

P.L. 1997, CHAPTER 174, *approved July 30, 1997*  
Senate, No. 1990

1 **ANACT** concerning drug and alcohol abuse, amending N.J.S.2C:35-15  
2 and making an appropriation.

3

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

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7 1. N.J.S.2C:35-15 is amended to read as follows:

8 a. In addition to any disposition authorized by this title, the  
9 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other  
10 statute indicating the dispositions that can be ordered for an  
11 adjudication of delinquency, every person convicted of or adjudicated  
12 delinquent for a violation of any offense defined in this chapter or  
13 chapter 36 of this title shall be assessed for each such offense a penalty  
14 fixed at:

- 15 (1) \$3,000.00 in the case of a crime of the first degree;  
16 (2) \$2,000.00 in the case of a crime of the second degree;  
17 (3) \$1,000.00 in the case of a crime of the third degree;  
18 (4) \$750.00 in the case of a crime of the fourth degree;  
19 (5) \$500.00 in the case of a disorderly persons or petty disorderly  
20 persons offense.

21 Every person placed in supervisory treatment pursuant to the  
22 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of any  
23 offense defined in this chapter or chapter 36 of this title shall be  
24 assessed the penalty prescribed herein and applicable to the degree of  
25 the offense charged, except that the court shall not impose more than  
26 one such penalty regardless of the number of offenses charged. If the  
27 person is charged with more than one offense, the court shall impose  
28 as a condition of supervisory treatment the penalty applicable to the  
29 highest degree offense for which the person is charged.

30 All penalties provided for in this section shall be in addition to and  
31 not in lieu of any fine authorized by law or required to be imposed  
32 pursuant to the provisions of N.J.S.2C:35-12.

33 b. All penalties provided for in this section shall be collected as

**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 provided for collection of fines and restitutions in section 3 of  
2 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
3 Department of the Treasury as provided in subsection c. of this  
4 section.

5 c. All moneys collected pursuant to this section shall be forwarded  
6 to the Department of the Treasury to be deposited in a nonlapsing  
7 revolving fund to be known as the "Drug Enforcement and Demand  
8 Reduction Fund." Monies in the fund shall be appropriated by the  
9 Legislature on an annual basis for the purposes of funding in the  
10 following order of priority: (1) the Alliance to Prevent Alcoholism and  
11 Drug Abuse and its administration by the Governor's Council on  
12 Alcoholism and Drug Abuse; (2) the "Alcoholism and Drug Abuse  
13 Program for the Deaf, Hard of Hearing and Disabled" established  
14 pursuant to section 2 of P.L.1995, c.318 (C.26:2B-37); (3) the  
15 "Partnership for a Drug Free New Jersey," the State affiliate of the  
16 "Partnership for a Drug Free America"; and [(3)] (4) other alcohol and  
17 drug abuse programs.

18 Moneys appropriated for the purpose of funding the "Alcoholism  
19 and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled"  
20 shall not be used to supplant monies that are available to the  
21 Department of Health as of the effective date of P.L.1995, c.316  
22 (C.26:2B-36 et al.), and that would otherwise have been made  
23 available to provide alcoholism and drug abuse services for the deaf,  
24 hard of hearing and disabled, nor shall the moneys be used for the  
25 administrative costs of the program.

26 d. (Deleted by amendment, P.L.1991, c.329).

27 e. The court may suspend the collection of a penalty imposed  
28 pursuant to this section; provided the defendant agrees to enter a  
29 residential drug rehabilitation program approved by the court; and  
30 further provided that the defendant agrees to pay for all or some  
31 portion of the costs associated with the rehabilitation program. In this  
32 case, the collection of a penalty imposed pursuant to this section shall  
33 be suspended during the defendant's participation in the approved  
34 rehabilitation program. Upon successful completion of the program,  
35 the defendant may apply to the court to reduce the penalty imposed  
36 pursuant to this section by any amount actually paid by the defendant  
37 for his participation in the program. The court shall not reduce the  
38 penalty pursuant to this subsection unless the defendant establishes to  
39 the satisfaction of the court that he has successfully completed the  
40 rehabilitation program. If the defendant's participation is for any  
41 reason terminated before his successful completion of the rehabilitation  
42 program, collection of the entire penalty imposed pursuant to this  
43 section shall be enforced. Nothing in this section shall be deemed to  
44 affect or suspend any other criminal sanctions imposed pursuant to this  
45 chapter or chapter 36 of this title.

46 (cf: P.L.1995, c.318, s.5)

