

[First Reprint]

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)

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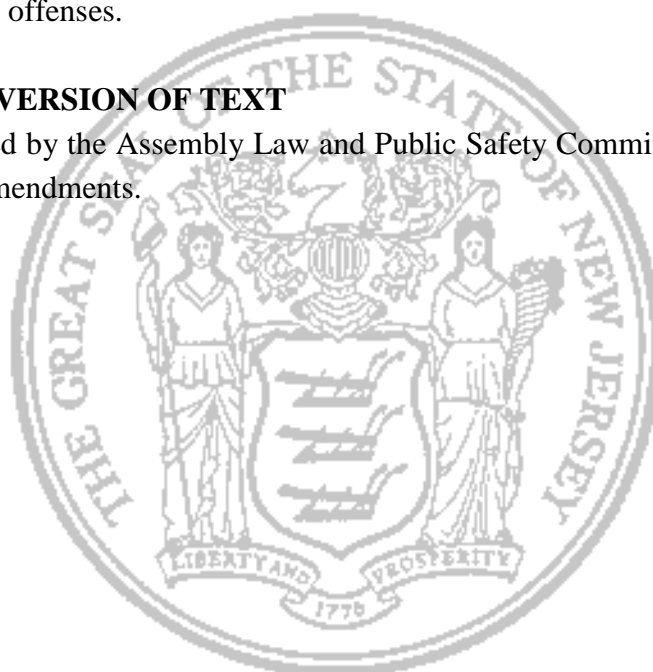
Assemblywoman Reynolds-Jackson

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 reported by the Assembly Law and Public Safety Committee on July 20, 2020, with amendments.



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

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
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 limit¹:

32 (1) the defendant's obligation to be physically present at
33 sentencing or other final determination by the court; or

34 (2)¹ the authority or discretion of the Supreme Court to regulate
35 the practice of plea agreements in municipal court, or to alter or
36 limit the authority or discretion of a prosecutor.

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

38

39 2. This act shall take effect on the ¹**[60th day]** first day of the
40 third month next¹ following the date of¹ enactment.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted July 20, 2020.