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STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED MARCH 8, 2012

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Greenstein, Ruiz and Stack**

SYNOPSIS

Authorizes Judiciary to revise or supplement fees, subject to limitations, to fund e-court information system and Legal Services of New Jersey; provides for review of such fees by Judiciary.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 18, 2012, with amendments.

(Sponsorship Updated As Of: 6/26/2012)

1 AN ACT concerning certain court fees, amending P.L.1995, c.325
2 and supplementing Title 2B of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) ¹a. The Supreme Court ¹, subject to the
8 limitations set forth in subsection b. of this section,¹ may adopt
9 Rules of Court to revise or supplement filing fees and other
10 statutory fees payable to the court for the sole purpose of funding:

11 ¹**[a.] (1)** the development, maintenance and administration of a
12 Statewide digital e-court information system; ¹and

13 ¹**[b.] (2)** the provision to the poor of legal assistance in civil
14 matters by Legal Services of New Jersey and its affiliates ¹**;** and

15 c. other justice-related programs¹.

16 ¹b. All existing filing fees and other statutory fees payable to the
17 court on the effective date of this section shall not be increased
18 more than \$50 in the aggregate for each fee from the effective date
19 of this section.¹

20 As used in P.L. , c. (C.) (pending before the Legislature
21 as this bill) “digital e-court information system” shall mean a
22 Statewide integrated system that includes but is not limited to
23 electronic filing, electronic service of process, electronic document
24 management, electronic case management, electronic financial
25 management, and public access to digital court records.

26

27 2. (New section) The proposed rules shall be publicly announced
28 by the Supreme Court. On the same day on which the rule or rules
29 are publicly announced, the Supreme Court shall deliver true copies
30 to the President of the Senate, the Speaker of the General Assembly,
31 and the Governor. The Supreme Court shall provide the public with
32 a reasonable opportunity to comment on the proposed rule or rules.
33 The rule or rules shall take effect on the date provided by the
34 Supreme Court.

35

36 3. (New section) ¹a. There is established in the General Fund a
37 dedicated, non-lapsing fund to be known as the “21st Century
38 Justice Improvement Fund,” which shall be credited annually with a
39 sum equal to the revenue to be derived annually from the
40 incremental amount of any filing fees or other statutory fees
41 payable to the court that are revised or supplemented pursuant to
42 P.L. , c. (C.) (pending before the Legislature as this bill)
43 and the related fee revisions as provided by operation of

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:

¹ Senate SBA committee amendments adopted June 18, 2012.

1 N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1). The
2 fund shall be administered by the State Treasurer. Interest and
3 other income earned on monies in the fund shall be credited to the
4 fund. Monies credited to the fund shall be appropriated annually
5 and used exclusively for the purposes of funding:

6 '【a.】 (1)' the development, maintenance and administration of a
7 Statewide digital e-court information system; 'and'

8 '【b.】 (2)' the provision to the poor of legal assistance in civil
9 matters by Legal Services of New Jersey and its affiliates '【; and

10 c. other justice-related programs】' .

11 'b. Any amount remaining in the fund after the appropriation of
12 funds as provided in paragraphs (1) and (2) of subsection a. of this
13 section shall be retained by the Judiciary for the sole purpose of
14 developing, maintaining and administering court information
15 technology. The monies credited to the fund shall not be used for
16 any purpose other than those purposes set forth in P.L. _____,
17 c. (C. _____) (pending before the Legislature as this bill).'
18

19 4. (New section) To the extent that sufficient funds are available,
20 monies annually credited in the “21st Century Justice Improvement
21 Fund” shall be allocated pursuant to the following priority:

22 a. The first \$17 million credited annually in the fund shall be
23 appropriated annually to the Judiciary to be used to fund the
24 development, maintenance and administration of a Statewide digital
25 e-court information system, which appropriations shall include
26 amounts necessary to pay all service charges or other costs assessed
27 by financial institutions or other entities for the use of credit cards,
28 debit cards, electronic funds transfer, or any other method deemed
29 feasible by the Administrative Office of the Courts. An
30 appropriation made pursuant to this section shall not be used to
31 replace appropriations from other sources for Judiciary information
32 technology.

