ASSEMBLY, No. 1667

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

WITHDRAWN

By Assemblywoman BUONO and Assemblyman BARNES

AN ACT increasing the filing fee for certain actions, creating a trust fund for grants for certain legal services, amending N.J.S.22A:2-6 and supplementing Title 2B of the New Jersey Statutes.

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

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

22A:2-6. a. Upon the filing or entering of the first paper or proceeding in any action or proceeding in the Law Division of the Superior Court, the plaintiff shall pay to the clerk**[**$135.00**]** <u>$160.00</u> for the first paper filed by him, which shall cover all fees payable therein down to, and including entry of final judgment, taxation of costs, copy of costs and the issuance and recording of final process, except such as may be otherwise provided herein, or provided by law, or the rules of court. **[**Of the $135.00 paid to the clerk, $40.00 shall be paid over by him to the treasurer of the county in which venue is laid for the use of the county.**]** Any person filing an answer setting forth a counterclaim or a third party claim in such cause shall pay to the clerk $135.00 for the first paper filed by him. Any person other than the plaintiff filing any other paper in any such cause shall pay to the clerk $80.00 for the first paper filed by him. **[**After December 31, 1994, the $135.00**]** <u>The $160.00</u> filing fee shall be paid to the clerk, for use by the State<u>, except that, the clerk shall forward $25.00 of the $160.00 fee as provided in section 2 of P.L. , c. (C.)now pending before the Legislature as this bill)</u>.

b. **[**From July 1, 1991 to June 30, 1992 the $80.00 fee set forth in subsection a. for the filing of a paper by a person other than the plaintiff shall be paid to the clerk, for use by the State. After June 30, 1992, of the $80.00 paid to the clerk, $25.00 shall be paid over by him to the treasurer of the county in which venue is laid for the use of the county. After December 31, 1994, the**]** <u>The</u> $80.00 fee set forth in subsection a. for the filing of a paper by a person other than the plaintiff shall be paid to the clerk, for use by the State.

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

Matter underlined <u>thus</u> is new matter.

c. Any person filing a motion in any action or proceeding shall pay to the clerk $15.00. [From July 1, 1991, to June 30, 1992, the $15.00 motion fee shall be paid to the clerk, for use by the State. After June 30, 1992, the $15.00 motion fee shall be paid over to the treasurer of the county in which venue is laid for the use of the county. After December 31, 1994, the] The $15.00 motion fee shall be paid to the clerk, for use by the State.
(cf: P.L.1993, c.275, s.10)

2. (New section) The Clerk of the Superior Court shall forward $25.00 of the $160.00 filing fee in the Law Division of Superior Court as provided in N.J.S.22A:2-6 on a quarterly basis to the Administrative Office of the Courts.

3. (New section) The Administrative Office of the Courts shall establish a trust fund for the deposit of fees collected pursuant to section 2 of P.L. , c. (C.)(now pending before the Legislature as this bill). The moneys from this trust fund shall be used for the specific purpose of providing grants to Legal Services of New Jersey, Inc. to be used directly by itself and, through subgrants, by its local member Legal Services programs, in conducting legal assistance activities on behalf of the poor throughout New Jersey.

4. (New section) The Supreme Court of New Jersey shall adopt court rules necessary to implement the provisions of this act including court rules establishing eligibility requirements and application procedures for the grants.

5. This act shall take effect on the 60th day after enactment.

WITHDRAWN

STATEMENT

This bill increases the filing fee in the Law Division of Superior Court by $25.00. The current fee is $135.00 and under this bill it would increase to $160.00. This $25.00 increase would be forwarded by the clerk to the Administrative Office of the Courts for deposit in a trust fund. The moneys from this trust fund shall be used for the specific purpose of providing grants to Legal Services of New Jersey, Inc. to be used directly by itself and, through subgrants, by its local member Legal Services programs, in conducting legal assistance activities on behalf of the poor throughout New Jersey. Presently Legal Services does receive money from the Interest on Attorneys Trust Accounts (IOLTA) Fund which is administered by trustees appointed by the Supreme Court.

The bill provides that the Supreme Court of New Jersey shall adopt

court rules necessary to implement the provisions of this act including court rules establishing eligibility requirements and application procedures for the grants.

The bill is patterned generally after the provisions of P.L.1993, c.188 which increased the filing fees in actions and proceedings for divorce from $135.00 to $160.00 and deposited those moneys in a trust fund established in the Department of Community Affairs for grants to programs for displaced homemakers. The language in section 3 of the bill is patterned after language in R.1:28A-4.

Increases filing fee in Law Division; places additional $25.00 in trust fund for grants to Legal Services of New Jersey, Inc.

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