

[First Reprint]

**SENATE, No. 2794**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED AUGUST 3, 2020

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on October 22, 2020, with amendments.



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

13 b. <sup>1</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 or offenses. 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) (a) The Administrative Office of the Courts shall  
 24 promulgate a standardized form to be used in cases pursuant to this  
 25 subsection. The municipal prosecutor shall send the form to the  
 26 defendant or the defendant's attorney by mail or email. The form  
 27 shall be signed by the defendant and notarized and returned to the  
 28 court. The form shall state that the defendant waives his right to  
 29 appearance in court and waives his right to trial, and pleads guilty  
 30 to the specific offense or offenses pursuant to the plea agreement.  
 31 The form shall include all terms of the 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) The municipal prosecutor shall not use mail or email as  
 36 provided in this subsection in any case where the defendant is  
 37 charged with a violation of any of the following: section 5 of  
 38 P.L.1990, c.10 (C.39:3-10.13); section 16 of P.L.1990, c.10  
 39 (C.39:3-10.24); R.S.39:3-40; R.S.39:4-50; section 2 of P.L.1981,  
 40 c.512 (C.39:4-50.4a); section 1 of P.L.1999, c.410 (C.39:4-50.15);  
 41 section 4 of P.L.1999, c.417 (C.39:4-50.19); section 1 of P.L.2007,  
 42 c.78 (C.39:4-80.1); section 1 of P.L.1942, c.192 (C.39:4-128.1); or  
 43 section 3 of P.L.1952, c.157 (C.12:7-46).]

**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>Senate SJU committee amendments adopted October 22, 2020.

- 1       (1) The Administrative Office of the Courts has developed and  
2 shall administer a Municipal Case Resolution Program that would  
3 allow a defendant charged with a matter falling within the  
4 jurisdiction of the municipal court to engage in online:  
5       (a) plea negotiations with a municipal prosecutor;  
6       (b) entry of a guilty plea; and  
7       (c) payment of a fine or penalty.  
8       (2) A municipal prosecutor shall use the Municipal Case  
9 Resolution Program developed by the Administrative Office of the  
10 Courts.<sup>1</sup>  
11       c. Nothing in this section shall be construed to alter or limit the  
12 authority or discretion of the Supreme Court to regulate the practice  
13 of plea agreements in municipal court, or to alter or limit the  
14 authority or discretion of a prosecutor.  
15 (cf: P.L.2000, c.75, s.2)  
16  
17       2. This act shall take effect on the first day of the third month  
18 next following the date of enactment.