

ASSEMBLY, No. 2409

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Establishes “Court Security Enhancement Fund” and increases court fees.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the “Court Security Enhancement Fund,”
2 increasing court fees, and amending and supplementing various
3 parts of the statutory law.

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

7
8 1. (New section) The Legislature finds and declares:

9 a. Open access to secure safe courts is necessary for the orderly
10 functioning of our society and promotes public confidence in the
11 stability of government;

12 b. It is vital that citizens feel confident and safe in seeking
13 access to their courts and that court personnel feel safe in the
14 performance of their duties;

15 c. New Jersey’s municipal courtrooms and county courthouses
16 are some of the most frequently visited public buildings in the
17 State;

18 d. The estimated 23 million persons who visit New Jersey
19 municipal courtrooms and county courthouses are at risk from
20 random acts of violence, terrorism, assault and escape attempts by
21 criminal defendants, gang retaliation, and the hostile, often
22 dangerous conduct of persons who are emotionally upset following
23 court events;

24 e. Recent incidents of violence in federal and state courts
25 across the country have highlighted the need for improved security
26 at court facilities;

27 f. Breaches of court security and violence towards judges,
28 attorneys, jurors, witnesses, court personnel and other participants
29 in the judicial process have resulted in serious injuries or death in
30 other states;

31 g. The additional federal and state homeland security funds
32 made available after September 11 have largely bypassed the state
33 courts;

34 h. Despite laudable efforts, county and municipal governments
35 do not have sufficient financial resources to provide adequate
36 security for court facilities without imposing additional property tax
37 burdens on their citizens;

38 i. The Administrative Office of the Courts has promulgated
39 court security standards to respond to the new security realities;

40 j. A continuous source of funding is needed to assist counties
41 and municipalities in providing and maintaining safe and secure
42 court facilities; and

43 k. It is entirely appropriate for those citizens who use the
44 courts to share in the cost of developing and maintaining safe and
45 secure court facilities.

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 2. (New section) As used in this act:

2 “Court facility” means a municipal courtroom and related court
3 offices that may be part of a municipal government complex; or a
4 courthouse, court annex, or court complex or other office or
5 structure owned or leased by a county necessary for the functioning
6 of the Superior Court, including the Probation Division of the
7 Superior Court. Court facility shall not include “judicial facility
8 costs,” pursuant to Article VI, Section VIII of the Constitution of
9 the State of New Jersey.

10 “Court security standards” means the court security standards
11 promulgated by the Administrative Director of the Courts for the
12 Superior Court and the municipal courts of this State.

13 “Facility” means a physical structure as well as the grounds
14 adjacent to the structure.

15 “Local government” means county and municipal government in
16 this State.

17 “Security equipment” includes electronic or mechanical
18 equipment used to detect or diminish a security threat and may
19 include, but is not limited to: weapons screening technologies,
20 duress and intrusion alarms, ballistic shielding, “line of sight”
21 safeguards, interior and exterior controlled lighting, video
22 monitoring systems, card access systems, and emergency power
23 systems.

24
25 3. (New section) a. There is established in the General Fund a
26 separate, non-lapsing, dedicated account to be known as the “Court
27 Security Enhancement Fund.” Each fiscal year, the State Treasurer
28 shall deposit all revenues derived from the increase in fees,
29 assessments, and penalties authorized pursuant to P.L. ,
30 c. (C.) (pending before the Legislature as this bill) under
31 R.S.39:5-41, subsection b. of section 14 of P.L.1991, c.261
32 (C.2C:25-30), N.J.S.22A:2-1, N.J.S.22A:2-6, N.J.S.22A:2-12,
33 N.J.S.22A:2-13, section 14 of P.L.1991, c.177 (C.22A:2-37.1),
34 section 2 of P.L.1993, c.188 (C.52:27D-43.24a), and sections 12
35 and 13 of P.L. , c. (C.) (pending before the Legislature as
36 this bill) to the “Court Security Enhancement Fund.” Moneys in the
37 fund, including any interest accruing thereon, shall be used for the
38 additional costs incurred in supplementing local government
39 funding to enhance court security. The State Treasurer shall
40 administer the fund and disburse money from the fund to local
41 government for improvements to court security as recommended by
42 the Administrative Director of the Courts.

