

[Third Reprint]

ASSEMBLY, No. 4367

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 29, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

**Assemblywomen Reynolds-Jackson, Tucker, Swain, McKnight and
Assemblyman Wimberly**

SYNOPSIS

Provides that AOC shall administer program for municipal courts allowing defendants to engage in online plea negotiations, entry of guilty plea, and payment of fine or penalty.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on October 22, 2020, with amendments.

(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning ³**[plea bargaining in]** certain³ municipal court
2 procedures,³ and amending P.L.2000, c.75.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2000, c.75 (C.2B:25-11) is amended to read
8 as follows:

9 2. a. In accordance with the Rules of Court adopted by the
10 Supreme Court of New Jersey ³or procedures promulgated by the
11 Administrative Office of the Courts³, a municipal prosecutor may
12 recommend to the court to accept a plea to a lesser or other offense.

13 b. ³[(1) Except as set forth in paragraph (2) of this subsection
14 or as otherwise provided by the Rules of Court, in a case where the
15 defendant is charged with a violation of a provision of Title 39 of
16 the Revised Statutes the municipal prosecutor may use mail or
17 email to engage in discussions and negotiations with the defendant
18 or the defendant's attorney concerning a plea by the defendant to a
19 lesser or other offense²or offenses². The municipal prosecutor may
20 also use mail or email to relay to the defendant or his attorney the
21 prosecutor's final determination as to whether he will recommend
22 that the court accept any such plea.

23 (2) ²(a) The Administrative Office of the Courts shall promulgate
24 a standardized form to be used in cases pursuant to this subsection.
25 The municipal prosecutor shall send the form to the defendant or the
26 defendant's attorney by mail or email. The form shall be signed by the
27 defendant and notarized and returned to the court. The form shall state
28 that the defendant waives his right to appearance in court and waives
29 his right to trial, and pleads guilty to the specific offense or offenses
30 pursuant to the plea agreement. The form shall include all terms of the
31 plea agreement.

32 (b) If the judge accepts the plea agreement, the judge shall
33 dispose of the charges accordingly. The defendant shall not be
34 required to appear in person.

35 (3)² The municipal prosecutor shall not use mail or email as
36 provided in ²**[paragraph (1) of]**² this subsection in any case where
37 the defendant is charged with a violation of any of the following:
38 section 5 of P.L.1990, c.10 (C.39:3-10.13); section 16 of
39 P.L.1990, c.10 (C.39:3-10.24); R.S.39:3-40; R.S.39:4-50; section 2
40 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1999, c.410
41 (C.39:4-50.15); section 4 of P.L.1999, c.417 (C.39:4-50.19); section
42 1 of P.L.2007, c.78 (C.39:4-80.1); section 1 of P.L.1942, c.192
43 (C.39:4-128.1); or section 3 of P.L.1952, c.157 (C.12:7-46).]

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted July 20, 2020.

²Assembly AAP committee amendments adopted July 27, 2020.

³Senate SJU committee amendments adopted October 22, 2020.

1 (1) The Administrative Office of the Courts has developed and
2 shall administer a Municipal Case Resolution Program that would
3 allow a defendant charged with a matter falling within the jurisdiction
4 of the municipal court to engage in online:

- 5 (a) plea negotiations with a municipal prosecutor;
6 (b) entry of a guilty plea; and
7 (c) payment of a fine or penalty.

8 (2) A municipal prosecutor shall use the Municipal Case
9 Resolution Program developed by the Administrative Office of the
10 Courts.³

11 c. Nothing in this section shall be construed to alter or limit ²**[**¹:

12 (1) the defendant's obligation to be physically present at
13 sentencing or other final determination by the court; or

14 (2)¹**]**² the authority or discretion of the Supreme Court to
15 regulate the practice of plea agreements in municipal court, or to
16 alter or limit the authority or discretion of a prosecutor.

17 (cf: P.L.2000, c.75, s.2)

18

19 2. This act shall take effect on the ¹**[**<sup>60th day] first day of the
20 third month next¹ following ¹the date of¹ enactment.</sup>