

SENATE, No. 2995

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 8, 2015

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Revises requirements for establishment of central municipal courts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/26/2015)

1 AN ACT concerning central municipal courts and amending
2 N.J.S.2B:12-1 and 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. N.J.S.2B:12-1 is amended to read as follows:

8 2B:12-1. Establishment of municipal courts.

9 a. Every municipality shall establish a municipal court. If a
10 municipality fails to maintain a municipal court or does not enter
11 into an agreement pursuant to subsection b. or c. of this section, the
12 Assignment Judge of the vicinage shall order violations occurring
13 within its boundaries heard in any other municipal court in the
14 county until such time as the municipality establishes and maintains
15 a municipal court. The municipality without a municipal court shall
16 be responsible for all administrative costs specified in the order of
17 the Assignment Judge pending the establishment of its municipal
18 court.

19 b. Two or more municipalities, by ordinance, may enter into an
20 agreement establishing a single joint municipal court and providing
21 for its administration. A copy of the agreement shall be filed with
22 the Administrative Director of the Courts. As used in this act,
23 "municipal court" includes a joint municipal court.

24 c. Two or more municipalities, by ordinance or resolution, may
25 agree to provide jointly for courtrooms, chambers, equipment,
26 supplies and employees for their municipal courts and agree to
27 appoint judges and administrators without establishing a joint
28 municipal court. Where municipal courts share facilities in this
29 manner, the identities of the individual courts shall continue to be
30 expressed in the captions of orders and process.

31 d. An agreement pursuant to subsection b. or c. of this section
32 may be terminated as provided in the agreement. If the agreement
33 makes no provision for termination, it may be terminated by any
34 party with reasonable notices and terms as determined by the
35 Assignment Judge of the vicinage.

36 e. Any county of the first class with a population of over
37 **[825,000]** 900,000 and a population density of less than 4,000
38 persons per square mile according to the **[latest]** 2010 federal
39 decennial census **],** with a county police department and force
40 established in accordance with N.J.S.40A:14-106 or a county park
41 police system established in accordance with P.L.1960, c.135
42 (C.40:37-261 et seq.), **]** may establish, by ordinance, a central
43 municipal court, which shall be an inferior court of limited
44 jurisdiction, to adjudicate cases filed by agents of the county health
45 department, agents of the county office of consumer affairs,

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 members of the county police department and force **[or]** , county
2 park police system, or sheriff's office, or other cases within its
3 jurisdiction referred by the vicinage Assignment Judge pursuant to
4 the Rules of Court, and provide for its administration. A copy of
5 that ordinance shall be filed with the Administrative Director of the
6 Courts. As used in this act, "municipal court" includes a central
7 municipal court.

8 f. Nothing in P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall require a county that has established
10 and maintained a central municipal court in accordance with
11 subsection e. of N.J.S.2B:12-1 prior to the date of the enactment of
12 P.L. , c. (C.) to re-establish that court.

13 (cf: P.L.2011, c.181, s.1)

14
15 2. R.S.39:5-41 is amended to read as follows:

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

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

1 than the actual amount budgeted for the municipal court, whichever
2 is less, may be used to upgrade case processing.

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

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

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

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

41 e. Notwithstanding the provisions of subsections a. and b. of
42 this section, \$1 shall be added to the amount of each fine and
43 penalty imposed and collected through a court under authority of
44 any law for any violation of the provisions of Title 39 of the
45 Revised Statutes or any other motor vehicle or traffic violation in
46 this State and shall be forwarded by the person to whom the same
47 are paid to the State Treasurer. The State Treasurer shall annually
48 deposit those moneys so forwarded in the "New Jersey Spinal Cord

1 Research Fund" established pursuant to section 9 of P.L.1999, c.201
2 (C.52:9E-9). In order to comply with the provisions of Article VIII,
3 Section II, paragraph 5 of the State Constitution, a municipal or
4 county agency which forwards moneys to the State Treasurer
5 pursuant to this subsection may retain an amount equal to 2% of the
6 moneys which it collects pursuant to this subsection as
7 compensation for its administrative costs associated with
8 implementing the provisions of this subsection.

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

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

35 h. 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 under authority of any law for any
38 violation of the provisions of Title 39 of the Revised Statutes or any
39 other motor vehicle or traffic violation in this State and shall be
40 forwarded by the person to whom the same are paid to the State
41 Treasurer. The State Treasurer shall annually deposit those moneys
42 so forwarded in the "New Jersey Brain Injury Research Fund"
43 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
44 The Administrative Office of the Courts may retain an amount
45 equal to \$475,000 from the moneys which it initially collects
46 pursuant to this subsection, prior to depositing any moneys in the
47 "New Jersey Brain Injury Research Fund," in order to meet the
48 expenses associated with utilizing the Automated Traffic System

1 Fund created pursuant to N.J.S.2B:12-30 to implement the
2 provisions of this subsection and serve other statutory purposes.
3 i. Notwithstanding the provisions of subsections a. and b. of
4 this section, all fines and penalties imposed and collected under
5 authority of law for any violation related to the unlawful operation
6 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
7 17.1) shall be forwarded by the judge to whom the same have been
8 paid to the State Treasurer, if the complaining witness is the chief
9 administrator, a member of his staff, a member of the State Police,
10 an inspector of the Board of Public Utilities, or a law enforcement
11 officer or other official of any other State agency; or, if the
12 complaining witness is not one of the foregoing, one-half to the
13 chief financial officer of the county and one-half to the chief
14 financial officer of the municipality wherein the violation occurred.
15 (cf: P.L.2008, c.116, s.1)

16
17 3. This act shall take effect immediately.

18
19
20 STATEMENT

21
22 This bill revises the requirements for the establishment of a
23 central municipal court.

24 Under current law, in order to establish a central municipal court,
25 a county, otherwise eligible by class, population, and population
26 density, is required to have a county police department or county
27 park police force established. This bill removes the provision
28 requiring these counties to have either type of police force.
29 However, the bill does not require a county that has established and
30 maintained a central municipal court in accordance with current law
31 to re-establish that court following enactment of the bill.

32 This bill also amends Title 39 of the Revised Statutes (the State
33 Motor Vehicle Code) to include county sheriff's officers as
34 potential complaining witnesses in court proceedings regarding
35 motor vehicle violations which occur in counties with central
36 municipal courts.