

ASSEMBLY, No. 1674

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Assemblymen Malone, Dancer, Chiusano, Rudder and Assemblywoman Addiego

SYNOPSIS

Specifies motor vehicle fines from tickets issued by State Police providing rural patrol be paid to municipality, not State.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/17/2008)

1 AN ACT concerning the disposition of certain motor vehicle fines
2 and penalties, 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 director, a member of his staff, a member of the State Police,
23 a member of a county police department and force or a county park
24 police system in a county that has established a central municipal
25 court, an inspector of the Board of Public Utilities, or a law
26 enforcement officer of any other State agency, shall be forwarded
27 by the judge to whom the same have been paid as follows: one-half
28 of the total amount collected to the financial officer, as designated
29 by the local governing body, of the respective municipalities
30 wherein the violations occurred, to be used by the municipality for
31 general municipal use and to defray the cost of operating the
32 municipal court; and one-half of the total amount collected to the
33 proper financial officer of the county wherein they were collected,
34 to be used by the county as a fund for the construction,
35 reconstruction, maintenance and repair of roads and bridges, snow
36 removal, the acquisition and purchase of rights-of-way, and the
37 purchase, replacement and repair of equipment for use on said roads
38 and bridges therein. Up to 25% of the money received by a
39 municipality pursuant to this subsection, but not more than the
40 actual amount budgeted for the municipal court, whichever is less,
41 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

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

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

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

17 d. Notwithstanding the provisions of subsections a. and b. of
18 this section, \$1 shall be added to the amount of each fine and
19 penalty imposed and collected through a court under authority of
20 any law for any violation of the provisions of Title 39 of the
21 Revised Statutes or any other motor vehicle or traffic violation in
22 this State and shall be forwarded by the person to whom the same
23 are paid to the State Treasurer. In addition, upon the forfeiture of
24 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
25 The State Treasurer shall annually deposit those moneys so
26 forwarded in the "Body Armor Replacement" fund established
27 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
28 in the fiscal year next following the effective date of this act, the
29 State Treasurer annually shall allocate from those moneys so
30 forwarded an amount not to exceed \$400,000 to the Department of
31 Personnel to be expended exclusively for the purposes of funding
32 the operation of the "Law Enforcement Officer Crisis Intervention
33 Services" telephone hotline established and maintained under the
34 provisions of P.L.1998, c.149 (C.11A:2-25 et al.).

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

1 moneys which it collects pursuant to this subsection as
2 compensation for its administrative costs associated with
3 implementing the provisions of this subsection.

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

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

31 The authority to impose additional fines and penalties under this
32 subsection shall take effect 90 days after the effective date of
33 P.L.2003, c.183 and shall expire five years thereafter. Not later
34 than the 180th day prior to such expiration, the Attorney General
35 shall prepare and submit to the Governor and the Legislature a
36 report on the collection and use of DNA samples under P.L.1994,
37 c.136. The report shall cover the period beginning on that effective
38 date and ending four years thereafter. The report shall indicate
39 separately, for each one-year period during those four years that
40 begins on that effective date or an anniversary thereof, the number
41 of each type of biological sample taken and the total cost of taking
42 that type of sample, and also the number of identifications and
43 exonerations achieved through the use of the samples. In addition,
44 the report shall evaluate the effectiveness, including cost
45 effectiveness, of having the samples available to further police
46 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 this
18 section, whenever the complaining witness for a violation of this
19 Title is a member of the State Police while providing full-time or
20 part-time rural patrol in a municipality, all the fines, penalties and
21 forfeitures imposed and collected under authority of law for that
22 complaint shall be forwarded by the judge to whom they have been
23 paid to the financial officer, as designated by the local governing
24 body, of the municipality wherein the violation occurred to be used
25 by the municipality for general municipal use.

26 (cf: P.L. 2003, c.200, s.10)

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28 2. This act shall take effect on the first day of the second month
29 following enactment.

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STATEMENT

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34 Under this bill, the motor vehicle fine and penalty moneys
35 collected from tickets written by members of the State Police while
36 they are providing full-time or part-time rural patrols in a
37 municipality would be paid to the municipality wherein the
38 violation occurred.

39 Currently, the motor vehicle fine and penalty moneys collected
40 from tickets written by members of the State Police is paid to the
41 State and deposited in the General Fund.