

**SENATE, No. 611**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

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

**District 13 (Monmouth)**

**SYNOPSIS**

Provides for development of searchable "Municipal Penalty Database."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the development of a searchable Internet  
2       "Municipal Penalty Database" and supplementing chapter 5 of  
3       Title 40A of the New Jersey Statutes.

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

7  
8       1.   a. (1) The Division of Local Government Services in the  
9       Department of Community Affairs, in consultation with the  
10      Administrative Office of the Courts and the Office of Information  
11      Technology, shall design, develop, and maintain a single,  
12      searchable Internet database, to be known as the "Municipal Penalty  
13      Database," that contains and displays information about the  
14      monetary penalties imposed and collected by each municipality for  
15      the violation of each ordinance the municipality may have authority  
16      to pass.

17      (2) The database shall display a quarterly report for each  
18      municipality setting forth: each type of violation prescribed by  
19      ordinance; the monetary penalty amount, amounts, or range  
20      prescribed by ordinance for each type of violation; the number of  
21      occurrences of each type of violation during the prior three-month  
22      period; and the total amount collected by the municipality for each  
23      type of violation during the prior three-month period.

24      b. Each entry in the Internet database shall include information  
25      as required pursuant to rules and regulations adopted by the  
26      Division of Local Government Services.

27      c. In addition to the requirements specified in subsection a. of  
28      this section, the Internet database shall:

29      (1) be publicly available and accessible from the Division of  
30      Local Government Services Internet website;

31      (2) display all of the information required by subsection b. of  
32      this section;

33      (3) be searchable by the name of the municipality;

34      (4) be reviewed and updated at least once every three months, or  
35      more frequently as new information becomes available or changes  
36      are necessary;

37      (5) retain and display each prior quarterly report;

38      (6) indicate, for each municipality, whether the municipality is  
39      in compliance with the requirements of subsection d. of this section;  
40      and

41      (7) provide an opportunity for the public to submit input and  
42      feedback concerning the utility of the Internet database and  
43      recommendations for its improvement.

44      d. Each municipality shall submit to the Division of Local  
45      Government Services on a quarterly or more frequent basis, in the  
46      manner the division may require, information about the monetary  
47      penalties the municipality has imposed and collected for the  
48      violation of each ordinance the municipality may have authority to

1 pass. The information shall include, but not be limited to: each type  
2 of violation prescribed by ordinance; the monetary penalty amount,  
3 amounts, or range prescribed by ordinance for each type of  
4 violation; the number of occurrences of each type of violation  
5 during the prior three-month period; the total amount collected by  
6 the municipality for each type of violation during the prior three-  
7 month period; and any related information required by rules  
8 adopted by the Division of Local Government Services.

9 e. (1) Notwithstanding any provision of law to the contrary,  
10 the Division of Local Government Services shall prohibit a  
11 municipality that does not comply with the requirements of  
12 subsection d. of this section from imposing and collecting a fine in  
13 excess of \$25 as a penalty for the violation of an ordinance it may  
14 have authority to pass until such time as the division determines  
15 that the municipality has satisfactorily complied with the  
16 requirements.

17 (2) A person cited for violating an ordinance during a period of  
18 time that the municipality is not in compliance with the  
19 requirements of this section may affirmatively assert the provisions  
20 of this section as a defense against the ability of the municipality to  
21 impose and collect a fine in excess of \$25 as a penalty for violation  
22 of the ordinance.

23 f. Nothing in this section shall require the disclosure of  
24 information deemed confidential by State or federal law.  
25

26 2. The Division of Local Government Services in the  
27 Department of Community Affairs shall adopt, pursuant to the  
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), rules and regulations to effectuate the purposes of this act.  
30

31 3. This act shall take effect immediately.  
32  
33

#### 34 STATEMENT 35

36 This bill would require the Division of Local Government  
37 Services in the Department of Community Affairs, in consultation  
38 with the Administrative Office of the Courts and the Office of  
39 Information Technology, to design, develop, and maintain a  
40 database that contains and displays information about the monetary  
41 penalties imposed and collected by municipalities for the violation  
42 of municipal ordinances. The "Municipal Penalty Database" would  
43 be publicly available and accessible from the Division of Local  
44 Government Services Internet website.

45 The "Municipal Penalty Database," would display a quarterly  
46 report for each municipality setting forth:

- 47 • each type of violation prescribed by ordinance,

**S611 O'SCANLON**

4

- 1       • the monetary penalty amount, amounts, or range prescribed
  - 2       by ordinance,
  - 3       • the number of occurrences of each type of violation during
  - 4       the prior three-month period, and
  - 5       • the total amount collected by the municipality for each type
  - 6       of violation during the prior three-month period.
- 7       The database would also retain and display each prior quarterly
- 8       report. The bill requires the Division of Local Government Services
- 9       to adopt rules to effectuate the purposes of the bill.
- 10      The bill requires each municipality to submit information to the
- 11      Division of Local Government Services on a quarterly or more
- 12      frequent basis, in the manner the division may require, information
- 13      about the monetary penalties the municipality has imposed and
- 14      collected for the violation of each type of ordinance. If a
- 15      municipality does not comply with this requirement, the Division of
- 16      Local Government Services would prohibit the municipality from
- 17      imposing and collecting a fine in excess of \$25 as a penalty for the
- 18      violation of any of its ordinances until the division determines that
- 19      the municipality has satisfactorily complied with the requirement.
- 20      Additionally, a person cited for violating an ordinance during a
- 21      period of time that the municipality is not in compliance with this
- 22      requirement may affirmatively assert the provisions of the bill as a
- 23      defense against the ability of the municipality to impose and collect
- 24      a fine in excess of \$25 as a penalty for violation of the ordinance.