

# ASSEMBLY, No. 4418

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED DECEMBER 15, 2016

**Sponsored by:**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Handlin**

**SYNOPSIS**

Permits counties to establish county-municipal courts with limited, countywide jurisdiction.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/20/2017)**

1 AN ACT providing for county-municipal courts with limited,  
2 countywide jurisdiction, and amending various parts of the  
3 statutory law.

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

7  
8 1. N.J.S.2B:12-1 is amended to read as follows:

9 2B:12-1. Establishment of municipal courts.

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

20 b. Two or more municipalities, by ordinance, may enter into an  
21 agreement establishing a single joint municipal court and providing  
22 for its administration. A copy of the agreement shall be filed with  
23 the Administrative Director of the Courts. As used in **[this act]**  
24 N.J.S.2B:12-1 et seq., "municipal court" includes a joint municipal  
25 court.

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

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

38 e. (1) Any county of the first class with a population of over  
39 900,000 and a population density of less than 4,000 persons per  
40 square mile according to the 2010 federal decennial census may  
41 establish, by ordinance, a central municipal court, which shall be an  
42 inferior court of limited jurisdiction, to adjudicate cases filed by  
43 agents of the county health department, agents of the county office  
44 of consumer affairs, members of the county police department and  
45 force, county park police system, or sheriff's office, or other cases

**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 within its jurisdiction referred by the vicinage Assignment Judge  
2 pursuant to the Rules of Court, and provide for its administration.  
3 A copy of that ordinance shall be filed with the Administrative  
4 Director of the Courts. As used in **[this act]** N.J.S.2B:12-1 et seq.,  
5 "municipal court" includes a central municipal court.

6 **[f.]** (2) Nothing in P.L.2015, c.103 shall require a county that  
7 has established and maintained a central municipal court in  
8 accordance with this subsection [e. of N.J.S.2B:12-1] prior to the  
9 date of the enactment of P.L.2015, c.103 to re-establish that court.

10 (3) On and after the effective date of P.L. , c. (pending  
11 before the Legislature as this bill), any county that has established  
12 and maintained a central municipal court in accordance with this  
13 subsection may, by ordinance, provide for that court to adjudicate  
14 all matters for which a county-municipal court has jurisdiction  
15 pursuant to subsection f. of this section, and re-designate the court  
16 as a central county-municipal court. A copy of that ordinance shall  
17 be filed with the Administrative Director of the Courts. As used in  
18 N.J.S.2B:12-1 et seq., "municipal court" and "county-municipal  
19 court" includes a central county-municipal court.

20 f. (1) Any county may establish, by ordinance, a county-  
21 municipal court, which shall be an inferior court of limited  
22 jurisdiction, adjudicating all matters for which a municipal court  
23 has jurisdiction pursuant to N.J.S.2B:12-17 et seq., as well as any  
24 criminal pretrial release and pretrial detention hearings for eligible  
25 defendants conducted pursuant to sections 1 through 7 of P.L.2014,  
26 c.31 (C.2A:162-15 through 2A:162-21) as referred by the  
27 Assignment Judge for the vicinage pursuant to the Rules of Court,  
28 and provide for the court's administration. The ordinance shall  
29 indicate an initial date on which the court shall begin hearing  
30 matters. A copy of the ordinance shall be filed with the  
31 Administrative Director of the Courts. As used in N.J.S.12B:12-1  
32 et seq., "municipal court" includes a county-municipal court.

33 (2) Each municipality in a county that has established a county-  
34 municipal court shall agree, by ordinance enacted and implemented  
35 no later than two years next following the date on which that court  
36 will initially begin hearing matters, to have violations occurring  
37 within its boundaries heard in that court. The municipality shall not  
38 be responsible for any administrative costs associated with the  
39 operation and maintenance of facilities used by the court or its  
40 employees. If a municipality fails to agree, within the time period  
41 set forth in this paragraph, to have violations heard by the county-  
42 municipal court, the Assignment Judge of the vicinage shall order,  
43 pursuant to subsection a. of this section, that violations occurring  
44 within the municipality's boundaries be heard in the county-  
45 municipal court, and the municipality be responsible for all  
46 administrative costs specified in the order until such time as the  
47 municipality agrees to have violations heard by that court.

1       (a) If a municipality had previously established a municipal  
2 court, the municipality shall, in the ordinance agreeing to have  
3 violations heard in the county-municipal court, specify the date on  
4 which the previously established municipal court will be abolished  
5 and thereafter all violations heard in the county-municipal court.  
6 The date set forth in the ordinance shall be no more than one year  
7 next following the date on which the ordinance is enacted. It shall  
8 not be necessary for each municipality within the territorial  
9 jurisdiction of the county-municipal court to establish the same date  
10 for abolishing its previously established municipal court and  
11 initially having violations heard in the county-municipal court. The  
12 county-municipal court may begin hearing matters even though less  
13 than all of the municipalities have abolished their municipal courts  
14 and begun having cases heard in the county-municipal court.

15       (b) On the date established by a municipality in its ordinance for  
16 abolishing a previously established municipal court and initially  
17 having violations heard in the county-municipal court:

18       (i) all causes and proceeding of whatever character pending in  
19 the municipal court shall be transferred, along with the files for  
20 those causes and proceedings, to the county-municipal court; and

21       (ii) all the functions, powers, and duties conferred on the  
22 municipal court abolished by the ordinance, to the extent not  
23 inconsistent with the functions, powers, and duties of the county-  
24 municipal court, shall be transferred to and may be exercised by the  
25 county-municipal court.

