

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4368

STATE OF NEW JERSEY

DATED: JULY 20, 2020

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4368.

As reported by the committee, Assembly Bill No. 4368 would expand the current conditional dismissal program in municipal court to include certain drug offenses.

Under the current conditional dismissal program, first-time offenders charged with certain disorderly persons or petty disorderly persons offenses may, at the discretion of the municipal court, apply to the municipal court for entry into the program after a plea of guilty or a finding of guilt, but prior to the entry of a judgment of conviction and with appropriate notice to the prosecutor. As a condition of the application, the defendant must submit to fingerprint identification procedures to allow verification of his criminal history.

Under the conditional dismissal program, the municipal court will place the defendant under a probation monitoring status for a period of one year. The court also may impose financial obligations and other terms and conditions. A defendant may apply to the court for an extension of a term of conditional dismissal to allow sufficient time to pay financial obligations imposed by the court. A judge also may extend a defendant's conditional dismissal term for good cause. If a participant is convicted of any crime or offense during participation, or otherwise fails to comply with the terms and conditions imposed by the court, the court may enter a judgment of conviction and impose a fine, penalty, or other assessment which may be imposed in accordance with the defendant's prior guilty plea or finding of guilt.

At the end of the term of conditional dismissal, if the defendant has not been convicted of any subsequent crime or offense, and has complied with any other terms and conditions imposed by the municipal court, the court may terminate probation and dismiss the proceedings against the defendant. Once the proceedings are dismissed, the offense is not deemed a conviction for purposes of any disqualifications or disabilities imposed by law, or for the purposes of determining whether a second or subsequent offense has occurred.

Currently, a defendant is not eligible for participation in the municipal court conditional dismissal program if he or she is charged with certain offenses, including, among others, any disorderly persons offense or petty disorderly persons offense involving controlled dangerous substances under chapter 35 or 36 of Title 2C of the New

Jersey Statutes. The bill eliminates this provision, so that a defendant charged with any of these offenses would be eligible to participate in conditional dismissal.