes.

13 i. Notwithstanding the provisions of subsections a. and b. of
14 this section, all fines and penalties imposed and collected under
15 authority of law for any violation related to the unlawful operation
16 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
17 17.1) shall be forwarded by the judge to whom the same have been
18 paid to the State Treasurer, if the complaining witness is the chief
19 administrator, a member of his staff, a member of the State Police,
20 an inspector of the Board of Public Utilities, or a law enforcement
21 officer or other official of any other State agency; or, if the
22 complaining witness is not one of the foregoing, one-half to the
23 chief financial officer of the county and one-half to the chief
24 financial officer of the municipality wherein the violation occurred.
25 (cf: P.L.2008, c.29, s.95)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would make permanent the \$2 surcharge on traffic
33 tickets dedicated to the State's DNA laboratory and the analysis of
34 DNA for criminal and other forensic purposes.

35 P.L.2003, c.183 expanded the list of criminal offenses for which
36 a conviction requires the taking of blood or other biological samples
37 for DNA testing to include all crimes of the first through fourth
38 degree. To cover the additional expenses created by this new DNA
39 law, section 7 of the law imposed a \$2 surcharge on traffic tickets,
40 but only for the five years immediately following the effective date
41 of the law (September 22, 2003). This section also required the
42 Attorney General to report on the effectiveness of the State's DNA
43 program six months prior to the expiration date of the funding
44 (September 22, 2008), presumably to provide information to the
45 Legislature and Governor as to whether the surcharge should be
46 made permanent.

47 The report was issued by the Attorney General on June 24, 2008.

48 The report notes the success of the DNA program and that it ". . .is

A3170 JOHNSON, VAINIERI HUTTLE

6

1 increasingly vital to ensuring accuracy and fairness in the criminal
2 justice system.” As indicated in the report, there are three sources
3 of funding for the DNA program: the traffic ticket surcharge, State
4 appropriations, and federal grants. As State appropriations are not
5 guaranteed and the State will no longer be eligible for the federal
6 funding that it has received over the last five years, it is imperative
7 that the traffic ticket surcharge be made permanent. This bill makes
8 the surcharge permanent by removing the sunset provision.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3170

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2008

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3170.

Assembly Bill No. 3170 make permanent the \$2 surcharge on traffic tickets dedicated to the State's DNA laboratory and the analysis of DNA for criminal and other forensic purposes.

P.L.2003, c.183 expanded the list of criminal offenses for which a conviction requires the taking of blood or other biological samples for DNA testing to include all crimes of the first through fourth degree. To cover the additional expenses created by this new DNA law, section 7 of the law imposed a \$2 surcharge on traffic tickets, but only for the five years immediately following the effective date of the law. This section also required the Attorney General to report on the effectiveness of the State's DNA program six months prior to the expiration date of the funding, presumably to provide information to the Legislature and Governor as to whether the surcharge should be made permanent.

The report, issued by the Attorney General on June 24, 2008, notes the success of the DNA program and that it ". . . is increasingly vital to ensuring accuracy and fairness in the criminal justice system." As indicated in the report, there are three sources of funding for the DNA program: the traffic ticket surcharge, State appropriations, and federal grants. As State appropriations are not guaranteed and the State will no longer be eligible for the federal funding that it has received over the last five years, it is imperative that the traffic ticket surcharge be made permanent. This bill makes the surcharge permanent by removing the sunset provision.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3170
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: NOVEMBER 20, 2008

SUMMARY

Synopsis: Makes permanent traffic ticket surcharge used to fund State's DNA program.

Type of Impact: Revenue Gain. DNA Lab Fund.

Agencies Affected: Department of Law and Public Safety; Office of the Attorney General; Division of Criminal Justice.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$8.2 million	\$8.2 million	\$8.2 million

- The Office of Legislative Services determines that this bill makes the \$2 traffic ticket surcharge permanent to continue funding the State's DNA program and there would be no change in revenue or expenditures. If this bill is not passed however, the revenue supporting the DNA Forensic Lab activities will cease as of December 2008.
- This bill would continue collecting revenue which is estimated annually at \$8.2 million. In FY07, FY06 and FY05 the account collected approximately \$10 million, 9.1 million and \$7.3 million, respectively. These funds are dedicated to supporting the State's DNA program.