26       (c) All files for causes and proceedings not transferred to the  
27 county-municipal court pursuant to subparagraph (b) of this  
28 paragraph, and all books, papers, records, and documents, along  
29 with all office equipment, furnishing, and other property of the  
30 municipal court abolished by the ordinance shall be disposed of by  
31 the municipality in a manner set forth in that ordinance, or one or  
32 more subsequent ordinances.

33 (cf: P.L.2015, c.103, s.1)

34

35       2. N.J.S.2B:12-2 is amended to read as follows:

36       2B:12-2. Name of court.

37       The name of a municipal court of a single municipality shall be  
38 the "Municipal Court of (insert name of municipality)." The name  
39 of a joint municipal court shall be specified in the ordinances  
40 establishing the court. The name of a county-municipal court shall  
41 be the "County-Municipal Court of (insert name of county)" and  
42 shall be specified in the ordinance establishing the court. The name  
43 of a central municipal court shall be the "Central Municipal Court  
44 of the County of (insert name of county)" and shall be specified in  
45 the ordinance establishing the court.

46 (cf: P.L.1996, c.95, s.2)

1 3. N.J.S.2B:12-4 is amended to read as follows:

2 2B:12-4. Judge of municipal court; term of office; appointment.

3 a. **【Each】** (1) (a) Except as otherwise provided in this  
4 paragraph, each judge of a municipal court shall serve for a term of  
5 three years from the date of appointment and until a successor is  
6 appointed and qualified.

7 (b) Each judge of a county-municipal court shall serve for a fixed  
8 term of five years. A judge of a county-municipal court may serve  
9 no more than three consecutive five-year terms. If a judge of a  
10 county-municipal court is appointed to complete the remainder of  
11 an unexpired term pursuant to paragraph (2) of this subsection, that  
12 judge may serve no more than three additional, consecutive five-  
13 year terms.

14 (2) Any appointment to fill a vacancy not caused by the  
15 expiration of a term shall be made for the unexpired term only.  
16 However, if a county or municipality requires by ordinance that the  
17 judge of the municipal court devote full time to judicial duties or  
18 limit the practice of law to non-litigated matters, the first  
19 appointment after the establishment of that requirement shall be for  
20 a full term of three years or five years, as applicable.

21 b. In municipalities governed by a mayor-council form of  
22 government, the municipal court judge shall be appointed by the  
23 mayor with the advice and consent of the council. Each judge of a  
24 joint municipal court shall be nominated and appointed by the  
25 Governor with the advice and consent of the Senate. In all other  
26 municipalities, the municipal judge shall be appointed by the  
27 governing body of the municipality.

28 c. In a county that has established a central municipal court,  
29 the judge of the central municipal court shall be nominated and  
30 appointed by the Governor with the advice and consent of the  
31 Senate. In those counties having a county executive, the county  
32 executive may submit the names of judicial candidates for judge of  
33 the central municipal court to the Governor. In all other counties,  
34 the governing body may submit the names of judicial candidates for  
35 judge of the central municipal court to the Governor.

36 d. In a county that has established a county-municipal court,  
37 the judge of the county-municipal court shall be nominated and  
38 appointed by the Governor with the advice and consent of the  
39 Senate. In those counties having a county executive, the  
40 Governor's nominee shall be selected from a list of three names to  
41 be considered for judge of the county-municipal court submitted by  
42 the county executive to the Governor. In all other counties, the  
43 Governor's nominee shall be selected from a list of three names to  
44 be considered for judge of the county-municipal court submitted by  
45 the governing body of the county to the Governor.

46 (c.f. P.L.1996, c.95, s.3)

1 4. N.J.S.2B:12-10 is amended to read as follows:

2 2B:12-10. Municipal court administrator and personnel. a. **[A]**  
3 (1) Except as provided in paragraph (2) of this subsection, a county  
4 or municipality shall provide for an administrator and other  
5 necessary employees for the municipal court and for their  
6 compensation. With approval of the Supreme Court, an employee  
7 of the county or municipality, in addition to other duties, may be  
8 designated to serve as administrator of the municipal court.

9 (2) A county with a county-municipal court may provide for an  
10 administrator and other necessary employees for the county-  
11 municipal court and for their compensation, or may permit, by  
12 agreement with the Administrative Office of the Courts, for that  
13 court's operation by employees and staff of the Superior Court  
14 working in the same facility in which the county-municipal court is  
15 located, as required by N.J.S.2B:12-15.

16 b. The judge of a municipal court may designate in writing an  
17 acting administrator or deputy administrator to serve temporarily  
18 for an absent administrator or deputy administrator until the absent  
19 administrator or deputy administrator returns or a new administrator  
20 or deputy administrator is appointed. The acting administrator or  
21 acting deputy administrator shall be paid at a rate established by the  
22 judge but not exceeding that established for the administrator or  
23 deputy administrator.

24 (cf: P.L.1996, c.95, s.9)

25

26 5. N.J.S.2B:12-15 is amended to read as follows:

27 2B:12-15. Courtrooms and equipment.

28 Suitable courtrooms, chambers, offices, equipment and supplies  
29 for the municipal court, its administrator's office and its violations  
30 bureau shall be provided by the municipality, or by a county that  
31 has established a central municipal court. A county that has  
32 established a county-municipal court shall provide one or more  
33 suitable courtrooms, chambers, offices, equipment and supplies for  
34 the county-municipal court in the same facility where it supplies,  
35 pursuant to N.J.S.2B:6-1, these items for the processing and  
36 decision of cases from that county in the Law Division and the  
37 Family Part of the Chancery Division of the Superior Court.

38 (cf: P.L.1996, c.95, s.10)

39

40 6. N.J.S.2B:12-16 is amended to read as follows:

41 2B:12-16. Territorial jurisdiction.

