

SENATE, No. 1461

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED APRIL 29, 2004

Sponsored by:
Senator SHARPE JAMES
District 29 (Essex and Union)

SYNOPSIS

Authorizes \$3 assessment on municipal court costs to upgrade Automated Traffic System.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning the Automated Traffic System, supplementing
2 chapter 12 of Title 2B of the New Jersey Statutes and amending
3 N.J.S.22A:3-4.

4

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

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8 1. (New section) a. There is established in the General Fund a
9 separate, non-lapsing, dedicated account to be known as the
10 Automated Traffic System Statewide Modernization Fund.

11 b. Each fiscal year, the State Treasurer shall credit all revenues
12 derived from the offender assessment authorized under subsection c.
13 of N.J.S.22A:3-4 to the Automated Traffic System Statewide
14 Modernization Fund established pursuant to subsection a. of this
15 section.

16 c. Moneys in the Automated Traffic System Statewide
17 Modernization Fund, including any interest accruing thereon, shall be
18 utilized exclusively for the administration, operation and
19 modernization of the Statewide Automated Traffic System.

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21 2. N.J.S.22A:3-4 is amended to read as follows:

22 22A:3-4. Fees for criminal proceedings.

23 The fees provided in the following schedule, and no other charges
24 whatsoever, shall be allowed for court costs in any proceedings of a
25 criminal nature in the municipal courts but no charge shall be made for
26 the services of any salaried police officer of the State, county or
27 municipal police.

28 For violations of Title 39 of the Revised Statutes, or of traffic
29 ordinances, at the discretion of the court, up to but not exceeding
30 **[\$30.00]** §33.

31 For all other cases, at the discretion of the court, up to but not
32 exceeding **[\$30.00]** §33.

33 In municipal court proceedings, the court shall impose court costs
34 within the maximum limits authorized by this section, as follows:

35 a. For every violation of any statute or ordinance the sum of \$2.00.
36 The court shall not suspend the collection of this \$2.00 court cost
37 assessment. These court cost assessments shall be collected by the
38 municipal court administrator for deposit into the Automated Traffic
39 System Fund, created pursuant to N.J.S.2B:12-30.

40 b. For each fine, penalty and forfeiture imposed and collected
41 under authority of law for any violation of the provisions of Title 39
42 of the Revised Statutes or any other motor vehicle or traffic violation
43 in this State the sum of \$.50. The court shall not suspend the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 collection of this \$.50 court cost assessment. These court cost
2 assessments shall be collected by the municipal court administrator for
3 deposit into the "Emergency Medical Technician Training Fund"
4 established pursuant to P.L.1992, c.143 (C.26:2K-54 et al.).

5 c. For every violation of any statute or ordinance the sum of \$3 to
6 fund the statewide modernization of the Automated Traffic System.
7 The court shall not suspend the collection of this \$3 court cost
8 assessment. These court cost assessments shall be collected by the
9 municipal court administrator for deposit into the Automated Traffic
10 System Statewide Modernization Fund, established pursuant to section
11 1 of P.L. , c. (C.)(now pending before the Legislature as this
12 bill).

13 The provisions of this act shall not prohibit the taxing of additional
14 costs when authorized by R.S.39:5-39.

15 For certificate of judgment \$4.00

16 For certified copy of paper filed with the court as a public record:

17 First page \$4.00

18 Each additional page or part thereof \$1.00

19 For copy of paper filed with the court as a public record:

20 First page \$2.00

21 Each additional page or part thereof \$1.00

22 In addition to any fine imposed, when a supplemental notice is sent
23 for failure to appear on a return date the cost shall be \$10.00 per
24 notice, unless satisfactory evidence is presented to the court that the
25 notice was not received.

26 **CONSTABLES OR OTHER OFFICERS**

27 From the fees allowed for court costs in the foregoing schedule, the
28 clerk of the court shall pay the following fees to constables or other
29 officers:

30 Serving warrant or summons, \$1.50.

31 Serving every subpoena, \$0.70.

32 Serving every execution, \$1.50.

33 Advertising property under execution, \$0.70.

34 Sale of property under execution, \$1.00.

35 Serving every commitment, \$1.50.

36 Transport of defendant, actual cost.

37 Mileage, for every mile of travel in serving any warrant, summons,
38 commitment, subpoena or other process, computed by counting the
39 number of miles in and out, by the most direct route from the place
40 where such process is returnable, exclusive of the first mile, \$0.20.

41 If defendant is found guilty of the charge laid against him, he shall
42 pay the costs herein provided, but if, on appeal, the judgment is
43 reversed, the costs shall be repaid to defendant. If defendant is found
44 not guilty of the charge laid against him, the costs shall be paid by the
45 prosecutor, except when the Director of the Division of Motor
46 Vehicles, a peace officer, or a police officer shall have been

1 prosecutor.
2 (cf: P.L.1993, c.293, s.4)

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4 3. This act shall take effect on the first day of the third month
5 following enactment.

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STATEMENT

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10 This bill adds a \$3 assessment to the current municipal court costs
11 fees to modernize the Statewide Automated Traffic System (ATS).

12 The ATS, along with the Automated Complaint System, is a
13 statewide case record and financial management computer system used
14 by all 536 municipal courts to process more than 6 million traffic and
15 quasi-criminal actions each year. The system is responsible for the
16 collection and disbursement of \$352 million for State, county and local
17 government. It is a vital information link between the courts, motor
18 vehicle commission and law enforcement. The system is managed by
19 the Administrative Office of the Courts.

20 Until recently, the system was funded by a \$2 assessment on motor
21 vehicle offenses. The amount generated through that assessment,
22 however, is no longer sufficient to pay to maintain the system, much
23 less modernize it. Without new funding to upgrade the ATS
24 infrastructure, the system could fail, leaving the municipal courts
25 without the automated support they need to process offenders and to
26 collect and distribute fines and penalties.

27 This bill adds a \$3 assessment to the fines and penalties an offender
28 pays when convicted of a violation in municipal court. The money
29 generated from this assessment is to be deposited in a special account,
30 the Automated Traffic System Statewide Modernization Account, and
31 used exclusively to upgrade the ATS infrastructure.

32 To insure that this new assessment does not reduce the amounts
33 that municipalities realize as their portion of court costs, the bill
34 increases the maximum allowable court costs from \$30 to \$33.

35 Upgrading the ATS will facilitate the State's law enforcement,
36 homeland security and general public safety efforts, as well as the
37 modernization of New Jersey's motor vehicle records.

38 By placing responsibility for funding the ATS's upgrade on the
39 offenders who create the need for the system, this bill eliminates the
40 need for State funding. Further, no new costs are imposed on the
41 State or any local governmental unit.