BILL DESCRIPTION

Assembly Bill No. 3170 of 2008 makes permanent the \$2 surcharge on traffic tickets dedicated to the State's DNA laboratory and the analysis of DNA for criminal and other forensic purposes.

P.L.2003, c.183 expanded the list of criminal offenses for which a conviction requires the taking of blood or other biological samples for DNA testing to include all crimes of the first through fourth degree. To cover the additional expenses created by this new DNA law, section 7 of the law imposed a \$2 surcharge on traffic tickets, but only for the five years immediately following the effective date of the law.

This bill makes the surcharge permanent by removing the sunset provision. If the law is not passed the sunset provision becomes effective December 2008.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of the Attorney General finds that it is imperative that the \$2 traffic ticket surcharge be made permanent. A report required by P.L.2003, c.183, and completed by the Attorney General on June 24, 2008, notes the success of the DNA program and deems that it is “. . . increasingly vital to ensuring accuracy and fairness in the criminal justice system.”

As indicated in the report, there are three sources of funding for the DNA program: the \$2 traffic ticket surcharge, State appropriations, and federal grants.

Although \$1.150 million in State appropriations were provided in FY 2009, these State appropriations are not annually guaranteed. Additionally, according to the Attorney General's report, the federal programs that the State relied on for the past five years are concluding and there is a high probability that the State will no longer receive additional federal funding unless a new federal program is implemented.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that this bill makes the \$2 traffic ticket surcharge permanent to continue funding the State's DNA program and there would be no change in revenue or expenditures. If this bill is not passed however, the revenue supporting the DNA Forensic Lab activities will cease as of December 2008.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Senior Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

SENATE, No. 2298

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 16, 2008

Sponsored by:
Senator JOHN A. GIRGENTI
District 35 (Bergen and Passaic)

SYNOPSIS

Makes permanent traffic ticket surcharge used to fund State's DNA program.

CURRENT VERSION OF TEXT

As introduced.



S2298 GIRGENTI

2

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2 Fund" and amending R.S.39:5-41.

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12 violation occurred within the jurisdiction of that county's central
13 municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the
14 municipality wherein the violation occurred, to be used by the
15 county or municipality to help finance litter control activities in
16 addition to or supplementing existing litter pickup and removal
17 activities in the municipality.

18 b. Except as otherwise provided by subsection a. of this
19 section, all fines, penalties and forfeitures imposed and collected
20 under authority of law for any violations of the provisions of this
21 Title, other than those violations in which the complaining witness
22 is the chief administrator, a member of his staff, a member of the
23 State Police, a member of a county police department and force or a
24 county park police system in a county that has established a central
25 municipal court, an inspector of the Board of Public Utilities, or a
26 law enforcement officer of any other State agency, shall be
27 forwarded by the judge to whom the same have been paid as
28 follows: one-half of the total amount collected to the financial
29 officer, as designated by the local governing body, of the respective
30 municipalities wherein the violations occurred, to be used by the
31 municipality for general municipal use and to defray the cost of
32 operating the municipal court; and one-half of the total amount
33 collected to the proper financial officer of the county wherein they
34 were collected, to be used by the county as a fund for the
35 construction, reconstruction, maintenance and repair of roads and
36 bridges, snow removal, the acquisition and purchase of rights-of-
37 way, and the purchase, replacement and repair of equipment for use
38 on said roads and bridges therein. Up to 25% of the money
39 received by a municipality pursuant to this subsection, but not more
40 than the actual amount budgeted for the municipal court, whichever
41 is less, may be used to upgrade case processing.

42 All fines, penalties and forfeitures imposed and collected under
43 authority of law for any violations of the provisions of this Title, in
44 which the complaining witness is a member of a county police
45 department and force or a county park police system in a county

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.

