

ASSEMBLY, No. 2842

STATE OF NEW JERSEY

INTRODUCED MARCH 24, 1997

By Assemblymen GEIST and STUHLTRAGER

1 AN ACT concerning restitution for extradition costs and amending  
2 N.J.S.2C:43-2, P.L.1979, c.396 and P.L.1991, c.329 and  
3 supplementing Title 2C 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. N.J.S.2C:43-2 is amended to read as follows:

9 2C:43-2. Sentence in accordance with code; authorized  
10 dispositions. a. Except as otherwise provided by this code, all  
11 persons convicted of an offense or offenses shall be sentenced in  
12 accordance with this chapter.

13 b. Except as provided in subsection a. of this section and subject  
14 to the applicable provisions of the code, the court may suspend the  
15 imposition of sentence on a person who has been convicted of an  
16 offense, or may sentence him as follows:

17 (1) To pay a fine or make restitution authorized by [section]  
18 N.J.S.2C:43-3 or P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (now pending before the  
19 Legislature as section 4 of this bill); or

20 (2) To be placed on probation and, in the case of a person  
21 convicted of a crime, to imprisonment for a term fixed by the court not  
22 exceeding 364 days to be served as a condition of probation, or in the  
23 case of a person convicted of a disorderly persons offense, to  
24 imprisonment for a term fixed by the court not exceeding 90 days to  
25 be served as a condition of probation; or

26 (3) To imprisonment for a term authorized by sections 2C:11-3,  
27 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

28 (4) To pay a fine, make restitution and probation, or fine,  
29 restitution and imprisonment; or

30 (5) To release under supervision in the community or to require the  
31 performance of community-related service; or

32 (6) To a halfway house or other residential facility in the  
33 community, including agencies which are not operated by the  
34 Department of Human Services; or

**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 (7) To imprisonment at night or on weekends with liberty to work  
2 or to participate in training or educational programs.

3 c. Instead of or in addition to any disposition made according to  
4 this section, the court may postpone, suspend, or revoke for a period  
5 not to exceed two years the driver's license, registration certificate, or  
6 both of any person convicted of a crime, disorderly persons offense,  
7 or petty disorderly persons offense in the course of which a motor  
8 vehicle was used. In imposing this disposition and in deciding the  
9 duration of the postponement, suspension, or revocation, the court  
10 shall consider the severity of the crime or offense and the potential  
11 effect of the loss of driving privileges on the person's ability to be  
12 rehabilitated. Any postponement, suspension, or revocation shall be  
13 imposed consecutively with any custodial sentence.

14 d. This chapter does not deprive the court of any authority  
15 conferred by law to decree a forfeiture of property, suspend or cancel  
16 a license, remove a person from office, or impose any other civil  
17 penalty. Such a judgment or order may be included in the sentence.

18 e. The court shall state on the record the reasons for imposing the  
19 sentence, including its findings pursuant to the criteria for withholding  
20 or imposing imprisonment or fines under sections 2C:44-1 to 2C:44-3,  
21 where imprisonment is imposed, consideration of the defendant's  
22 eligibility for release under the law governing parole and the factual  
23 basis supporting its findings of particular aggravating or mitigating  
24 factors affecting sentence.

25 f. The court shall explain the parole laws as they apply to the  
26 sentence and shall state:

27 (1) the approximate period of time in years and months the  
28 defendant will serve in custody before parole eligibility;

29 (2) the jail credits or the amount of time the defendant has already  
30 served;

31 (3) that the defendant may be entitled to good time and work  
32 credits; and

33 (4) that the defendant may be eligible for participation in the  
34 Intensive Supervision Program.

35 (cf: P.L.1994, c.155. s.1)

36

37 2. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as  
38 follows:

39 3. a. All fines, assessments imposed pursuant to section 2 of  
40 P.L.1979, c.396 (C.2C:43-3.1) and restitution shall be collected as  
41 follows:

42 (1) All fines, assessments imposed pursuant to section 2 of  
43 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by the  
44 Superior Court or otherwise imposed at the county level, shall be  
45 collected by the county probation division except when such fine,  
46 assessment or restitution is imposed in conjunction with a custodial

1 sentence to a State correctional facility or in conjunction with a term  
2 of incarceration imposed pursuant to section 25 of P.L.1982, c.77  
3 (C.2A:4A-44) in which event such fine, assessment or restitution shall  
4 be collected by the Department of Corrections or the Juvenile Justice  
5 Commission established pursuant to section 2 of P.L.1995, c.284  
6 (C.52:17B-170). An adult prisoner of a State correctional institution  
7 or a juvenile serving a term of incarceration imposed pursuant to  
8 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an  
9 assessment imposed pursuant to section 2 of P.L.1979, c.396  
10 (C.2C:43-3.1) or restitution shall have the assessment or restitution  
11 deducted from any income the inmate receives as a result of labor  
12 performed at the institution or on any type of work release program  
13 or, pursuant to regulations promulgated by the Commissioner of the  
14 Department of Corrections or the Juvenile Justice Commission, from  
15 any personal account established in the institution for the benefit of the  
16 inmate.

17 (2) All fines, assessments imposed pursuant to section 2 of  
18 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by a municipal  
19 court shall be collected by the municipal court administrator except if  
20 such fine, assessments imposed pursuant to section 2 of P.L.1979,  
21 c.396 (C.2C:43-3.1), or restitution is ordered as a condition of  
22 probation in which event it shall be collected by the county probation  
23 division.