43 b. Until such time that the Administrative Director of the
44 Courts determines that all local government units have achieved the
45 court security standards, local governing bodies may apply to the
46 Administrative Director of the Courts on an annual basis for grants
47 from the “Court Security Enhancement Fund” to supplement local
48 government funding for the procurement of security equipment and

1 security-related structural modifications necessary to achieve the
2 court security standards. Subject to the availability of money in the
3 fund, the State Treasurer shall disburse money from the fund to
4 supplement local government funding to enhance court security as
5 recommended by the Administrative Director of the Courts. Court
6 security grants awarded pursuant to this section shall be used only
7 for the procurement of security equipment or structural
8 modifications initiated after the effective date of this act. The
9 Administrative Director of the Courts shall issue guidelines
10 prescribing the procedures to be followed when applying for grants
11 as well as the criteria to be used to evaluate grant applications and
12 for administering the fund, generally. When awarding grants to
13 municipalities that apply for court security funding, the
14 Administrative Director of the Courts shall give preference to those
15 municipalities that have entered into agreements to share or merge
16 municipal court services.

17 c. At such time that the Administrative Director of the Courts
18 determines that all local government units have achieved the court
19 security standards, monies in the fund shall be distributed to local
20 government based on a formula developed by the Administrative
21 Director of the Courts. If court security standards are maintained,
22 monies distributed under this section shall be used to offset local
23 funding for the enhancement and maintenance of security at court
24 facilities including, but not limited to: salaries of armed security
25 officers, salaries of technicians to operate court security equipment,
26 training for local officials and personnel on issues of court security;
27 the development and coordination of emergency and disaster
28 response protocols related to the operation of the court, and other
29 security items as approved by the Administrative Director of the
30 Courts. Notwithstanding the distribution of funds by formula as
31 provided in this section, the Administrative Director of the Courts
32 may reserve a sum equal to no more than 25 percent of the monies
33 deposited in the fund annually for the emergent purchase or
34 replacement of court security equipment to local government units
35 that demonstrate a critical need.

36 d. The Administrative Office of the Courts shall monitor the
37 use of the funds distributed in accordance with this act and local
38 government shall cooperate in such monitoring efforts. The
39 Administrative Director of the Courts may seek reimbursement of
40 funds that are not expended for the purposes of court security and
41 may recommend that the State Treasurer deny future funding to a
42 local government unit.

43 e. Subject to the approval of the Administrative Director of the
44 Courts, a sum equal to no more than five percent of the monies
45 deposited in the fund annually may be used to defray the costs of
46 administering the grant program, developing and maintaining a
47 statewide security incident reporting system, providing technical
48 assistance to local officials with regard to court security, providing

1 for security at court facilities not owned or leased by local
2 government, and other statewide court security initiatives.

3

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

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

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

39 All fines, penalties and forfeitures imposed and collected under
40 authority of law for any violations of the provisions of this Title, in
41 which the complaining witness is a member of a county police
42 department and force, a county park police system, or a county
43 sheriff's office in a county that has established a central municipal
44 court, shall be forwarded by the judge to whom the same have been
45 paid to the financial officer, designated by the governing body of
46 the county, for all violations occurring within the jurisdiction of that
47 court, to be used for general county use and to defray the cost of
48 operating the central municipal court.

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

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

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

29 e. Notwithstanding the provisions of subsections a. and b. of
30 this section, \$1 shall be added to the amount of each fine and
31 penalty imposed and collected through a court under authority of
32 any law for any violation of the provisions of Title 39 of the
33 Revised Statutes or any other motor vehicle or traffic violation in
34 this State and shall be forwarded by the person to whom the same
35 are paid to the State Treasurer. The State Treasurer shall annually
36 deposit those moneys so forwarded in the "New Jersey Spinal Cord
37 Research Fund" established pursuant to section 9 of P.L.1999, c.201
38 (C.52:9E-9). In order to comply with the provisions of Article VIII,
39 Section II, paragraph 5 of the State Constitution, a municipal or
40 county agency which forwards moneys to the State Treasurer
41 pursuant to this subsection may retain an amount equal to 2% of the
42 moneys which it collects pursuant to this subsection as
43 compensation for its administrative costs associated with
44 implementing the provisions of this subsection.