42 a. A municipal court of a single municipality shall have  
43 jurisdiction over cases arising within the territory of that  
44 municipality except as provided in section 10 of P.L.1997, c.357  
45 (C.27:25-5.15). A joint municipal court shall have jurisdiction over  
46 cases arising within the territory of any of the municipalities which  
47 the court serves. The territory of a municipality includes any  
48 premises or property located partly in and partly outside of the

1 municipality. A county-municipal court or central municipal court  
2 shall have jurisdiction over cases arising within the territorial  
3 boundaries of the county.

4 b. A municipal court judge, serving as an acting judge in any  
5 other municipal court in the county, may also hear matters arising  
6 out of that other court, while sitting in the court where the acting  
7 judge holds a regular appointment.

8 (cf: P.L.1997, c.357, s.13)

9

10 7. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to  
11 read as follows:

12 14. **【The】** a. Except as provided in subsection b. of this section,  
13 the governing body of the county or municipality may employ an  
14 attorney-at-law as a prosecutor, under the supervision of the  
15 Attorney General or county prosecutor, who may represent the  
16 State, county or municipality in any matter within the jurisdiction of  
17 the central municipal court or any other municipal court in  
18 accordance with the provisions of P.L.1999, c.349 (C.2B:25-1 et  
19 al.).

20 b. The county prosecutor shall represent the State, the county,  
21 or the municipality in the prosecution of all offenses and  
22 proceedings within the jurisdiction of the county-municipal court.  
23 The county prosecutor shall act in accordance with the provisions of  
24 P.L.1999, c.349 (C.2B:25-1 et al.).

25 (cf: P.L.1999, c.349, s.11)

26

27 8. N.J.S.2B:12-30 is amended to read as follows:

28 2B:12-30. Automated Traffic System Fund.

29 a. The Legislature finds and declares that there is a need to  
30 improve the management, efficiency and effectiveness of municipal  
31 court operations and quality of justice by providing funds:

32 (1) To be utilized by the Administrative Office of the Courts to  
33 design, equip, operate and maintain a standardized, Statewide  
34 computer system, including integrated traffic ticket control, court  
35 financial accounting, case processing, statistical reporting services  
36 and other components necessary to automate municipal court  
37 operations; and

38 (2) To ensure the smooth exchange of automated information  
39 among the Judiciary, the Division of Motor Vehicles, law  
40 enforcement agencies, other public or quasi-public agencies, or  
41 those autonomous systems approved by the Administrative Office  
42 of the Courts pursuant to subsection d. of this section.

43 b. In order to accomplish these purposes, there is created the  
44 "Automated Traffic System Fund." The fund shall be a dedicated  
45 fund within the General Fund and administered by the  
46 Administrative Office of the Courts. The fund shall be the  
47 depository of moneys realized from **【the \$1.00 surcharge imposed**  
48 **pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1),】** the \$2.00

1 court cost assessment imposed pursuant to subsection a. of N.J.S.  
2 22A:3-4 and any other moneys made available for the purposes of  
3 the fund.

4 c. The Supreme Court may issue Rules of Court to effectuate  
5 the purposes of this act.

6 d. Nothing in this section shall be deemed to prevent a  
7 municipality or county, at its own expense, from maintaining or  
8 obtaining and using an autonomous computer system for integrated  
9 traffic ticket control, court financial accounting, case processing,  
10 statistical reporting services and other components necessary to  
11 automate municipal court operations that interconnects with the  
12 Automated Traffic System, its components and computer network,  
13 upon the approval of the Administrative Office of the Courts, in  
14 accordance with the following:

15 (1) An autonomous system shall only be approved for  
16 interconnection with the Automated Traffic System (ATS) when it  
17 meets all technical interconnection requirements, standardized data  
18 definitions and functionality of the Automated Traffic System,  
19 including its criminal and ordinance violation components,  
20 necessary to: fully automate municipal court operations in  
21 accordance with law, court rule or administrative directive;  
22 maintain and update on-line the standardized Statewide data base  
23 and its electronic traffic and criminal warrant components; and  
24 provide for on-line inquiry and exchange of automated data,  
25 consistent with the purposes expressed in subsection a. of this  
26 section.

27 (2) A municipality or county that obtains and uses an  
28 autonomous system, approved for interconnection with the  
29 Automated Traffic System, shall retain, from the date of  
30 interconnection, one-half the full amount of that portion of the court  
31 cost assessment imposed and collected on and after that date for  
32 payment into the Automated Traffic System Fund, pursuant to  
33 subsection a. of N.J.S.22A:3-4. The retained court cost assessment  
34 shall be used by the municipality or county to offset the operating  
35 costs of its autonomous system, including costs to maintain  
36 compliance with the interconnection requirements of the Automated  
37 Traffic System. A municipality or county shall be entitled only to  
38 retain those court cost assessments for as long as its autonomous  
39 system continues to meet the update and other requirements of  
40 paragraph (1) of subsection d. of this section.

41 (3) That portion of the court cost assessment, imposed pursuant  
42 to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be  
43 used for the purposes described in subsection a. of this section  
44 including: the State's costs, within the Automated Traffic System,  
45 of developing and maintaining interconnection with an autonomous  
46 system; the maintenance, improvement and updating of the  
47 Automated Traffic System, its components and the standardized  
48 Statewide data base; and the procurement and maintenance of hand-



1 held data entry devices and related equipment for use by parking  
2 authorities or parking agencies who choose to be directly serviced  
3 by the Automated Traffic System. The Administrative Office of the  
4 Courts may obtain either directly, through the Statewide master  
5 contract process, or as otherwise provided by law, automation  
6 services or equipment including hand-held, ticket-issuing devices  
7 and printers for use by those parking authorities or parking agencies  
8 to facilitate the exchange of automated information and maintain  
9 the efficiency of the standardized Statewide computer system.