24 b. Except as provided in subsection c. with respect to fines  
25 imposed on appeals following convictions in municipal courts and  
26 except as provided in subsection i. with respect to restitution imposed  
27 under the provisions of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the  
28 Legislature as section 4 of this bill), all fines imposed by the Superior  
29 Court or otherwise imposed at the county level, shall be paid over by  
30 the officer entitled to collect same to:

31 (1) The county treasurer with respect to fines imposed on  
32 defendants who are sentenced to and serve a custodial term, including  
33 a term as a condition of probation, in the county jail, workhouse or  
34 penitentiary except where such county sentence is served concurrently  
35 with a sentence to a State institution; or

36 (2) The State Treasurer with respect to all other fines.

37 c. All fines imposed by municipal courts, except a central municipal  
38 court established pursuant to N.J.S.2B:12-1 on defendants convicted  
39 of crimes, disorderly persons offenses and petty disorderly persons  
40 offenses, and all fines imposed following conviction on appeal  
41 therefrom, and all forfeitures of bail shall be paid over by the officer  
42 entitled to collect same to the treasury of the municipality wherein the  
43 municipal court is located.

44 In the case of an intermunicipal court, fines shall be paid into the  
45 municipal treasury of the municipality in which the offense was  
46 committed, and costs, fees, and forfeitures of bail shall be apportioned

1 among the several municipalities to which the court's jurisdiction  
2 extends according to the ratios of the municipalities' contributions to  
3 the total expense of maintaining the court.

4 In the case of a central municipal court, established by a county  
5 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail  
6 shall be paid into the county treasury of the county where the central  
7 municipal court is located.

8 d. All assessments imposed pursuant to section 2 of P.L.1979,  
9 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in  
10 that section.

11 e. All mandatory Drug Enforcement and Demand Reduction  
12 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and  
13 deposited as provided for in that section.

14 f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20  
15 shall be forwarded and deposited as provided for in that section.

16 g. All restitution ordered to be paid to the Victims of Crime  
17 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to  
18 the board for deposit in the Victims of Crime Compensation Board  
19 Account.

20 h. All assessments imposed pursuant to section 11 of P.L.1993,  
21 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in  
22 that section.

23 i. All restitution imposed on defendants under the provisions of  
24 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the Legislature as section 4 of this  
25 bill) for costs incurred by a law enforcement entity in extraditing the  
26 defendant from another jurisdiction shall be paid over by the officer  
27 entitled to collect same to the law enforcement entities which  
28 participated in the extradition of the defendant.

29 (cf: P.L.1996, c.95, s.17)

30

31 3. Section 13 of P.L.1991, c.329 (2C:46-4.1) is amended to read  
32 as follows:

33 13. Moneys that are collected in satisfaction of any assessment  
34 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or  
35 in satisfaction of restitution or fines imposed in accordance with the  
36 provisions of Title 2C of the New Jersey Statutes or with the  
37 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be  
38 applied in the following order:

39 a. first, in satisfaction of all assessments imposed pursuant to  
40 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

41 b. second, except as provided in subsection f. of this section, in  
42 satisfaction of any restitution ordered;

43 c. third, in satisfaction of all assessments imposed pursuant to  
44 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

45 d. fourth, in satisfaction of any forensic laboratory fee assessed  
46 pursuant to N.J.S.2C:35-20;

1 e. fifth, in satisfaction of any mandatory Drug Enforcement and  
2 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15; and

3 f. sixth, in satisfaction of restitution for any extradition costs  
4 imposed pursuant to section 4 of P.L. , c. (C. )(now pending  
5 before the Legislature as this bill);

6 g. seventh, in satisfaction of any fine.

7 (cf: P.L.1995, c.281, s.3)

8  
9 4. (New section) In addition to any fine or restitution authorized  
10 by N.J.S.2C:43-3, the court may sentence a defendant to make  
11 restitution for costs incurred by any law enforcement entity in  
12 extraditing the defendant from another jurisdiction if the court finds  
13 that, at the time of the extradition, the defendant was located in othe  
14 other jurisdiction in order to avoid prosecution for a crime committed  
15 in this State or service of a criminal sentence imposed by a court of  
16 this State.

17  
18 5. This act shall take effect immediately.

19  
20  
21 STATEMENT

22  
23 This bill would authorize a court, in sentencing a defendant  
24 convicted of a crime, to require the defendant to make restitution to  
25 any law enforcement authority for costs incurred in extraditing the  
26 defendant from another jurisdiction. In order to impose restitution for  
27 these costs, the court would be required to find that, at the time of  
28 extradition, the defendant was located in the other jurisdiction in order  
29 to avoid prosecution for a crime committed in this State or service of  
30 a criminal sentence imposed by a New Jersey court.

31 The bill amends N.J.S.2C:46-4.1 which lists the order in which  
32 monetary penalties imposed on criminal defendants are to be satisfied  
33 to include reference to restitution for extradition costs.

34  
35  
36 \_\_\_\_\_  
37  
38 Authorizes court to require criminal defendant to make restitution for  
39 extradition costs incurred by law enforcement entity in certain  
40 instances.