

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

1 AN ACT concerning ³plea bargaining in certain³ municipal court
 2 procedures,³ 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:*

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 ³or procedures promulgated by the
 11 Administrative Office of the Courts³, a municipal prosecutor may
 12 recommend to the court to accept a plea to a lesser or other offense.

13 b. ³[(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 ²or offenses². 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) ²(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)² The municipal prosecutor shall not use mail or email as
 36 provided in ²[paragraph (1) of]² 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:

¹Assembly ALP committee amendments adopted July 20, 2020.

²Assembly AAP committee amendments adopted July 27, 2020.

³Senate 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.³

15 c. Nothing in this section shall be construed to alter or limit²【¹:

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

18 (2)¹² 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 ¹【60th day】 first day of the
24 third month next¹ following ¹the date of¹ 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.