10 (4) An autonomous computer system used by a municipality  
11 shall be interconnected with the Automated Traffic System and its  
12 components by January 1, 1997. An autonomous computer system  
13 used by a county that establishes a county-municipal court pursuant  
14 to N.J.S.2B:12-1 shall be interconnected with the Automated  
15 Traffic System and its components by the fourth anniversary next  
16 following the date of the court's establishment. The Administrative  
17 Office of the Courts shall, at no cost to the municipality or county,  
18 install and maintain the telecommunication line and the court's  
19 modem to permit the municipal court to provide for the on-line  
20 exchange of automated information with the Automated Traffic  
21 System and its components. The Administrative Office of the  
22 Courts shall maintain sufficient capacity on its mainframe computer  
23 to incorporate the standardized data of that municipal court into the  
24 Statewide record system, including the Statewide traffic and  
25 criminal warrant systems. Any municipality that fails to maintain  
26 and use an autonomous computer system that meets the  
27 requirements of this subsection by January 1, 1997 shall be  
28 implemented on ATS directly. Any county that fails to maintain  
29 and use an autonomous computer system that meets the  
30 requirements of this subsection by the fourth anniversary next  
31 following the establishment date of that county's county-municipal  
32 court shall be implemented on ATS directly. After **[that date]**  
33 those dates, municipal courts operating on ATS retain full  
34 discretion to either continue on ATS or subsequently obtain and use  
35 an autonomous system approved for interconnection.

36 (5) Nothing in this section shall preclude the Administrative  
37 Office of the Courts from immediately terminating, on an  
38 emergency basis, without notice, any interconnection with an  
39 autonomous system whose continued operation at any time  
40 immediately threatens or has compromised the security or data  
41 integrity of the Automated Traffic System, any of its components or  
42 any of the public and quasi-public agencies that exchange  
43 automated information with the Automated Traffic System,  
44 pursuant to paragraph (2) of subsection a. of this section. The  
45 municipality or county shall immediately be provided with written  
46 reasons for the termination, which shall continue until the threats to  
47 security and data integrity have been removed.

1 (6) **【**If there is any disagreement between the municipality and  
2 the Administrative Office of the Courts concerning the standards for  
3 the exchange of automated information set forth in this section, the  
4 municipality or the Administrative Office of the Courts may seek  
5 the advice of the New Jersey Information Resources Management  
6 Commission established pursuant to P.L.1993, c. 199 (C.52:9XX-1  
7 et seq.).**】** (Deleted by amendment, P.L. , c. ) (pending before the  
8 Legislature as this bill)

9 (7) Any municipal or county contract related to the operation of  
10 an autonomous computer system shall be subject to review, audit  
11 and the policies of the Division of Local Government Services in  
12 accordance with N.J.S.40A:11-1 et seq. **【**including the auditing  
13 standards of the Division of Local Government Services relating to  
14 the processing of transactions by servicing organizations pursuant  
15 to section 6 of P.L.1972, c.112 (C.40A:11-12.6).**】** All contracts  
16 between municipalities or counties and private service providers  
17 shall require compliance with the provisions of this section.

18 (8) The Administrative Office of the Courts shall promulgate  
19 administrative procedures necessary to accomplish the purposes of  
20 this subsection.

21 e. By April 1, 1996, a special committee shall be established to  
22 review the adequacy of funding for the Automated Traffic System  
23 and the Automated Complaint System and the extent to which  
24 autonomous computer system interconnections have been requested  
25 and successfully completed. The committee may recommend to  
26 what extent, if any, the funding level should be adjusted and the  
27 need for any further legislative action. The special committee shall  
28 be comprised of seven members as follows: one Senator appointed  
29 by the President of the Senate; one member of the General  
30 Assembly appointed by the Speaker of the General Assembly; the  
31 Director of the Administrative Office of the Courts or his designee;  
32 the president of the New Jersey League of Municipalities or his  
33 designee; the president of the New Jersey Municipal Court  
34 Administrators Association or his designee; the president of the  
35 New Jersey Municipal Managers Association or his designee and  
36 the president of the New Jersey Association of Parking Authorities  
37 and Agencies or his designee. The committee shall report its  
38 findings to the Legislature by September 30, 1996.

39 (cf: N.J.S.2B:12-30)

40  
41 9. Section 2 of P.L.1999, c.349 (C.2B:25-2) is amended to read  
42 as follows:

43 2. As used in this act:

44 a. "Municipal prosecutor" means: (1) a person appointed to  
45 prosecute all offenses over which the municipal court has  
46 jurisdiction; or (2) the county prosecutor in any county that has  
47 established a county-municipal court.

1       b. "Governing body" of a county or municipality means the  
2 officer or body that is the appropriate appointing authority for  
3 county counsel, municipal attorney or corporation counsel under the  
4 laws applicable to the form of county or municipal government  
5 established in the county or municipality pursuant to law, provided  
6 that the municipal corporation counsel shall be the appointing  
7 authority in any city of the first class with a population greater than  
8 270,000, according to the latest federal decennial census and in any  
9 city of the second class with a population of greater than 30,000 but  
10 less than 43,000, according to the latest decennial census, which  
11 city of the second class is located in a county of the first class with  
12 a population less than 600,000 according to the latest federal  
13 decennial census.

14       c. "Municipal court" means any municipal **[or]**, joint  
15 municipal, county-municipal, or central municipal court established  
16 pursuant to statute.