45 f. Notwithstanding the provisions of subsections a. and b. of
46 this section, \$1 shall be added to the amount of each fine and
47 penalty imposed and collected through a court under authority of
48 any law for any violation of the provisions of Title 39 of the

1 Revised Statutes or any other motor vehicle or traffic violation in
2 this State and shall be forwarded by the person to whom the same
3 are paid to the State Treasurer. The State Treasurer shall annually
4 deposit those moneys so forwarded in the "Autism Medical
5 Research and Treatment Fund" established pursuant to section 1 of
6 P.L.2003, c.144 (C.30:6D-62.2).

7 g. Notwithstanding the provisions of subsections a. and b. of
8 this section, \$2 shall be added to the amount of each fine and
9 penalty imposed and collected by a court under authority of any law
10 for any violation of the provisions of Title 39 of the Revised
11 Statutes or any other motor vehicle or traffic violation in this State
12 and shall be forwarded by the person to whom the same are paid to
13 the State Treasurer. The State Treasurer shall annually deposit
14 those moneys so forwarded in the "New Jersey Forensic DNA
15 Laboratory Fund" established pursuant to section 7 of P.L.2003,
16 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the
17 fund, the State Treasurer shall forward to the Administrative Office
18 of the Courts an amount not to exceed \$475,000 from moneys
19 initially collected pursuant to this subsection to be used exclusively
20 to establish a collection mechanism and to provide funding to
21 update the Automated Traffic System Fund created pursuant to
22 N.J.S.2B:12-30 to implement the provisions of this subsection.

23 h. Notwithstanding the provisions of subsections a. and b. of
24 this section, \$1 shall be added to the amount of each fine and
25 penalty imposed and collected under authority of any law for any
26 violation of the provisions of Title 39 of the Revised Statutes or any
27 other motor vehicle or traffic violation in this State and shall be
28 forwarded by the person to whom the same are paid to the State
29 Treasurer. The State Treasurer shall annually deposit those moneys
30 so forwarded in the "New Jersey Brain Injury Research Fund"
31 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
32 The Administrative Office of the Courts may retain an amount
33 equal to \$475,000 from the moneys which it initially collects
34 pursuant to this subsection, prior to depositing any moneys in the
35 "New Jersey Brain Injury Research Fund," in order to meet the
36 expenses associated with utilizing the Automated Traffic System
37 Fund created pursuant to N.J.S.2B:12-30 to implement the
38 provisions of this subsection and serve other statutory purposes.

39 i. Notwithstanding the provisions of subsections a. and b. of
40 this section, all fines and penalties imposed and collected under
41 authority of law for any violation related to the unlawful operation
42 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
43 17.1) shall be forwarded by the judge to whom the same have been
44 paid to the State Treasurer, if the complaining witness is the chief
45 administrator, a member of his staff, a member of the State Police,
46 an inspector of the Board of Public Utilities, or a law enforcement
47 officer or other official of any other State agency; or, if the
48 complaining witness is not one of the foregoing, one-half to the

1 chief financial officer of the county and one-half to the chief
2 financial officer of the municipality wherein the violation occurred.

3 j. Notwithstanding the provisions of subsections a. and b. of this
4 section, \$3 shall be added to the amount of each fine and penalty
5 imposed and collected by a court under authority of any law for any
6 violation of the provisions of Title 39 of the Revised Statutes or any
7 other motor vehicle or traffic violation and forwarded to the State
8 Treasurer. The State Treasurer shall annually deposit those moneys
9 so forwarded in the "Court Security Enhancement Fund"
10 established pursuant to subsection a. of section 3 of P.L. _____,
11 c. (C. _____) (pending before the Legislature as this bill).
12 (cf: P.L.2015, c.103, s.2)

13
14 5. Section 14 of P.L.1991, c.261 (C.2C:25-30) is amended to
15 read as follows:

