

ASSEMBLY, No. 4367

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 29, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson

SYNOPSIS

Provides that municipal prosecutor may use mail or email to engage in discussions and negotiations with defendants concerning plea bargains for certain traffic offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/20/2020)

1 AN ACT concerning plea bargaining in municipal court and
2 amending P.L.2000, c.75.

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

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7 1. Section 2 of P.L.2000, c.75 (C.2B:25-11) is amended to read
8 as follows:

9 2. a. In accordance with the Rules of Court adopted by the
10 Supreme Court of New Jersey, a municipal prosecutor may
11 recommend to the court to accept a plea to a lesser or other offense.

12 b. (1) Except as set forth in paragraph (2) of this subsection or
13 as otherwise provided by the Rules of Court, in a case where the
14 defendant is charged with a violation of a provision of Title 39 of
15 the Revised Statutes the municipal prosecutor may use mail or
16 email to engage in discussions and negotiations with the defendant
17 or the defendant's attorney concerning a plea by the defendant to a
18 lesser or other offense. The municipal prosecutor may also use mail
19 or email to relay to the defendant or his attorney the prosecutor's
20 final determination as to whether he will recommend that the court
21 accept any such plea.

22 (2) The municipal prosecutor shall not use mail or email as
23 provided in paragraph (1) of this subsection in any case where the
24 defendant is charged with a violation of any of the following:
25 section 5 of P.L.1990, c.10 (C.39:3-10.13); section 16 of
26 P.L.1990, c.10 (C.39:3-10.24); R.S.39:3-40; R.S.39:4-50; section 2
27 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1999, c.410
28 (C.39:4-50.15); section 4 of P.L.1999, c.417 (C.39:4-50.19); section
29 1 of P.L.2007, c.78 (C.39:4-80.1); section 1 of P.L.1942, c.192
30 (C.39:4-128.1); or section 3 of P.L.1952, c.157 (C.12:7-46).

31 c. Nothing in this section shall be construed to alter or limit the
32 authority or discretion of the Supreme Court to regulate the practice
33 of plea agreements in municipal court, or to alter or limit the
34 authority or discretion of a prosecutor.

35 (cf: P.L.2000, c.75, s.2)

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37 2. This act shall take effect on the 60th day following
38 enactment.

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STATEMENT

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43 This bill would allow the municipal prosecutor to use mail or
44 email to engage in discussions and negotiations with defendants
45 concerning plea bargains for certain traffic offenses.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Under current law, in accordance with the Rules of Court
2 adopted by the Supreme Court of New Jersey, a municipal
3 prosecutor may recommend to the municipal court to accept a plea
4 to a lesser or other offense, and may move before the municipal
5 court to amend the original charge.

6 The bill provides that in a case where the defendant is charged
7 with a traffic offense pursuant to Title 39 of the Revised Statutes,
8 except for certain enumerated offenses, or as otherwise provided by
9 Court Rule, the municipal prosecutor may use mail or email to
10 engage in discussions and negotiations with the defendant or the
11 defendant's attorney concerning a plea by the defendant to a lesser
12 or other offense. The municipal prosecutor could also use mail or
13 email to relay the prosecutor's final determination as to whether he
14 will recommend that the court accept any such plea.

15 The bill would not apply to the following enumerated offenses:

- 16 - section 5 of P.L.1990, c.10 (C.39:3-10.13) (operating
17 commercial motor vehicle with alcohol concentration of
18 0.04% or more, or while under the influence of a controlled
19 substance) ;
- 20 - section 16 of P.L.1990, c.10 (C.39:3-10.24) (operator of
21 commercial motor vehicle refusing a breath test);
- 22 - R.S.39:3-40 (operating motor vehicle while driver's license is
23 suspended or revoked);
- 24 - R.S.39:4-50 (driving under the influence);
- 25 - section 2 of P.L.1981, c.512 (C.39:4-50.4a) (refusal to submit
26 to breath test);
- 27 - section 1 of P.L.1999, c.410 (C.39:4-50.15) (driving under
28 the influence with passenger who is a minor);
- 29 - section 4 of P.L.1999, c.417 (C.39:4-50.19) (failure to install
30 court-ordered ignition interlock device);
- 31 - section 1 of P.L.2007, c.78 (C.39:4-80.1) (failure to comply
32 with school crossing guard's signal to stop);
- 33 - section 1 of P.L.1942, c.192 (C.39:4-128.1) (unlawfully
34 passing a stopped school bus); or
- 35 - section 3 of P.L.1952, c.157 (C.12:7-46) (operating a vessel
36 while under the influence).

37 The bill specifies that it shall not be construed to alter or limit
38 the authority or discretion of the Supreme Court to regulate the
39 practice of plea agreements in municipal court, or to alter or limit
40 the authority or discretion of a prosecutor..