33 b. '【From amounts remaining in the fund after the appropriation
34 of funds as provided in subsection a. of this section, an amount not
35 exceeding \$25 million shall be appropriated annually and used
36 exclusively to support justice-related programs including, but not
37 limited to, the following: Court Appointed Special Advocates,
38 Justice Involved Mental Health Diversions, Family Crisis
39 Intervention, Juvenile Detention Alternatives Initiative, Alternatives
40 to Juvenile Incarceration, Crisis Intervention Programs, Victims of
41 Crime Compensation Office, Juvenile Justice Commission Female
42 Substance Abuse Programs, Enhanced DNA Testing, State Police
43 Laboratory Enhancement, and the Office of the Public Guardian for
44 Elderly Adults.

45 c.】' From amounts remaining in the fund after the appropriation
46 of funds as provided in '【subsections】 subsection' a. '【and b.】' of

1 this section, an amount not exceeding \$10.1 million shall be
2 appropriated annually to the Department of the Treasury for
3 distribution to Legal Services of New Jersey and its affiliates to
4 facilitate the provision to the poor of legal assistance in civil
5 matters, which shall supplement other funds as may be appropriated
6 from any other source in a fiscal year for the same purpose. All
7 State funds distributed to Legal Services of New Jersey shall be
8 used exclusively for the provision to the poor of legal assistance in
9 civil matters.

10 'd. c.' Any amount remaining in the fund after the
11 appropriation of funds as provided in subsections a. '[,] and' b.
12 'and c.' of this section shall be retained by the Judiciary for the
13 'sole' purpose of developing, maintaining and administering court
14 information technology. 'The monies credited to the fund shall not
15 be used for any purpose other than those purposes set forth in
16 P.L. , c. (C.) (pending before the Legislature as this bill).'

17
18 5. Section 6 of P.L.1995, c.325 (C.2B:1-5) is amended to read as
19 follows:

20 6. a. (1) Notwithstanding the provisions of any other law to the
21 contrary, the [Supreme Court, the Superior Court and the Tax
22 Court, and the various municipal and joint municipal courts when
23 permitted by resolution of the appropriate municipal governing
24 bodies, are] Administrative Office of the Courts is authorized to
25 establish systems to accept the payment of filing fees,
26 administrative charges, fines and penalties imposed for violations of
27 Title 39 of the Revised Statutes, civil and criminal fines and
28 penalties [and] , all other judicially imposed financial obligations,
29 and related charges by card based payment, electronic funds
30 transfer, or any other method deemed feasible by the [Supreme
31 Court] Administrative 'Director' Office' of the Courts.

32 (2) The various municipal 'and joint municipal' courts, when
33 permitted by resolution of the appropriate 'municipal' governing
34 bodies, are authorized to establish systems to accept the payment of
35 filing fees, administrative charges, fines and penalties imposed for
36 violations of Title 39 of the Revised Statutes, civil and criminal
37 fines and penalties, all other judicially imposed financial
38 obligations, and related charges by card based payment, electronic
39 funds transfer, or any other method deemed feasible by the
40 Administrative 'Director' Office' of the Courts.

41 b. No person or organization that is a defendant in a criminal
42 matter shall be entitled to offer a credit card for the payment of bail
43 or for the payment of fines or penalties related to the imposition of
44 a sentence, for a crime of the first, second or third degree under
45 Title 2C of the New Jersey Statutes.

