

# *Bill A5176*

## *Session 2020 - 2021*



## ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

## ASSEMBLY, No. 5176

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 9, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5176.

This bill creates a pilot program to establish regional municipal courts by consolidating certain municipal courts. As amended by the committee, the pilot program would be established in no fewer than three and no fewer than five municipalities in each county. The pilot program would take place only in those counties and counties that apply to the Administrative Office of the Courts to participate.

The selection of the appropriate counties and municipalities for the pilot program would be determined by the Administrative Director of the Courts in consultation with the assignment judges. In order to participate in the pilot program, a county would be required to have a population of less than 300,000 and a population density of less than 500 people per square mile according to the 2010 decennial census. If one county in a vicinage qualifies, all the counties in the vicinage qualify. Additionally, any county that has implemented municipal court consolidation prior to the enactment of the bill could submit information for consideration to the Administrative Director of the Courts, and that county would be included in the pilot program.

A regional municipal court would have jurisdiction over all matters falling within the jurisdiction of the municipal courts that are part of the pilot program. All complaints issued in the county by the State Police, a statewide law enforcement agency, or by any county law enforcement agency, any county code enforcement entity, or by any other non-municipal law enforcement agency within the jurisdiction of the municipal courts would also fall within the jurisdiction of the regional municipal courts.

The nomination and appointment of judges of a regional municipal court would be done in accordance with the provisions of Article VI, Section VI, paragraph 1 of the State Constitution. That paragraph provides that the Governor nominates and appoints any judges of "inferior courts" having jurisdiction over matters in any municipality with the advice and consent of the Senate. The assignment judge of the vicinage would have authority to make a temporary appointment in the event of a vacancy.

All fines and costs collected by a regional municipal court would be the same as currently provided for municipal courts. The regional municipal court would retain these monies on a pro rata basis to cover the costs incurred associated with the operations of the court. The remainder of the fines and costs collected by the regional municipal court would be distributed in accordance with existing law, N.J.S.22A:3-4, to various funds, such as the "Automated Traffic System Fund," N.J.S.2B:12-30 (used for a Statewide integrated traffic ticket control, case processing, and other automated municipal court operations), "Emergency Medical Technician Training Fund," section 3 of P.L.1992, c.143 (C.26:2K-56), and other funds distributed to the State or appropriate municipalities in accordance with R.S.39:5-40, R.S.39:5-41, and subsection c. of section 3 of P.L.1979, c.396 (C.2C:46-4).

In support of consolidated court operations, a county participating in the pilot program could determine budgets for participating municipalities in that county by way of an assessment based on each participating municipality's equalized value as determined by the appropriate county board of taxation.

The bill as amended would take effect 60 days after enactment, except the Administrative Director of the Courts may take any anticipatory action in advance as the director deems necessary for the implementation of the pilot program. Any regional municipal court established in a county that is included in the pilot program because that county considered municipal court consolidation on a county-wide basis prior to the enactment of the bill would begin hearing cases no later than January 1, 2022, and any other regional municipal court in a county selected by the Administrative Director of the Courts for the pilot program would begin hearing cases no later than one year following the bill's enactment.

COMMITTEE AMENDMENTS:

1. Provide that the pilot program would take place only in municipalities and counties that have applied to the Administrative Office of the Courts to participate, and that the counties and municipalities to be selected to participate by the Administrative Director of the Courts from a list of those municipalities that have applied.

2. Provide for any county that has considered municipal court consolidation on a county-wide basis prior to the bill's enactment to submit information to the Administrative Director of the Courts for inclusion in the pilot program;

3. Exclude the use of county population and population density figures set forth in N.J.S.2B:12-1 as applicable to establishing a county-wide central municipal court, as criteria for selecting counties for the bill's county-based regional municipal court pilot program. N.J.S.2B:12-1 provides that any county in the first class with a population of over 900,000 and a population density of less than 4,000 persons per square mile may establish a central municipal court to adjudicate certain cases;

4. Provide that a county participating in the pilot program could consider determining budgets for participating municipalities in that county by way of an assessment based on each participating municipality's equalized value as determined by the appropriate county board of taxation;

5. Change the effective date to 60 days after enactment, and require a regional municipal court established in the program that previously considered county-wide municipal court consolidation to begin hearing cases no later than January 1, 2022, and any other regional courts to begin hearing cases no later than one year following the bill's enactment;

6. Provide that a regional municipal court pilot program shall be in no fewer than two counties. Under the committee amendment, the bill provided for no fewer than three counties. The inclusion of no fewer than five municipalities in each county remains unchanged;

7. Provide criteria for qualifying as a county to be selected under the bill. A county with a population of less than 300,000 and a population density of less than 500 people per square mile as of the 2010 decennial census to qualify for the pilot program. If one county in a multi-county vicinage qualifies, all the counties in the vicinage qualify. The term "qualified" is applied also in section 5 of the bill concerning when hearing cases shall commence. Under these criteria the counties which qualify include: Atlantic, Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Ocean, Passaic, Sussex, Warren, and York;

8. Provide that municipal court judges sitting in the municipal courts selected for the pilot program could be considered for appointment to the regional municipal court.