16 14. a. Except as provided below, a violation by the defendant of
17 an order issued pursuant to this act shall constitute an offense under
18 subsection b. of N.J.S.2C:29-9 and each order shall so state. All
19 contempt proceedings conducted pursuant to N.J.S.2C:29-9
20 involving domestic violence orders, other than those constituting
21 indictable offenses, shall be heard by the Family Part of the
22 Chancery Division of the Superior Court. All contempt proceedings
23 brought pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) shall be
24 subject to any rules or guidelines established by the Supreme Court
25 to guarantee the prompt disposition of criminal matters.
26 Additionally, and notwithstanding the term of imprisonment
27 provided in N.J.S.2C:43-8, any person convicted of a second or
28 subsequent nonindictable domestic violence contempt offense shall
29 serve a minimum term of not less than 30 days. Orders entered
30 pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of
31 section 13 of this act shall be excluded from enforcement under
32 subsection b. of N.J.S.2C:29-9; however, violations of these orders
33 may be enforced in a civil or criminal action initiated by the
34 plaintiff or by the court, on its own motion, pursuant to applicable
35 court rules.

36 b. A defendant who is found guilty of contempt pursuant to
37 subsection a. of this section shall be assessed a civil penalty of \$25,
38 which shall be forwarded to the State Treasurer for deposit in a
39 separate account, to be known as the "Court Security Enhancement
40 Fund," created pursuant to subsection a. of section 3 of P.L. _____,
41 c. (C. _____) (pending before the Legislature as this bill).
42 (cf: P.L.1994, c.94, s.6)

43
44 6. N.J.S.22A:2-1 is amended to read as follows:

45 22A:2-1. For services hereinafter mentioned, the Clerk of the
46 Supreme Court shall be entitled to demand and receive the
47 following fees:

1 Upon the filing or entering of the notice of appeal, notice of
2 cross-appeal or notice of petition for certification, notice of cross-
3 petition for certification or notice of petition for review, the
4 appellant, cross-appellant, petitioner or cross-petitioner shall pay
5 **[\$200.00]** \$205.

6 Upon the filing of the first paper in any motion, petition or
7 application (including an order if it be the first paper), if not in a
8 pending cause or if made after judgment entered, the moving party
9 shall pay \$30.00 shall cover all fees payable on such motion,
10 petition or application down to and including filing and entering the
11 order therein and taxation of costs.

12 (cf: P.L.2002, c.34, s.25)

13
14 7. N.J.S.22A:2-6 is amended to read as follows:

15 22A:2-6. Upon the filing or entering of the first paper or
16 proceeding in any action or proceeding in the Law Division of the
17 Superior Court, the plaintiff shall pay to the clerk **[\$200.00]** \$205
18 for the first paper filed by him, which shall cover all fees payable
19 therein down to, and including entry of final judgment, taxation of
20 costs, copy of costs and the issuance and recording of final process,
21 except such as may be otherwise provided herein, or provided by
22 law, or the rules of court. Any person filing an answer setting forth
23 a counterclaim or a third party claim in such cause shall pay to the
24 clerk **[\$200.00]** \$205 for the first paper filed by him. Any person
25 other than the plaintiff filing any other paper in any such cause shall
26 pay to the clerk **[\$135.00]** \$140 for the first paper filed by him.

27 Any person filing a motion in any action or proceeding shall pay
28 to the clerk \$30.00.

29 (cf: P.L.2002, c.34, s.26)

30
31 8. N.J.S.22A:2-12 is amended to read as follows:

32 22A:2-12. Payment of fees in Chancery Division of Superior
33 Court upon filing of first paper. Upon the filing of the first paper in
34 any action or proceeding in the Chancery Division of the Superior
35 Court, there shall be paid to the clerk of the court, for the use of the
36 State, the following fees, which, except as hereinafter provided,
37 shall constitute the entire fees to be collected by the clerk for the
38 use of the State, down to the final disposition of the cause:

39 Receivership and partition, **[\$200.00]** \$205.

40 All other actions and proceedings except in probate cases and
41 actions and proceedings for divorce or dissolution of a civil union,
42 **[\$200.00]** \$205.

