

SUPREME COURT OF NEW JERSEY

On July 17, 2018, the Court released a report prepared by the Supreme Court Committee on Municipal Court Operations, Fines, and Fees. The report included a recommendation to develop a process for the dismissal of old complaints, taking into account the seriousness of the offense charged, the age of the case, and other relevant factors.

According to the Administrative Office of the Courts, there are hundreds of thousands of open, unresolved cases that involve minor municipal offenses more than a decade old. For the period before 2003, for example, there are 787,764 open warrants for failure to appear in cases that involve parking violations, motor vehicle offenses (such as going through a stop sign, improper passing, general motor vehicle equipment violations, certain speeding offenses, and running a red light), local ordinance violations, fish and game violations, penalty enforcement actions, and related matters. The vast majority of those cases are from 1986 to 2003. Some are even older. 355,619 of those matters involve parking tickets; 348,631 relate to tickets for moving violations.

The above cases from prior to 2003 do not include more serious matters, namely:

- (1) Indictable charges
- (2) Disorderly persons charges
- (3) Petty disorderly persons charges
- (4) The following motor vehicle charges:

N.J.S.A. 39:3-10
N.J.S.A. 39:3-10.13

Driving without a license
Operating a commercial vehicle while
intoxicated

N.J.S.A. 39:3-10.24	Refusal to submit to a breath test while operating a commercial vehicle
N.J.S.A. 39:3-10.18(b)	Operating a commercial vehicle while commercial license suspended or revoked
N.J.S.A. 39:3-40	Driving while license suspended or revoked
N.J.S.A. 39:4-49.1	Drugs in a motor vehicle
N.J.S.A. 39:4-50	Driving while intoxicated
N.J.S.A. 39:4-50.4a	Refusal to submit to a chemical test
N.J.S.A. 39:4-50.14	Underage driving while intoxicated
N.J.S.A. 39:4-50.19	Failure to install an interlock device
N.J.S.A. 39:4-96	Reckless driving
N.J.S.A. 39:4-98	Speeding (in excess of 35 mph over the posted speed limit)
N.J.S.A. 39:4-128.1	Passing a stopped school bus
N.J.S.A. 39:4-129(a), (b)	Leaving the scene of an accident resulting in personal injury or property damage
N.J.S.A. 39:6B-2	Driving without insurance
N.J.S.A. 12:7-46	Boating while intoxicated

(5) or cases associated with a matter in any of the above categories.

Those old outstanding complaints and open warrants in minor matters raise questions of fairness, the appropriate use of limited public resources by law enforcement and the courts, the ability of the State to prosecute cases successfully in light of how long matters have been pending and the availability of witnesses, and administrative efficiency.

To determine the appropriate way to address older, pending municipal court complaints that involve minor matters, it is ORDERED as follows:

1. The Court appoints the Honorable Ronald Bookbinder, Ernest Caposela, and Yolanda Ciccone, Assignment Judges of the Superior Court, to serve as a three-judge panel and conduct a series of hearings in the northern, central, and southern part of the

State as to why older, minor municipal court complaints pending for more than fifteen years should not be dismissed.

2. Notice of the hearing dates should be provided to the public and various interested organizations, including the Municipal Prosecutors Association, League of Municipalities, all affected municipalities (see paragraph 3), Attorney General, County Prosecutors, Public Defender, New Jersey State Association of Chiefs of Police, New Jersey State Bar Association, Association of Criminal Defense Lawyers, and American Civil Liberties Union.

3. At least sixty (60) days before the hearing dates, the panel, with the assistance of the Administrative Office of the Courts, shall make available to each municipality a list of cases described above for their municipality.

4. In advance of any hearing, interested parties shall submit in writing their position as to the dismissal of older, pending, minor municipal court matters.

5. At the conclusion of all of the hearings, the panel shall issue a report to the Supreme Court. The report shall include a recommendation for the general disposition of older, pending, minor municipal court matters, and, if appropriate, a recommended process and timeframe to raise challenges to the dismissal of individual complaints against specific defendants.

For the Court,



Chief Justice

Date: July 19, 2018