

P.L. 1997, CHAPTER 253, *approved September 12, 1997*  
Senate, No. 1254 (*First Reprint*)

1 AN ACT concerning restitution for extradition costs amending  
2 N.J.S.2C:43-2 <sup>1</sup>[and amending N.J.S.2C:46-4] P.L.1979, c.396 and  
3 P.L.1991, c.329<sup>1</sup> and supplementing Title 2C of the New Jersey  
4 Statutes.

5

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

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9 1. <sup>1</sup>[N.J.S.2C:43-2.] N.J.S.2C:43-2<sup>1</sup> is amended to read <sup>1</sup>as  
10 follows<sup>1</sup>:

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

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

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

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

28 (3) To imprisonment for a term authorized by sections 2C:11-3,  
29 2C:43-5, 2C:43-6, 2C:43-7, and 2C:43-8 or 2C:44-5; or

30 (4) To pay a fine, make restitution and probation, or fine,  
31 restitution and imprisonment; 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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SJU committee amendments adopted January 14, 1997.

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

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

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

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

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

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

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

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

34 (2) the jail credits or the amount of time the defendant has already  
35 served;

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

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

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

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

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

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

22 (2) All fines, assessments imposed pursuant to section 2 of  
23 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by a municipal  
24 court shall be collected by the municipal court <sup>1</sup>[clerk] administrator<sup>1</sup>  
25 except if such fine, assessments imposed pursuant to section 2 of  
26 P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition  
27 of probation in which event it shall be collected by the county  
28 probation division.

29 b. Except as provided in subsection c. with respect to fines  
30 imposed on appeals following convictions in municipal courts and  
31 except as provided in subsection i. with respect to restitution imposed  
32 under the provisions of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (now pending before the  
33 Legislature as section <sup>1</sup>[3]4<sup>1</sup> of this bill), all fines imposed by the  
34 Superior Court or otherwise imposed at the county level, shall be paid  
35 over by the officer entitled to collect same to:

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

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

42 c. All fines imposed by municipal courts <sup>1</sup>except a central  
43 municipal court established pursuant to N.J.S.2B:12-1<sup>1</sup> on defendants  
44 convicted of crimes, disorderly persons offenses and petty disorderly  
45 persons offenses, and all fines imposed following conviction on appeal  
46 therefrom, and all forfeitures of bail shall be paid over by the officer

1 entitled to collect same to the treasury of the municipality wherein the  
2 municipal court is located.

3 In the case of an intermunicipal court, fines shall be paid into the  
4 municipal treasury of the municipality in which the offense was  
5 committed, and costs, fees, and forfeitures of bail shall be apportioned  
6 among the several municipalities to which the court's jurisdiction  
7 extends according to the ratios of the municipalities' contributions to  
8 the total expense of maintaining the court.

9 <sup>1</sup>In the case of a central municipal court, established by a county  
10 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail  
11 shall be paid into the county treasury of the county where the central  
12 municipal court is located.<sup>1</sup>

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

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

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

21 g. All restitution ordered to be paid to the Victims of Crime  
22 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to  
23 the board for deposit in the Victims of Crime Compensation Board  
24 Account.

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

28 i. All restitution imposed on defendants under the provisions of  
29 P.L. \_\_\_\_\_, c. (now pending before the Legislature as section <sup>1</sup>[3]<sup>4</sup> of  
30 this bill) for costs incurred by a law enforcement entity in extraditing  
31 the defendant from another jurisdiction shall be paid over by the  
32 officer entitled to collect same to the law enforcement entities which  
33 participated in the extradition of the defendant.

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

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36 <sup>1</sup>3. Section 13 of P.L.1991, c.329 (2C:46-4.1) is amended to read  
37 as follows:

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

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

46 b. second, except as provided in subsection f. of this section, in

1 satisfaction of any restitution ordered;

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

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

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

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

11 g. seventh, in satisfaction of any fine.<sup>1</sup>

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

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14 <sup>1</sup>[3.] 4.<sup>1</sup> (New section) In addition to any fine or restitution  
15 authorized by N.J.S.2C:43-3, the court may sentence a defendant to  
16 make restitution for costs incurred by any law enforcement entity in  
17 extraditing the defendant from another jurisdiction if the court finds  
18 that, at the time of the extradition, the defendant was located in othe  
19 other jurisdiction in order to avoid prosecution for a crime committed  
20 in this State or service of a criminal sentence imposed by a court of  
21 this State.

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23 <sup>1</sup>[4.] 5.<sup>1</sup> This act shall take effect immediately.

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28 \_\_\_\_\_  
28 Authorizes court to require criminal defendant to make restitution for  
29 extradition costs incurred by law enforcement entity in certain  
30 instances.