17       d. "Attorney General" includes the Attorney General of New  
18 Jersey and any assistants or deputies who may be designated to  
19 carry out the responsibilities conferred on the Attorney General by  
20 this act or the laws of this State.

21       e. "County prosecutor" shall mean the prosecutor of the county  
22 in which the municipal court is situated and any assistant  
23 prosecutors of that county who may be designated by this act.

24 (cf: P.L.1999, c.349, s.2)

25

26       10. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read  
27 as follows:

28       4. a. Each municipal court in this State, other than a county-  
29 municipal court, shall have at least one municipal prosecutor  
30 appointed by the governing body of the municipality, municipalities  
31 or county in accordance with applicable laws, ordinances and  
32 resolutions. The county prosecutor shall act as the municipal  
33 prosecutor to prosecute all offenses over which a county-municipal  
34 court has jurisdiction.

35       b. **[A]** An appointed municipal prosecutor shall be an attorney-  
36 at-law of this State in good standing, and shall serve for a term of  
37 one year from the date of his or her appointment, except as  
38 determined by the governing body of a county or a city of the first  
39 class with a population greater than 270,000, according to the latest  
40 federal decennial census, or the governing body of a city of the  
41 second class with a population of greater than 30,000 but less than  
42 43,000, according to the latest decennial census, which city of the  
43 second class is located in a county of the first class with a  
44 population less than 600,000 according to the latest federal  
45 decennial census, and may continue to serve in office pending re-  
46 appointment or appointment of a successor. A municipal prosecutor  
47 may be appointed to that position in one or more municipal courts.  
48 The provisions of this act shall apply to each such position held.

1 c. (1) A municipal prosecutor of a joint municipal court shall  
2 be appointed upon the concurrence of the governing bodies of each  
3 of the municipalities in accordance with applicable laws, ordinances  
4 or resolutions.

5 (2) A municipal prosecutor of a central municipal court shall be  
6 appointed by the governing body of the county.

7 d. **【Municipal】** Appointed municipal prosecutors shall be  
8 compensated either on an hourly, per diem, annual or other basis as  
9 the county, municipality or municipalities provide. In the case of a  
10 joint municipal court, municipalities shall, by similar ordinances,  
11 enter into an agreement fixing the compensation of the municipal  
12 prosecutor and providing for its payment. In the case of a central  
13 municipal court, the county shall fix the compensation of the  
14 municipal prosecutor and provide for its payment.

15 The compensation of appointed municipal prosecutors shall be in  
16 lieu of any and all other fees; provided, however that when a  
17 municipal prosecutor is assigned to prosecute a de novo appeal in  
18 the Superior Court, the prosecutor shall be entitled to additional  
19 compensation unless the municipality expressly provides otherwise  
20 at the time the compensation is fixed.

21 e. In accordance with applicable laws, ordinances and  
22 resolutions, a municipality may appoint additional municipal  
23 prosecutors as necessary to administer justice in a timely and  
24 effective manner in its municipal court. Such appointments shall be  
25 subject to this act. This subsection also applies to joint municipal  
26 courts and central municipal courts.

27 f. Any municipal court having two or more municipal  
28 prosecutors shall have a "chief municipal prosecutor" who shall be  
29 appointed by the governing body of the county or the municipality.  
30 The chief municipal prosecutor of a joint municipal court shall be  
31 appointed upon the concurrence of the governing bodies of each  
32 municipality. The chief municipal prosecutor shall have authority  
33 over other prosecutors serving that court with respect to the  
34 performance of their duties.

35 g. (1) Nothing in this act shall affect the appointment of  
36 municipal attorneys in accordance with N.J.S.40A:9-139; provided,  
37 however, that a person appointed to the positions of both municipal  
38 prosecutor and municipal attorney shall be subject to all of the  
39 provisions of this act while serving in the capacity of municipal  
40 prosecutor.

41 (2) In addition to any other duties proscribed by the provisions  
42 of this act, a person serving as both a municipal prosecutor and a  
43 municipal attorney may prosecute county or municipal ordinance  
44 violations.

45 (cf: P.L.1999, c.349, s.4)

1       11. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read  
2 as follows:

3       3. a. All fines, assessments imposed pursuant to section 2 of  
4 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
6 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
7 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
8 penalties imposed pursuant to section 1 of P.L.2009, c.143  
9 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
10 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as  
11 follows:

12       (1) All fines, assessments imposed pursuant to section 2 of  
13 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to  
14 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed  
15 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties  
16 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all  
17 penalties imposed pursuant to section 1 of P.L.2009, c.143  
18 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of  
19 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the  
20 Superior Court or otherwise imposed at the county level, shall be  
21 collected by the county probation division except when such fine,  
22 assessment or restitution is imposed in conjunction with a custodial  
23 sentence to a State correctional facility or in conjunction with a  
24 term of incarceration imposed pursuant to section 25 of P.L.1982,  
25 c.77 (C.2A:4A-44) in which event such fine, assessment or  
26 restitution shall be collected by the Department of Corrections or  
27 the Juvenile Justice Commission established pursuant to section 2  
28 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State  
29 correctional institution or a juvenile serving a term of incarceration  
30 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)  
31 who has not paid an assessment imposed pursuant to section 2 of  
32 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to  
33 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed  
34 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty  
35 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a  
36 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-  
37 123.97) or restitution shall have the assessment, penalty, fine or  
38 restitution deducted from any income the inmate receives as a result  
39 of labor performed at the institution or on any type of work release  
40 program or, pursuant to regulations promulgated by the  
41 Commissioner of the Department of Corrections or the Juvenile  
42 Justice Commission, from any personal account established in the  
43 institution for the benefit of the inmate.