43 Actions and proceedings for divorce or dissolution of a civil
44 union, **[\$250.00]** \$255, \$25.00 of which shall be forwarded by the
45 Clerk of the Superior Court as provided in section 2 of P.L.1993,
46 c.188 (C.52:27D-43.24a).

Any person filing a motion in any action or proceeding shall pay to the clerk \$30.00.

(cf: P.L.2006, c.103, s.85)

9. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended to read as follows:

2. Forwarding of filing fee. The Clerk of the Superior Court shall forward \$25.00 of the **["\$250.00"]** \$255 filing fee for a divorce or a dissolution of a civil union provided for in N.J.S.22A:2-12 on a quarterly basis to the Department of Community Affairs.

(cf: P.L.2006, c.103, s.86)

10. N.J.S.22A:2-13 is amended to read as follows:

22A:2-13. Each person other than the plaintiff filing an answering pleading or other answering paper in the Chancery Division of the Superior Court shall at the time of filing the first paper, pay to the clerk the sum of **["\$135.00"]** \$140; which shall cover all fees payable therein except such as may be otherwise provided herein or by law or the rules of court.

(cf: P.L.2002, c.34, s.30)

11. Section 14 of P.L.1991, c.177 (C.22A:2-37.1) is amended to read as follows:

14. a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

(1) Filing of small claim, one defendant	["\$15.00"] <u>\$20</u>
Each additional defendant	\$ 2.00

(2) Filing of complaint in tenancy, one defendant	["\$25.00"] <u>\$30</u>
Each additional defendant	\$ 2.00

(3) (a) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount exceeds the small claims monetary limit	["\$50.00"] <u>\$55</u>
Each additional defendant	\$ 2.00

(b) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount does not exceed the small claims monetary limit	["\$32.00"] <u>\$37</u>
Each additional defendant	\$ 2.00

(4) Filing of appearance or answer

1 to a complaint or third party complaint in all
2 matters except small claims **【\$15.00】 \$20**

3 (5) Service of Process: Fees for service of process, including:
4 summons by mail, each defendant; summons by mail each
5 defendant at place of business or employment with postal
6 instructions to deliver to addressee only; reservice of summons by
7 mail, each defendant; postage for substituted service of process by
8 the clerk upon the Chief Administrator of the New Jersey Motor
9 Vehicle Commission in addition to the substituted service fee
10 provided below; and wage execution by mail to a federal agency,
11 shall be set by the Administrative Director of the Courts. The fee
12 for service of process shall not exceed the postal rates for ordinary
13 and certified mail, return receipt requested, and may include an
14 administrative fee that shall not exceed \$0.25 for each defendant
15 served with process by mail. The total service of process fee shall
16 be rounded upward to the nearest dollar. For the purposes of this
17 paragraph, service of process means the simultaneous mailing by
18 ordinary and certified mail, return receipt requested, to the
19 defendant at the address provided by the plaintiff.
20 Reservice of summons or other original process by
21 court officer, one defendant \$3.00
22 plus mileage
23 Each additional defendant \$2.00
24 plus mileage
25 Substituted service of process by the clerk upon
26 the Chief Administrator of the
27 New Jersey Motor Vehicle Commission \$10.00

28 (6) Mileage of court officer in serving or executing any process,
29 writ, order, execution, notice, or warrant, the distance to be
30 computed by counting the number of miles in and out, by the most
31 direct route from the place where process is issued, at the same rate
32 per mile set by the State for other State employees and the total
33 mileage fee rounded upward to the nearest dollar

34 (7) Jury of six persons \$50.00
35 (8) Warrant for possession in tenancy \$15.00
36 (9) Warrant to arrest, commitment
37 or writ of capias ad respondendum, each defendant \$15.00
38 (10) Writ of execution or an order in
39 the nature of execution, writs of replevin and
40 attachment issued subsequent to summons \$5.00
41 (11) For advertising property under execution
42 or any order \$10.00
43 (12) For selling property under
44 execution or any order \$10.00
45 (13) Exemplified copy of judgment
46 (two pages) \$5.00
47 each additional page \$1.00
48 b. (Deleted by amendment, P.L.2002, c.34).