S2298 GIRGENTI

1 that has established a central municipal court, shall be forwarded by
2 the judge to whom the same have been paid to the financial officer,
3 designated by the governing body of the county, for all violations
4 occurring within the jurisdiction of that court, to be used for general
5 county use and to defray the cost of operating the central municipal
6 court.

7 Whenever any county has deposited moneys collected pursuant
8 to this section in a special trust fund in lieu of expending the same
9 for the purposes authorized by this section, it may withdraw from
10 said special trust fund in any year an amount which is not in excess
11 of the amount expended by the county over the immediately
12 preceding three-year period from general county revenues for said
13 purposes. Such moneys withdrawn from the trust fund shall be
14 accounted for and used as are other general county revenues.

15 c. (Deleted by amendment, P.L.1993, c.293.)

16 d. Notwithstanding the provisions of subsections a. and b. of
17 this section, \$1 shall be added to the amount of each fine and
18 penalty imposed and collected through a court under authority of
19 any law for any violation of the provisions of Title 39 of the
20 Revised Statutes or any other motor vehicle or traffic violation in
21 this State and shall be forwarded by the person to whom the same
22 are paid to the State Treasurer. In addition, upon the forfeiture of
23 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
24 The State Treasurer shall annually deposit those moneys so
25 forwarded in the "Body Armor Replacement" fund established
26 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
27 in the fiscal year next following the effective date of this act, the
28 State Treasurer annually shall allocate from those moneys so
29 forwarded an amount not to exceed \$400,000 to the Department of
30 the Treasury to be expended exclusively for the purposes of funding
31 the operation of the "Law Enforcement Officer Crisis Intervention
32 Services" telephone hotline established and maintained under the
33 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
34 and C.26:2NN-2).

35 e. Notwithstanding the provisions of subsections a. and b. of
36 this section, \$1 shall be added to the amount of each fine and
37 penalty imposed and collected through a court under authority of
38 any law for any violation of the provisions of Title 39 of the
39 Revised Statutes or any other motor vehicle or traffic violation in
40 this State and shall be forwarded by the person to whom the same
41 are paid to the State Treasurer. The State Treasurer shall annually
42 deposit those moneys so forwarded in the "New Jersey Spinal Cord
43 Research Fund" established pursuant to section 9 of P.L.1999, c.201
44 (C.52:9E-9). In order to comply with the provisions of Article VIII,
45 Section II, paragraph 5 of the State Constitution, a municipal or
46 county agency which forwards moneys to the State Treasurer
47 pursuant to this subsection may retain an amount equal to 2% of the
48 moneys which it collects pursuant to this subsection as

S2298 GIRGENTI

1 compensation for its administrative costs associated with
2 implementing the provisions of this subsection.

3 f. Notwithstanding the provisions of subsections a. and b. of
4 this section, \$1 shall be added to the amount of each fine and
5 penalty imposed and collected through a court under authority of
6 any law for any violation of the provisions of Title 39 of the
7 Revised Statutes or any other motor vehicle or traffic violation in
8 this State and shall be forwarded by the person to whom the same
9 are paid to the State Treasurer. The State Treasurer shall annually
10 deposit those moneys so forwarded in the "Autism Medical
11 Research and Treatment Fund" established pursuant to section 1 of
12 P.L.2003, c.144 (C.30:6D-62.2).

13 g. Notwithstanding the provisions of subsections a. and b. of
14 this section, \$2 shall be added to the amount of each fine and
15 penalty imposed and collected by a court under authority of any law
16 for any violation of the provisions of Title 39 of the Revised
17 Statutes or any other motor vehicle or traffic violation in this State
18 and shall be forwarded by the person to whom the same are paid to
19 the State Treasurer. The State Treasurer shall annually deposit
20 those moneys so forwarded in the "New Jersey Forensic DNA
21 Laboratory Fund" established pursuant to P.L.2003, c.183. Prior to
22 depositing the moneys into the fund, the State Treasurer shall
23 forward to the Administrative Office of the Courts an amount not to
24 exceed \$475,000 from moneys initially collected pursuant to this
25 subsection to be used exclusively to establish a collection
26 mechanism and to provide funding to update the Automated Traffic
27 System Fund created pursuant to N.J.S.2B:12-30 to implement the
28 provisions of this subsection.