1 c. If not legally prohibited by an association, financial
2 institution, or [by an] a card issuer, any court or the Administrative
3 Office of the Courts is authorized to assess [and] , collect and pay
4 from receipts service charges [related to] and other costs associated
5 with the collection of filing fees, administrative fees, judicially
6 imposed financial obligations, and related charges owed to [or
7 collected by] the court when credit cards, debit cards [or] ,
8 electronic funds transfer systems, or any other methods deemed
9 feasible by the Administrative ' [Director] Office' of the Courts
10 are utilized. Alternatively, the Administrative Office of the Courts
11 may pay such service charges and other costs out of the monies
12 appropriated to the Judiciary pursuant to subsection a. of section 4
13 of P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 d. The Supreme Court of the State of New Jersey [shall] may
16 adopt Rules of Court appropriate or necessary to effectuate the
17 purposes of this section.
18 (cf: P.L.1995, c.325, s.6)

19

20 6. (New section) Not later than the six month after the end of
21 each State fiscal year, the Administrative Director of the Courts
22 shall submit a report to the Governor, the President of the Senate,
23 and the Speaker of the General Assembly describing the Judiciary's
24 use of funding pursuant to P.L. , c. (C.) (pending before
25 the Legislature as this bill) and the Judiciary's progress toward the
26 development and deployment of a Statewide digital e-court
27 information system.

28

29 7. (New section) Not later than the sixth month after the end of
30 each State fiscal year, Legal Services of New Jersey, through the
31 Department of the Treasury, shall submit to the Governor, the
32 President of the Senate, the Speaker of the General Assembly, and
33 the State Auditor a detailed financial statement describing how
34 funds appropriated in the prior fiscal year pursuant to P.L. ,
35 c. (C.) (pending before the Legislature as this bill) were
36 used for the provision to the poor of legal assistance in civil
37 matters. The use of public funds appropriated to Legal Services of
38 New Jersey shall be subject to oversight by the State Auditor.

39

40 '8. (New section) a. The authority of the Supreme Court to
41 revise or supplement filing fees and other statutory fees payable to
42 the court pursuant to sections 1 and 2 of this act shall expire on the
43 first day of the seventh month next following the date of enactment
44 of those sections, except that any filing fees and other statutory fees
45 payable to the court that have been revised or supplemented
46 pursuant to those sections shall continue in effect, subject to the
47 provisions of this section.

b. Within 30 days of the fifth anniversary of the effective date of the Rules of Court first adopted pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), and additionally within 30 days of the 10th anniversary of that effective date, the Court may review all filing fees and other statutory fees revised or supplemented pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) through its rulemaking process, which includes a reasonable opportunity for public comment, to determine if the fees should remain unchanged as originally adopted pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) or be reduced to reflect the funding needs associated with developing, maintaining and administering the Statewide digital e-court information system; and

c. On or after five years from the effective date of the Rules of Court first adopted pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), if the annual grants provided to Legal Services of New Jersey by the Board of Trustees of the Interest on Lawyers' Trust Accounts (IOLTA) Fund of the Bar of New Jersey, as established and operated pursuant to the Rules of Court, for use by Legal Services of New Jersey and its affiliates, equal or exceed \$25 million based on the most currently available information from the Supreme Court or as indicated in the most recently published annual report by the trustees, then beginning with the fiscal year next following the fiscal year in which the grants equaled or exceeded \$25 million:

(1) The monies to be annually credited to the "21st Century Justice Improvement Fund" established by section 3 of P.L. , c. (C.) (pending before the Legislature as this bill) for appropriation to the Department of the Treasury for distribution to Legal Services of New Jersey and its affiliates pursuant to subsection b. of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) shall no longer be credited to the "21st Century Justice Improvement Fund." The remainder of any monies in the "21st Century Justice Improvement Fund" that exceeds \$17 million, as set forth in subsection a. of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill), shall be deposited in the General Fund; and

(2) All filing fees and other statutory fees revised or supplemented pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) shall be reduced so that the fees payable to the court shall total no more than \$17 million annually and, pursuant to subsection a. of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill), shall be used to fund the development, maintenance and administration of the Statewide digital e-court information system.¹

1 '【8.】 9.' This act shall take effect on July 1, 2012, except for
2 sections 1 and 2 which shall take effect immediately. '【The
3 authority of the Supreme Court to revise and supplement filing fees
4 and other statutory fees payable to the court pursuant to sections 1
5 and 2 of this act shall expire on the first day of the seventh month
6 following the date of enactment, except that any filing fees and
7 other statutory fees payable to the court that have been revised or
8 supplemented pursuant to those sections shall continue in effect.】'