

SENATE, No. 1179

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senator MARTIN

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:

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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 (2B:19-1 et seq.) or of  
16 the counties to handle said collections on a cost basis to the extent  
17 that such arrangements are calculated to simplify collection  
18 procedures. He shall have all the remedies and may take all of the  
19 proceedings for the collection thereof which may be had or taken for  
20 or upon the recovery of a judgment in a civil action and may institute  
21 and maintain any action or proceeding in the courts necessary  
22 therefor. In any such proceedings or action, the defendant may  
23 contest the value of the service rendered by the Public Defender.

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

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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)

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

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

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

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

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

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#### STATEMENT

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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  
8 year of the funds deposited in the "Comprehensive Enforcement  
9 Program Fund" could be allocated for the comprehensive enforcement  
10 program. 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.

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