29 **【The authority to impose additional fines and penalties under**
30 **this subsection shall take effect 90 days after the effective date of**
31 **P.L.2003, c.183 and shall expire five years thereafter. Not later**
32 **than the 180th day prior to such expiration, the Attorney General**
33 **shall prepare and submit to the Governor and the Legislature a**
34 **report on the collection and use of DNA samples under P.L.1994,**
35 **c.136. The report shall cover the period beginning on that effective**
36 **date and ending four years thereafter. The report shall indicate**
37 **separately, for each one-year period during those four years that**
38 **begins on that effective date or an anniversary thereof, the number**
39 **of each type of biological sample taken and the total cost of taking**
40 **that type of sample, and also the number of identifications and**
41 **exonerations achieved through the use of the samples. In addition,**
42 **the report shall evaluate the effectiveness, including cost**
43 **effectiveness, of having the samples available to further police**
44 **investigations and other forensic purposes.】**

45 h. Notwithstanding the provisions of subsections a. and b. of
46 this section, \$1 shall be added to the amount of each fine and
47 penalty imposed and collected under authority of any law for any
48 violation of the provisions of Title 39 of the Revised Statutes or any

1 other motor vehicle or traffic violation in this State and shall be
2 forwarded by the person to whom the same are paid to the State
3 Treasurer. The State Treasurer shall annually deposit those moneys
4 so forwarded in the "New Jersey Brain Injury Research Fund"
5 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
6 The Administrative Office of the Courts may retain an amount
7 equal to \$475,000 from the moneys which it initially collects
8 pursuant to this subsection, prior to depositing any moneys in the
9 "New Jersey Brain Injury Research Fund," in order to meet the
10 expenses associated with utilizing the Automated Traffic System
11 Fund created pursuant to N.J.S.2B:12-30 to implement the
12 provisions of this subsection and serve other statutory purposes.

13 i. Notwithstanding the provisions of subsections a. and b. of
14 this section, all fines and penalties imposed and collected under
15 authority of law for any violation related to the unlawful operation
16 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
17 17.1) shall be forwarded by the judge to whom the same have been
18 paid to the State Treasurer, if the complaining witness is the chief
19 administrator, a member of his staff, a member of the State Police,
20 an inspector of the Board of Public Utilities, or a law enforcement
21 officer or other official of any other State agency; or, if the
22 complaining witness is not one of the foregoing, one-half to the
23 chief financial officer of the county and one-half to the chief
24 financial officer of the municipality wherein the violation occurred.
25 (cf: P.L.2008, c.29, s.95)

26

27 2. This act shall take effect immediately.

28

29

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STATEMENT

31

32 This bill would make permanent the \$2 surcharge on traffic
33 tickets dedicated to the State's DNA laboratory and the analysis of
34 DNA for criminal and other forensic purposes.

35 P.L.2003, c.183 expanded the list of criminal offenses for which
36 a conviction requires the taking of blood or other biological samples
37 for DNA testing to include all crimes of the first through fourth
38 degree. To cover the additional expenses created by this new DNA
39 law, section 7 of the law imposed a \$2 surcharge on traffic tickets,
40 but only for the five years immediately following the effective date
41 of the law (September 22, 2003). This section also required the
42 Attorney General to report on the effectiveness of the State's DNA
43 program six months prior to the expiration date of the funding,
44 presumably to provide information to the Legislature and Governor
45 as to whether the surcharge should be made permanent.

46 The report was issued by the Attorney General on June 24, 2008.
47 The report notes the success of the DNA program and that it ". . .is
48 increasingly vital to ensuring accuracy and fairness in the criminal

S2298 GIRGENTI

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1 justice system.” As indicated in the report, there are three sources
2 of funding for the DNA program: the traffic ticket surcharge, State
3 appropriations, and federal grants. As State appropriations are not
4 guaranteed and the State will no longer be eligible for the federal
5 funding that it has received over the last five years, it is imperative
6 that the traffic ticket surcharge be made permanent. This bill makes
7 the surcharge permanent by removing the sunset provision.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2298

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 2298.

