

ASSEMBLY, No. 2807

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblymen BUCCO, CARROLL and Gregg

1 AN ACT concerning the comprehensive enforcement court program
2 and amending P.L.1967, c.43 and amending and supplementing
3 P.L.1995, c.9.

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

7
8 1. Section 19 of P.L.1967,c.43 (C.2A:158A-19) is amended to
9 read as follows:

10 19. The Public Defender in the name of the State shall do all things
11 necessary and proper to collect all moneys due to the State by way of
12 reimbursement for services rendered pursuant to this act. He may
13 enter into arrangements with one or more agencies of the State,
14 including the comprehensive enforcement program established
15 pursuant to the provisions of P.L.1995, c.9 (C.2B:19-1 et seq.) or of
16 the counties to handle said collections on a cost basis to the extent that
17 such arrangements are calculated to simplify collection procedures.
18 He shall have all the remedies and may take all of the proceedings for
19 the collection thereof which may be had or taken for or upon the
20 recovery of a judgment in a civil action and may institute and maintain
21 any action or proceeding in the courts necessary therefor. In any such
22 proceedings or action, the defendant may contest the value of the
23 service rendered by the Public Defender.

24 (cf: P.L.1969, c.29, s.2)

25

26 2. Section 4 of P.L.1995, c.9 (C.2B:19-4) is amended to read as
27 follows:

28 4. a. Subject to the approval of the Director of the Division of
29 Budget and Accounting, the Administrative Office of the Courts is
30 authorized to deduct an amount up to 25% of all moneys collected
31 through the comprehensive enforcement program, except for victim
32 restitution and for **[Violent Crimes]** Victims of Crime Compensation
33 Board assessments, for deposit in the "Comprehensive Enforcement
34 Program Fund" established pursuant to section 3 of this act to fund the

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 thus is new matter.

1 comprehensive enforcement program, the CAPS computer system,
2 enforced community service, and other programs employed to collect
3 court ordered financial obligations. The Administrative Office of the
4 Courts shall promulgate a schedule for the deduction of collections to
5 be deposited in the "Comprehensive Enforcement Program Fund."

6 b. [Of the funds deposited in the "Comprehensive Enforcement
7 Program Fund," no more than \$550,000.00 annually shall be allocated
8 to fund the comprehensive enforcement program.] (Deleted by
9 amendment, P.L. _____, c. (now pending before the Legislature as this
10 bill).

11 (cf: P.L.1995, c.9, s.4)

12

13 3. Section 5 of P.L.1995,c.9, (C.2B:19-5) is amended to read as
14 follows:

15 5. a. The governing body of each county, through the sheriff or
16 such other authorized officer, may establish a labor assistance program
17 as an alternative to direct incarceration to be utilized by the
18 comprehensive enforcement program as a sentencing option. An
19 enrollment fee of ~~[\$15.00]~~ \$25.00 shall be paid by each person who is
20 sentenced to a labor assistance program. Additionally, each person so
21 sentenced shall pay a fee of ~~[\$2.00]~~ \$8.00 per day for each day
22 originally sentenced to the labor assistance program. Labor assistance
23 program fees shall be paid to the county treasurer for use by the
24 county.

25 b. In counties that do not establish a labor assistance program, the
26 probation services division shall establish an enforced community
27 service program as an alternative to direct incarceration, to be utilized
28 by the comprehensive enforcement program as a sentencing option.
29 An enrollment fee of ~~[\$15.00]~~ \$25.00 shall be paid by each person
30 who is sentenced to the enforced community service program.
31 Additionally, each person so sentenced shall pay a fee of ~~[\$2.00]~~ \$8.00
32 per day for each day originally sentenced to the enforced community
33 service program. Enforced community service fees shall be deposited
34 in the "Comprehensive Enforcement Program Fund" and specifically
35 used to fund the enforced community service programs.

36 c. (1) As used in this section, "labor assistance program" means,
37 a work program, established by the county under the direction of the
38 sheriff or other authorized county officer, which rigorously supervises
39 offenders providing physical labor as an alternative to incarceration.

