

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 4367

with committee amendments

# STATE OF NEW JERSEY

DATED: JULY 27, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4367 (1R) with committee amendments.

As amended by the committee, this bill authorizes the municipal prosecutor to use mail or email to engage in discussions and negotiations with a municipal court defendant or the defendant's attorney concerning a plea by the defendant to a lesser or other offense or offenses. The bill provides that the municipal prosecutor may also use mail or email to relay to the defendant or his attorney the prosecutor's final determination as to whether he will recommend that the court accept any such plea.

These amendments provide that the defendant would not be required to appear in person if the plea bargain is accepted by the municipal court judge.

Under the amendments, the Administrative Office of the Courts would promulgate a standardized form to be used in cases where plea bargains are negotiated and resolved by mail or email in municipal court. The municipal prosecutor would send the form to the defendant or the defendant's attorney by mail or email. The form would be signed by the defendant and notarized and returned to the municipal court. The form would state that the defendant waives his right to appearance in court and waives his right to trial, and pleads guilty to the specific offense or offenses pursuant to the plea agreement. The form would include all terms of the plea agreement.

The amendments provide that if the municipal court judge accepts the plea agreement, the judge would dispose of the charges accordingly. The defendant would not be required to appear in person. The amendments also make a technical correction, clarifying that the bill encompasses a plea by the defendant to a lesser or other offense "or offenses."

### COMMITTEE AMENDMENTS:

1. Provide that Administrative Office of the Courts would promulgate a standardized form to be sent to the defendant, who would notarize the form and return it to the court. The form would provide

that the defendant waives appearance in court and waives his right to trial, and pleads guilty to the specific offense or offenses pursuant to the plea agreement. The form would include all terms of the plea agreement.

2. Provide that if the municipal court judge accepts the plea agreement, the judge would dispose of the charges accordingly. The defendant would not be required to appear in person.

3. Make a technical correction, adding the term “or offenses” to the phrase “a plea by the defendant to a lesser or other offense.”

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.