

P.L. 2021, CHAPTER 293, *approved November 8, 2021*  
 Assembly, No. 4367 (*Third Reprint*)

1 AN ACT concerning <sup>3</sup>**[plea bargaining in]** certain<sup>3</sup> municipal court  
 2 procedures,<sup>3</sup> and 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 <sup>3</sup>or procedures promulgated by the  
 11 Administrative Office of the Courts<sup>3</sup>, a municipal prosecutor may  
 12 recommend to the court to accept a plea to a lesser or other offense.

13 b. <sup>3</sup>[(1) Except as set forth in paragraph (2) of this subsection  
 14 or as otherwise provided by the Rules of Court, in a case where the  
 15 defendant is charged with a violation of a provision of Title 39 of  
 16 the Revised Statutes the municipal prosecutor may use mail or  
 17 email to engage in discussions and negotiations with the defendant  
 18 or the defendant's attorney concerning a plea by the defendant to a  
 19 lesser or other offense <sup>2</sup>or offenses<sup>2</sup>. The municipal prosecutor may  
 20 also use mail or email to relay to the defendant or his attorney the  
 21 prosecutor's final determination as to whether he will recommend  
 22 that the court accept any such plea.

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

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

35 (3)<sup>2</sup> The municipal prosecutor shall not use mail or email as  
 36 provided in <sup>2</sup>[paragraph (1) of]<sup>2</sup> this subsection in any case where  
 37 the defendant is charged with a violation of any of the following:  
 38 section 5 of P.L.1990, c.10 (C.39:3-10.13); section 16 of  
 39 P.L.1990, c.10 (C.39:3-10.24); R.S.39:3-40; R.S.39:4-50; section 2

**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:

<sup>1</sup>Assembly ALP committee amendments adopted July 20, 2020.

<sup>2</sup>Assembly AAP committee amendments adopted July 27, 2020.

<sup>3</sup>Senate SJU committee amendments adopted October 22, 2020.

1 of P.L.1981, c.512 (C.39:4-50.4a); section 1 of P.L.1999, c.410  
2 (C.39:4-50.15); section 4 of P.L.1999, c.417 (C.39:4-50.19); section  
3 1 of P.L.2007, c.78 (C.39:4-80.1); section 1 of P.L.1942, c.192  
4 (C.39:4-128.1); or section 3 of P.L.1952, c.157 (C.12:7-46).】

5 (1) The Administrative Office of the Courts has developed and  
6 shall administer a Municipal Case Resolution Program that would  
7 allow a defendant charged with a matter falling within the jurisdiction  
8 of the municipal court to engage in online:

9 (a) plea negotiations with a municipal prosecutor;

10 (b) entry of a guilty plea; and

11 (c) payment of a fine or penalty.

12 (2) A municipal prosecutor shall use the Municipal Case  
13 Resolution Program developed by the Administrative Office of the  
14 Courts.<sup>3</sup>

15 c. Nothing in this section shall be construed to alter or limit<sup>2</sup>【<sup>1</sup>:

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

18 (2)<sup>1</sup>】<sup>2</sup> the authority or discretion of the Supreme Court to  
19 regulate the practice of plea agreements in municipal court, or to  
20 alter or limit the authority or discretion of a prosecutor.

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

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23 2. This act shall take effect on the <sup>1</sup>【60<sup>th</sup> day】 first day of the  
24 third month next<sup>1</sup> following <sup>1</sup>the date of<sup>1</sup> enactment.

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29 Provides that AOC shall administer program for municipal courts  
30 allowing defendants to engage in online plea negotiations, entry of  
31 guilty plea, and payment of fine or penalty.