44       (a) A payment of restitution collected by the Department of  
45 Corrections pursuant to this paragraph shall be maintained by the  
46 department for two years during which the department shall attempt  
47 to locate the victim to whom the restitution is owed. If the  
48 department has not located the victim and the victim has not come

1 forward to claim the payment within this two-year period, the  
2 payment shall be transferred to the Victims of Crime Compensation  
3 Office Account to be used in satisfying claims pursuant to the  
4 provisions of the "Criminal Injuries Compensation Act of 1971,"  
5 P.L.1971, c.317 (C.52:4B-1 et seq.).

6 (b) If the Department of Corrections has transferred a payment  
7 of restitution to the Victims of Crime Compensation Office  
8 pursuant to subparagraph (a) of this paragraph, the department shall  
9 provide the office with the order for restitution and any other  
10 information regarding the identity of the victim to whom the  
11 payment is owed. The office shall be responsible for maintaining  
12 this information and for distributing payments of restitution to  
13 victims who can prove they are owed the payments.

14 (2) All fines, assessments imposed pursuant to section 2 of  
15 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to  
16 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed  
17 by a municipal court shall be collected by the municipal court  
18 administrator, except if such fine, assessments imposed pursuant to  
19 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered  
20 as a condition of probation, in which event it shall be collected by  
21 the county probation division.

22 b. Except as provided in subsection c. with respect to fines  
23 imposed on appeals following convictions in municipal courts and  
24 except as provided in subsection i. with respect to restitution  
25 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et  
26 al.), all fines imposed by the Superior Court or otherwise imposed  
27 at the county level, shall be paid over by the officer entitled to  
28 collect same to:

29 (1) The county treasurer with respect to fines imposed on  
30 defendants who are sentenced to and serve a custodial term,  
31 including a term as a condition of probation, in the county jail,  
32 workhouse or penitentiary except where such county sentence is  
33 served concurrently with a sentence to a State institution; or

34 (2) The State Treasurer with respect to all other fines.

35 c. All fines imposed by municipal courts, except a county-  
36 municipal court or central municipal court established pursuant to  
37 N.J.S.2B:12-1, on defendants convicted of crimes, disorderly  
38 persons offenses and petty disorderly persons offenses, and all fines  
39 imposed following conviction on appeal therefrom, and all  
40 forfeitures of bail shall be paid over by the officer entitled to collect  
41 same to the treasury of the municipality wherein the municipal  
42 court is located.

43 In the case of an intermunicipal court, other than a county-  
44 municipal court, fines shall be paid into the municipal treasury of  
45 the municipality in which the offense was committed, and costs,  
46 fees, and forfeitures of bail shall be apportioned among the several  
47 municipalities to which the court's jurisdiction extends according to

1 the ratios of the municipalities' contributions to the total expense of  
2 maintaining the court.

3 In the case of a county-municipal court, established by a county  
4 and agreed to by the municipalities of that county pursuant to  
5 N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be  
6 paid into the county treasury of the county where the county-  
7 municipal court is located, to defray the cost of operating the  
8 county-municipal court.

9 In the case of a central municipal court, established by a county  
10 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of  
11 bail shall be paid into the county treasury of the county where the  
12 central municipal court is located.

13 d. All assessments imposed pursuant to section 2 of P.L.1979,  
14 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided  
15 in that section.

16 e. All mandatory Drug Enforcement and Demand Reduction  
17 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded  
18 and deposited as provided for in that section.

19 f. All forensic laboratory fees assessed pursuant to  
20 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in  
21 that section.

22 g. All restitution ordered to be paid to the Victims of Crime  
23 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded  
24 to the office for deposit in the Victims of Crime Compensation  
25 Office Account.

26 h. All assessments imposed pursuant to section 11 of P.L.1993,  
27 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided  
28 in that section.

29 i. All restitution imposed on defendants under the provisions  
30 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law  
31 enforcement entity in extraditing the defendant from another  
32 jurisdiction shall be paid over by the officer entitled to collect same  
33 to the law enforcement entities which participated in the extradition  
34 of the defendant.

35 j. All penalties imposed pursuant to section 1 of P.L.1999,  
36 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided  
37 in that section.

38 k. All penalties imposed pursuant to section 11 of P.L.2001,  
39 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in  
40 that section.

41 l. All mandatory penalties imposed pursuant to section 1 of  
42 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as  
43 provided in that section.

44 m. All mandatory Computer Crime Prevention penalties  
45 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)  
46 shall be forwarded and deposited as provided in that section.

1 n. All mandatory Sex Offender Supervision penalties imposed  
2 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be  
3 forwarded and deposited as provided in that section.  
4 (cf: P.L.2015, c.55, s.1)

5  
6 12. R.S.39:5-41 is amended to read as follows:

7 39:5-41. a. All fines, penalties and forfeitures imposed and  
8 collected under authority of law for any violations of R.S.39:4-63  
9 and R.S.39:4-64 shall be forwarded by the judge to whom the same  
10 have been paid to the proper financial officer of a county, if the  
11 violation occurred within the jurisdiction of that county's county-  
12 municipal court or central municipal court [.] established pursuant  
13 to N.J.S.2B:12-1 et seq., or the municipality wherein the violation  
14 occurred, to be used by the county or municipality to help finance  
15 litter control activities in addition to or supplementing existing litter  
16 pickup and removal activities in the municipality.

