

[Second 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)

Co-Sponsored by:

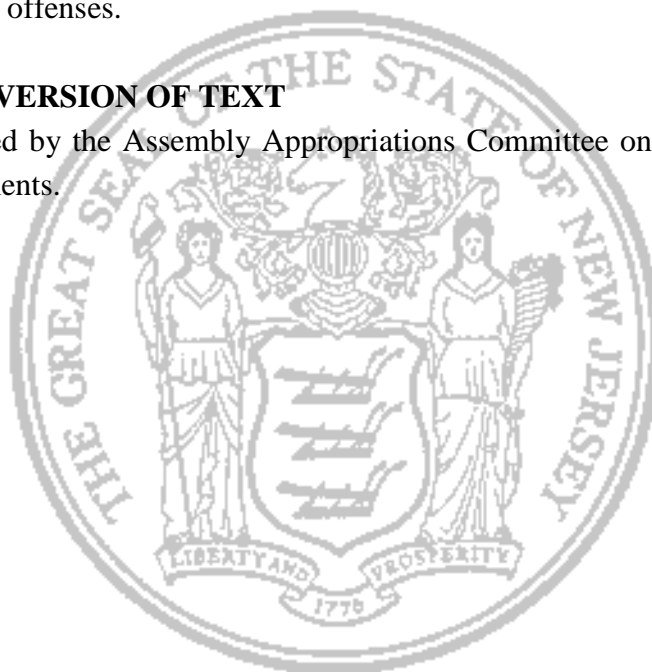
Assemblywomen Reynolds-Jackson, Tucker and Swain

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 Appropriations Committee on July 27, 2020, with amendments.



(Sponsorship Updated As Of: 7/30/2020)

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 offense² or offenses². The municipal prosecutor may
19 also use mail or email to relay to the defendant or his attorney the
20 prosecutor's final determination as to whether he will recommend
21 that the court accept any such plea.

22 (2) ²(a) The Administrative Office of the Courts shall promulgate
23 a standardized form to be used in cases pursuant to this subsection.
24 The municipal prosecutor shall send the form to the defendant or the
25 defendant's attorney by mail or email. The form shall be signed by the
26 defendant and notarized and returned to the court. The form shall state
27 that the defendant waives his right to appearance in court and waives
28 his right to trial, and pleads guilty to the specific offense or offenses
29 pursuant to the plea agreement. The form shall include all terms of the
30 plea agreement.

31 (b) If the judge accepts the plea agreement, the judge shall
32 dispose of the charges accordingly. The defendant shall not be
33 required to appear in person.

34 (3)² The municipal prosecutor shall not use mail or email as
35 provided in ²[paragraph (1) of]² this subsection in any case where
36 the defendant is charged with a violation of any of the following:
37 section 5 of P.L.1990, c.10 (C.39:3-10.13); section 16 of
38 P.L.1990, c.10 (C.39:3-10.24); R.S.39:3-40; R.S.39:4-50; section 2
39 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1999, c.410
40 (C.39:4-50.15); section 4 of P.L.1999, c.417 (C.39:4-50.19); section
41 1 of P.L.2007, c.78 (C.39:4-80.1); section 1 of P.L.1942, c.192
42 (C.39:4-128.1); or section 3 of P.L.1952, c.157 (C.12:7-46).

43 c. Nothing in this section shall be construed to alter or limit²[¹:

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.

²Assembly AAP committee amendments adopted July 27, 2020.

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

3 (2)¹² the authority or discretion of the Supreme Court to
4 regulate the practice of plea agreements in municipal court, or to
5 alter or limit the authority or discretion of a prosecutor.

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

7

8 2. This act shall take effect on the ¹**【60th day】** first day of the
9 third month next¹ following ¹the date of¹ enactment.