40 (2) As used in this section, "enforced community service" means
41 a work program, established and supervised by the probation division,
42 which directly and rigorously supervises offenders providing physical
43 labor as an alternative to direct incarceration in those counties which
44 have chosen not to create a labor assistance program.

45 (cf: P.L.1995, c.9, s.5.)

1 4. Section 6 of P.L.1995, c.9.(C.2B:19-6) is amended to read as
2 follows:

3 6. a. All matters involving the collection of moneys in the Superior
4 Court and Tax Court which have not been resolved in accordance with
5 an order of the court may be transferred, pursuant to court rule, to the
6 comprehensive enforcement program for such action as may be
7 appropriate.

8 b. (1) A municipal court may request that all matters which have
9 not been resolved in accordance with an order of that court be
10 transferred to the comprehensive enforcement program for such action
11 as may be appropriate. All moneys collected through the
12 comprehensive enforcement program which result from the enforcing
13 of orders transferred from any municipal court shall be subject to the
14 25% deduction authorized pursuant to section 4 of this act except for
15 moneys collected in connection with the enforcement of orders related
16 to parking violations.

17 (2) Nothing contained in this act shall prevent any municipal court
18 from contracting the services of a private collection agency to collect
19 any moneys which have not been remitted in accordance with an order
20 of that court.

21 c. (1) At the request of the Public Defender, the Clerk of the
22 Superior Court shall refer every unsatisfied lien, filed by the Public
23 Defender, to the comprehensive enforcement program for collection.
24 All moneys collected through the comprehensive enforcement program
25 which result from the collection of these liens shall be subject to the
26 deduction authorized pursuant to section 4 of P.L.1995, c.9 (C.2B:19-
27 4).

28 (2) Upon satisfaction of a public defender lien through the
29 comprehensive enforcement program, the comprehensive enforcement
30 program shall notify the Clerk of the Superior Court within 10 days of
31 satisfaction and the satisfaction of the lien shall be entered in the
32 Superior Court Judgement Index.

33 (cf: P.L.1995, c.9, s.6.)

34
35 5. (New section) In addition to the duties set forth in P.L.1995,
36 c.9 (C.2B:19-1 et seq.), the comprehensive enforcement program shall
37 provide for the collection of moneys due the State by way of
38 reimbursement for services rendered by the Public Defender and filed
39 as liens in the Office of the Clerk of the Superior Court.

40

41 6. This act shall take effect 90 days after enactment.

42

43

STATEMENT

44

45 P.L.1995, c.9, created a comprehensive enforcement program to
46 provide for the enforcement of court orders and to oversee the

1 collection of court-ordered fines, assessments, surcharges and
2 judgements. This bill would authorize the Office of the Public
3 Defender to utilize the comprehensive enforcement program as a
4 means of collecting moneys due to the State by way of reimbursement
5 for services rendered by the Public Defender and filed as liens with the
6 Superior Court.

7 P.L.1995, c.9 also provides that no more than \$550,000.00 per year
8 of the funds deposited in the "Comprehensive Enforcement Program
9 Fund" could be allocated for the comprehensive enforcement program.
10 This bill would eliminate this provision.

11 In addition to the establishment of the comprehensive enforcement
12 court program, P.L.1995, c.9 authorized counties to establish labor
13 assistance programs under the supervision of the sheriff to provide
14 supervised physical labor as a sentencing alternative to incarceration
15 or as a sentencing option if an offender fails to meet court imposed
16 financial penalties. In counties which do not establish labor assistance
17 programs, a similar program to be known as enforced community
18 service supervised by the probation division have been established.
19 Both types of programs presently charge offenders a \$15.00
20 enrollment fee and a \$2.00 per day fee for each day sentenced to the
21 program. This bill would raise the enrollment fee to \$25.00 and the
22 per diem fee to \$8.00.

23

24

25

26

27 _____
28 Makes certain amendments to the law establishing the comprehensive
enforcement program.