17 b. Except as otherwise provided by subsection a. of this  
18 section, all fines, penalties and forfeitures imposed and collected  
19 under authority of law for any violations of the provisions of this  
20 Title, other than those violations in which the complaining witness  
21 is the chief administrator, a member of his staff, a member of the  
22 State Police, a member of a municipal or county police department  
23 and force, a county park police system, or a sheriff's office in a  
24 county that has established a county-municipal court or 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 municipal or  
45 county police department and force, a county park police system, or  
46 a county sheriff's office in a county that has established a county-  
47 municipal court, shall be forwarded by the judge to whom the same  
48 have been paid to the financial officer, designated by the governing



1 body of the county, to defray the cost of operating the county-  
2 municipal court.

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, a county park police system, or a county  
7 sheriff's office in a county that has established a central municipal  
8 court, shall be forwarded by the judge to whom the same have been  
9 paid to the financial officer, designated by the governing body of  
10 the county, for all violations occurring within the jurisdiction of that  
11 court, to be used for general county use and to defray the cost of  
12 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 section 7 of P.L.2003,  
28 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the  
29 fund, the State Treasurer shall forward to the Administrative Office  
30 of the Courts an amount not to exceed \$475,000 from moneys  
31 initially collected pursuant to this subsection to be used exclusively  
32 to establish a collection mechanism and to provide funding to  
33 update the Automated Traffic System Fund created pursuant to  
34 N.J.S.2B:12-30 to implement the 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.2015, c.103, s.2)

16

17 13. Section 10 of P.L.1997, c.357 (C.27:25-5.15) is amended to  
18 read as follows:

19 10. A complaint for a violation of any of the provisions of this  
20 act may be filed with a court having jurisdiction, at any time within  
21 one year after the commission of the violation. When a person has  
22 been charged with a violation of this act and summoned to appear,  
23 upon failure to appear, in addition to any other provisions of law or  
24 the Rules Governing the Courts of the State of New Jersey, a  
25 warrant for the arrest of the person may issue. All proceedings  
26 shall be brought before a municipal, joint municipal, county-  
27 municipal, or central municipal court having jurisdiction in the  
28 municipality in which it is alleged that the violation occurred, but  
29 when a violation occurs on a moving conveyance operated by the  
30 corporation through two or more municipalities, then the  
31 proceeding may be brought before the court having jurisdiction in  
32 any one of the municipalities through which the conveyance has  
33 traversed.

34 (cf: P.L.1997, c.357, s.10)

35

36 14. Section 11 of P.L.1997, c.357 (C.27:25-5.16) is amended to  
37 read as follows:

38 11. A violation of the provisions of this act or any rules or  
39 regulations adopted pursuant to this act by the corporation shall be  
40 punishable by a civil penalty not exceeding \$100, in addition to  
41 court costs, enforced in a summary proceeding pursuant to **["the**  
42 **penalty enforcement law," N.J.S.2A:58- 1 et seq.]** the "Penalty  
43 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
44 The Rules Governing the Courts of the State of New Jersey shall  
45 govern the practice and procedure in such proceedings.  
46 Notwithstanding any other law to the contrary, the court shall remit  
47 50% of any civil penalty imposed to the corporation for use in  
48 furtherance of any of the purposes of this act and 50% shall be

1 forwarded to the proper financial officer of the local government  
2 entity in which the municipal, joint municipal, county-municipal, or  
3 central municipal court has been established to be used for the local  
4 government entity to defray the cost of operating the court and for  
5 general government use.

6 (cf: P.L.1997, c.357, s.11)

7  
8 15. Section 37 of P.L.2000, c.126 (C.40:23-6.53) is amended to  
9 read as follows:

10 37. The governing body of any county may enter into a contract  
11 with a private agency or firm for the purpose of collecting  
12 delinquent fees, fines, costs, surcharges, and other penalties or  
13 assessments imposed, after a final determination of guilt, by a  
14 central municipal court established pursuant to subsection e. of  
15 N.J.S.2B:12-1, or a county-municipal court established pursuant to  
16 subsection f. of that section. The use of private agencies or firms to  
17 collect delinquent fees, fines, costs, surcharges and other penalties  
18 or assessments imposed by a central municipal court or county-  
19 municipal court shall be in accordance with rules or procedures  
20 adopted by the Supreme Court. Any such contract shall be made  
21 pursuant to the provisions of the "Local Public Contracts Law,"  
22 P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body of any  
23 county may authorize the assessment of a fee by a private agency or  
24 firm not to exceed 22% of the amount collected to be paid by the  
25 debtor to the private agency or firm to pay for the costs of  
26 collection.

27 (cf: P.L.2009, c.233, s.2)

28  
29 16. This act shall take effect on the first day of the fourth month  
30 next following enactment, except that the Administrative Office of  
31 the Courts may take any anticipatory administrative action in  
32 advance of the effective date as shall be necessary to implement the  
33 provisions of this act.

#### 34 35 36 STATEMENT

37  
38 This bill would provide for a new type of municipal court, to be  
39 known as a "county-municipal court." It would have some  
40 similarities in its operation to joint municipal courts that may be  
41 established by two or more municipalities pursuant to subsection b.  
42 of N.J.S.2B:12-1, but would be established by a county governing  
43 body, and the municipalities in that county would agree, by  
44 ordinance, to have violations occurring within their municipal  
45 boundaries heard in the new court.

46 Any county could establish and administer a county-municipal  
47 court. The new court would be an inferior court of limited  
48 jurisdiction, adjudicating all matters for which a municipal court

1 currently has jurisdiction pursuant to N.J.S.2B:12-17 et seq., such  
2 as violations of county and municipal ordinances, and motor vehicle  
3 and traffic laws, as well as handle any criminal pretrial release and  
4 pretrial detention hearings for eligible defendants conducted  
5 pursuant to the criminal justice reform taking effect January 1, 2017  
6 (see P.L.2014, c.31 (C.2A:162-15 et al.)) as referred by the  
7 Assignment Judge for the vicinage pursuant to the Rules of Court.