1 c. (Deleted by amendment, P.L.2002, c.34).

2 d. (Deleted by amendment, P.L.2009, c.32).

3 (cf: P.L.2009, c.32, s.1)

4

5 12. (New section) Revenue derived from the increase in fees
6 provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993,
7 c.74 (C.22A:5-1), shall be deposited in the "Court Security
8 Enhancement Fund" established pursuant to subsection a. of section
9 3 of P.L. , c. (C.) (pending before the Legislature as this
10 bill).

11

12 13. (New section) a. (1) In addition to any other fine, fee or
13 assessment imposed, any person convicted of a crime, disorderly or
14 petty disorderly persons offense, or any juvenile adjudicated
15 delinquent for an offense, which if committed by an adult would
16 constitute a crime, disorderly or petty disorderly persons offense,
17 shall be assessed a penalty of \$25 for each conviction.

18 (2) In addition to any term or condition that may be included in
19 an agreement for supervisory treatment pursuant to N.J.S.2C:43-12
20 et seq., or imposed as a term or condition of conditional discharge
21 pursuant to section 3 of P.L.1987, c.106 (C.2C:36A-1), a participant
22 in either program shall be required to pay an assessment fee of \$25.

23 b. All assessments provided for in this section shall be collected
24 as provided for collection of fines and restitutions in section 3 of
25 P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to the State
26 Treasurer to be deposited into the "Court Security Enhancement
27 Fund" created pursuant to subsection a. of section 3 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill).

29

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

32 3. a. All fines, assessments imposed pursuant to section 2 of
33 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
34 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
35 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
36 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
37 penalties imposed pursuant to section 1 of P.L.2009, c.143
38 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
39 P.L.2013, c.214 (C.30:4-123.97) , all penalties imposed pursuant to
40 section 13 of P.L. , c. (C.) (pending before the Legislature
41 as this bill), and restitution shall be collected as follows:

42 (1) All fines, assessments imposed pursuant to section 2 of
43 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
44 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
45 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
46 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
47 penalties imposed pursuant to section 1 of P.L.2009, c.143
48 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of

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

29 (a) A payment of restitution collected by the Department of
30 Corrections pursuant to this paragraph shall be maintained by the
31 department for two years during which the department shall attempt
32 to locate the victim to whom the restitution is owed. If the
33 department has not located the victim and the victim has not come
34 forward to claim the payment within this two-year period, the
35 payment shall be transferred to the Victims of Crime Compensation
36 Office Account to be used in satisfying claims pursuant to the
37 provisions of the "Criminal Injuries Compensation Act of 1971,"
38 P.L.1971, c.317 (C.52:4B-1 et seq.).

39 (b) If the Department of Corrections has transferred a payment
40 of restitution to the Victims of Crime Compensation Office
41 pursuant to subparagraph (a) of this paragraph, the department shall
42 provide the office with the order for restitution and any other
43 information regarding the identity of the victim to whom the
44 payment is owed. The office shall be responsible for maintaining
45 this information and for distributing payments of restitution to
46 victims who can prove they are owed the payments.

47 (2) All fines, assessments imposed pursuant to section 2 of
48 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to

1 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
2 by a municipal court shall be collected by the municipal court
3 administrator except if such fine, assessments imposed pursuant to
4 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
5 as a condition of probation in which event it shall be collected by
6 the county probation division.

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

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

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

20 c. All fines imposed by municipal courts, except a central
21 municipal court established pursuant to N.J.S.2B:12-1 on
22 defendants convicted of crimes, disorderly persons offenses and
23 petty disorderly persons offenses, and all fines imposed following
24 conviction on appeal therefrom, and all forfeitures of bail shall be
25 paid over by the officer entitled to collect same to the treasury of
26 the municipality wherein the municipal court is located.

27 In the case of an intermunicipal court, fines shall be paid into the
28 municipal treasury of the municipality in which the offense was
29 committed, and costs, fees, and forfeitures of bail shall be
30 apportioned among the several municipalities to which the court's
31 jurisdiction extends according to the ratios of the municipalities'
32 contributions to the total expense of maintaining the court.