This bill would make permanent the \$2 surcharge on traffic tickets dedicated to the State's DNA laboratory and the analysis of DNA for criminal and other forensic purposes.

P.L.2003, c.183 expanded the list of criminal offenses for which a conviction requires the taking of blood or other biological samples for DNA testing to include all crimes of the first through fourth degree. To cover the additional expenses created by this new DNA law, section 7 of the law imposed a \$2 surcharge on traffic tickets, but only for the five years immediately following the effective date of the law (September 22, 2003). This section also required the Attorney General to report on the effectiveness of the State's DNA program six months prior to the expiration date of the funding, presumably to provide information to the Legislature and Governor as to whether the surcharge should be made permanent.

The report was issued by the Attorney General on June 24, 2008. The report notes the success of the DNA program and that it ". . .is increasingly vital to ensuring accuracy and fairness in the criminal justice system." As indicated in the report, there are three sources of funding for the DNA program: the traffic ticket surcharge, State appropriations, and federal grants. As State appropriations are not guaranteed and the State will no longer be eligible for the federal funding that it has received over the last five years, it is imperative that the traffic ticket surcharge be made permanent. This bill makes the surcharge permanent by removing the sunset provision.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2298
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: NOVEMBER 20, 2008

SUMMARY

Synopsis: Makes permanent traffic ticket surcharge used to fund State's DNA program.

Type of Impact: Revenue Gain. DNA Lab Fund.

Agencies Affected: Department of Law and Public Safety; Office of the Attorney General; Division of Criminal Justice.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	\$8.2 million	\$8.2 million	\$8.2 million

- The Office of Legislative Services determines that this bill makes the \$2 traffic ticket surcharge permanent to continue funding the State's DNA program and there would be no change in revenue or expenditures. If this bill is not passed however, the revenue supporting the DNA Forensic Lab activities will cease as of December 2008.
- This bill would continue collecting revenue which is estimated annually at \$8.2 million. In FY07, FY06 and FY05 the account collected approximately \$10 million, 9.1 million and \$7.3 million, respectively. These funds are dedicated to supporting the State's DNA program.

BILL DESCRIPTION

Senate Bill No. 2298 of 2008 makes permanent the \$2 surcharge on traffic tickets dedicated to the State's DNA laboratory and the analysis of DNA for criminal and other forensic purposes.

P.L.2003, c.183 expanded the list of criminal offenses for which a conviction requires the taking of blood or other biological samples for DNA testing to include all crimes of the first through fourth degree. To cover the additional expenses created by this new DNA law, section 7 of the law imposed a \$2 surcharge on traffic tickets, but only for the five years immediately following the effective date of the law.

This bill makes the surcharge permanent by removing the sunset provision. If the law is not passed the sunset provision becomes effective December 2008.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of the Attorney General finds that it is imperative that the \$2 traffic ticket surcharge be made permanent. A report required by P.L.2003, c.183, and completed by the Attorney General on June 24, 2008, notes the success of the DNA program and deems that it is “. . . increasingly vital to ensuring accuracy and fairness in the criminal justice system.”

As indicated in the report, there are three sources of funding for the DNA program: the \$2 traffic ticket surcharge, State appropriations, and federal grants.

Although \$1.150 million in State appropriations were provided in FY 2009, these State appropriations are not annually guaranteed. Additionally, according to the Attorney General's report, the federal programs that the State relied on for the past five years are concluding and there is a high probability that the State will no longer receive additional federal funding unless a new federal program is implemented.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services determines that this bill makes the \$2 traffic ticket surcharge permanent to continue funding the State's DNA program and there would be no change in revenue or expenditures. If this bill is not passed however, the revenue supporting the DNA Forensic Lab activities will cease as of December 2008.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
Senior Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C. 52:13B-1 et seq.).