8 As to the court's creation, a county would establish its new court  
9 by ordinance, and that ordinance would provide an initial date on  
10 which the court would begin hearing matters. The county would be  
11 responsible for providing one or more suitable courtrooms,  
12 chambers, offices, equipment and supplies for the county-municipal  
13 court in the same county courthouse utilized by the Superior Court  
14 in that county. The county could either provide for an administrator  
15 and other necessary employees for the county-municipal court and  
16 for their compensation or permit, by agreement with the  
17 Administrative Office of the Courts, for the court's operation by  
18 employees and staff of the Superior Court located in the same  
19 courthouse. All fees, fines, charges, and costs collected by the  
20 county-municipal court would be the same as currently provided by  
21 law for municipal courts.

22 Each municipality within a county that establishes a county-  
23 municipal court would have to agree, by ordinance enacted and  
24 implemented no later than two years next following the date on  
25 which the new court would initially begin hearing matters, to have  
26 violations occurring within its municipal boundaries heard in the  
27 new court. The municipality would not be responsible for any  
28 administrative costs associated with the operation and maintenance  
29 of the new court. However, if a municipality failed to agree within  
30 the two-year period to have violations heard by the new court, the  
31 Assignment Judge of the vicinage for the county would order that  
32 any violations occurring in the non-compliant municipality be heard  
33 in the new court, and the municipality would be responsible for all  
34 administrative costs specified in the judge's order until such time as  
35 it agreed to have violations heard by that court.

36 If a municipality had previously established a municipal court,  
37 the municipality would, in the ordinance joining with the county-  
38 municipal court, specify a date on which the previously established  
39 municipal court will be abolished and thereafter all violations heard  
40 in the new court. The date set forth in the ordinance could be no  
41 more than one year next following the date on which the ordinance  
42 is enacted. It would not be necessary for all of the county's  
43 municipalities to coordinate their court's abolishment and joining  
44 with the new county-municipal court to be the same date, as the  
45 new court could begin hearing matters even though less than all of  
46 the municipalities of the county had abolished their municipal  
47 courts and begun having cases heard in the new court.

1 On the date established by a municipality in its ordinance for  
2 abolishing its previously established court and initially having  
3 violations heard in the new court: (1) all causes and proceeding of  
4 whatever character pending in the municipal court would be  
5 transferred, along with the files for those causes and proceedings, to  
6 the county-municipal court; and (2) all the functions, powers, and  
7 duties conferred on the municipal court abolished by the ordinance,  
8 to the extent not inconsistent with the functions, powers, and duties  
9 of the county-municipal court, would be transferred to and could be  
10 exercised by the county-municipal court. All files for causes and  
11 proceedings not transferred to the new court, and all books, papers,  
12 records, and documents, along with all office equipment,  
13 furnishing, and other property of the municipal court abolished by  
14 the ordinance would be disposed of by the municipality in a manner  
15 set forth in that abolishing ordinance, or one or more subsequent  
16 ordinances.

17 The nomination and appointment of judges of a county-  
18 municipal court, being a court with jurisdiction extending to more  
19 than one municipality, would be done by the Governor with the  
20 advice and consent of the Senate as required by the State  
21 Constitution under Article VI, Section VI, paragraph 1. Depending  
22 upon the type of county government involved in the establishment  
23 of the new court, either the county executive or the county  
24 governing body would be authorized to submit names of judicial  
25 candidates to the Governor for consideration as a potential nominee.  
26 Each judge of a county-municipal court would serve for a fixed  
27 term of five years. A judge could serve no more than three  
28 consecutive five-year terms. If a judge was appointed to complete  
29 the remainder of an unexpired term, that judge could serve no more  
30 than three additional, consecutive five-year terms.

31 The county prosecutor, not municipal prosecutors, would  
32 represent the State, county, or municipality in the prosecution of all  
33 offenses and proceedings within the jurisdiction of a county-  
34 municipal court.

35 Since the new county-municipal court would hear violations of  
36 motor vehicle and traffic laws, the bill would permit an establishing  
37 county to use the State's Automated Traffic System that is now  
38 used by existing municipal courts to exchange information and  
39 assist with court financial accounting, case processing, statistical  
40 reporting services, and other components of automated municipal  
41 court operations. Additionally, as to all costs, fines, fees and  
42 forfeitures of bail imposed by a county-municipal court, these  
43 would generally be paid to the county treasury of the county where  
44 the court is located, to assist in defraying the county's cost of  
45 operating the court.

46 Concerning the bill's overall intent to provide counties the  
47 option of establishing county-municipal courts, and the resulting  
48 shift of municipal court operations to those counties that establish

1 such courts, it is the opinion of the sponsor that the counties will be  
2 able to readily leverage the revenue streams from fines, fees, and  
3 other sources generated by the municipal courts being abolished  
4 within the counties. Those existing revenue streams, aggregated at  
5 the county level, will provide a cost-neutral funding shift to the  
6 county for county-municipal court operations. The sponsor further  
7 believes that permitting each county-municipal court to assist in  
8 handling criminal pretrial release and pretrial detention hearings for  
9 eligible defendants when assigned by the Assignment Judge for the  
10 vicinage within which a county-municipal court is located will  
11 assist the Superior Court, on an as needed basis, with the  
12 implementation of the major criminal justice reforms taking effect  
13 January 1, 2017.