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

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

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

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

46 g. All restitution ordered to be paid to the Victims of Crime
47 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded

1 to the office for deposit in the Victims of Crime Compensation
2 Office Account.

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

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

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

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

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

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

24 n. All mandatory Sex Offender Supervision penalties imposed
25 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
26 forwarded and deposited as provided in that section.

27 o. All penalties imposed pursuant to section 13 of P.L. _____,
28 c. (C. _____) (pending before the Legislature as this bill) shall be
29 forwarded and deposited in the "Court Security Enhancement
30 Fund," as provided in that section.

31 (cf: P.L.2015, c.55, s.1)

32

33 15. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
34 read as follows:

35 13. Moneys that are collected in satisfaction of any assessment
36 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1),
37 or in satisfaction of restitution or fines imposed in accordance with
38 the provisions of Title 2C of the New Jersey Statutes or with the
39 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
40 applied in the following order:

41 a. first, in satisfaction of all assessments imposed pursuant to
42 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

43 b. second, except as provided in subsection f. of this section, in
44 satisfaction of any restitution ordered;

45 c. third, in satisfaction of all assessments imposed pursuant to
46 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

47 d. fourth, in satisfaction of any forensic laboratory fee assessed
48 pursuant to N.J.S.2C:35-20;

1 e. fifth, in satisfaction of any mandatory Drug Enforcement
2 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
3 15;

4 f. sixth, in satisfaction of any anti-drug profiteering penalty
5 imposed pursuant to N.J.S.2C:35A-1 et seq.;

6 g. seventh, in satisfaction of any anti-money laundering
7 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
8 (C.2C:21-27.2);

9 h. eighth, in satisfaction of restitution for any extradition costs
10 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

11 i. ninth, in satisfaction of any penalty imposed pursuant to
12 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

13 j. tenth, in satisfaction of any penalty imposed pursuant to
14 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

15 k. eleventh, in satisfaction of the mandatory penalty imposed
16 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

17 l. twelfth, in satisfaction of any mandatory Computer Crime
18 Prevention penalty assessed pursuant to section 1 of P.L.2009,
19 c.143 (C.2C:43-3.8);

20 m. thirteenth, in satisfaction of any mandatory Sex Offender
21 Supervision penalty assessed pursuant to section 7 of P.L.2013,
22 c.214 (C.30:4-123.97); **and**

23 n. fourteenth, in satisfaction of the mandatory penalty imposed
24 pursuant to section 13 of P.L. , c. (C.) (pending before the
25 Legislature as this bill); and

26 o. fifteenth, in satisfaction of any fine.
27 (cf: P.L.2013, c.214, s.6)

28
29 16. This act shall take effect on the first day of the fourth month
30 following enactment.

31 32 33 STATEMENT 34

35 This bill establishes the “Court Security Enhancement Fund,”
36 financed by increasing court fees, assessments and penalties, to
37 provide a continuous source of funding to assist counties and
38 municipalities in providing and maintaining safe and secure court
39 facilities to the citizens of this State. Moneys in the fund shall be
40 used for supplementing local government funding to enhance court
41 security. The bill specifically allocates the increase in court fees,
42 predominantly \$5, to the fund.

43 The State Treasurer will administer the fund and disburse money
44 from it to local government as recommended by the Administrative
45 Director of the Courts. Local governing bodies may apply to the
46 Administrative Director of the Courts on an annual basis for grants
47 from the fund to supplement local government funding for the
48 procurement of security equipment and security-related structural

1 modifications necessary to achieve the court security standards.
2 The bill requires the Administrative Director of the Courts to give
3 preference to those municipalities that have entered into agreements
4 to share or merge municipal court services when the administrative
5 director awards grants to municipalities that apply for court security
6 funding.
7 When the Administrative Director of the Courts determines that
8 all local government units have achieved the court security
9 standards, monies in the fund shall be distributed to local
10 government based on a formula developed by the Administrative
11 Director of the Courts. If court security standards are maintained,
12 monies distributed pursuant to this bill shall be used to offset local
13 funding for the enhancement and maintenance of security at court
14 facilities.