

APPENDIX C

STATUTES GOVERNING MUNICIPAL COURTS

Chapter 12. MUNICIPAL COURTS.

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2B:12-1. Establishment of municipal courts. a. Every municipality shall establish a municipal court. If a municipality fails to maintain a municipal court or does not enter into an agreement pursuant to subsection b. or c. of this section,

the Assignment Judge of the vicinage shall order violations occurring within its boundaries heard in any other municipal court in the county until such time as the municipality establishes and maintains a municipal court. The municipality without a municipal court shall be responsible for all administrative costs specified in the order of the Assignment Judge pending the establishment of its municipal court.

b. Two or more municipalities, by ordinance, may enter into an agreement establishing a single joint municipal court and providing for its administration. A copy of the agreement shall be filed with the Administrative Director of the Courts. As used in this act, “municipal court” includes a joint municipal court.

c. Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.

d. An agreement pursuant to subsection b. or c. of this section may be terminated as provided in the agreement. If the agreement makes no provision for termination, it may be terminated by any party with reasonable notices and terms as determined by the Assignment Judge of the vicinage.

e. Any county of the first class with a population of over 900,000 and a population density of less than 4,000 persons per square mile according to the 2010 federal decennial census may establish, by ordinance, a central municipal court, which shall be an inferior court of limited jurisdiction, to adjudicate cases filed by agents of the county health department, agents of the county office of consumer affairs, members of the county police department and force, county park police system, or sheriff's office, or other cases within its jurisdiction referred by the vicinage Assignment Judge pursuant to the Rules of Court, and provide for its administration. A copy of that ordinance shall be filed with the Administrative Director of the Courts. As used in this act, "municipal court" includes a central municipal court.

f. Nothing in P.L.2015, c.103 shall require a county that has established and maintained a central municipal court in accordance with subsection e. of N.J.S.2B:12-1 prior to the date of the enactment of P.L.2015, c.103 to re-establish that court.

Source: N.J.S.2A:8-1, N.J.S.2A:8-3, C.2A:8-18.2 (P.L.1990, c.95, s.5). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §1, effective October 24, 1996; L. 2008, c. 2, §1, effective March 26, 2008; L. 2011, c. 181, §1, effective March 18, 2012; L. 2015, c. 103, §1, effective August 10, 2015.

2B:12-2. Name of court. The name of a municipal court of a single municipality shall be the “Municipal Court of (insert name of municipality).” The name of a joint municipal court shall be specified in the ordinances establishing the court. The name of a central municipal court shall be the “Central Municipal Court of the County of (insert name of county)” and shall be specified in the ordinance establishing the court.

Source: N.J.S.2A:8-1. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §2, effective October 24, 1996.

2B:12-3. Place of court. Courtrooms and sessions of a municipal court need not be in the municipality for which the court has jurisdiction. If the same person is serving as judge of more than one municipal court, sessions of the respective courts may be combined.

Source: C.2A:8-18.1 (P.L.1957, c.167). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-4. Judge of municipal court; term of office; appointment. a. Each judge of a municipal court shall serve for a term of three years from the date of appointment and until a successor is appointed and qualified. Any appointment to fill a vacancy not caused by the expiration of term shall be made for the unexpired term only. However, if a county or municipality requires by ordinance that the judge of the municipal court devote full time to judicial duties or limit the practice of law to non-litigated matters, the first appointment after the establishment of that requirement shall be for a full term of three years.

b. In municipalities governed by a mayor-council form of government, the municipal court judge shall be appointed by the mayor with the advice and consent of the council. Each judge of a joint municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate. In all other municipalities, the municipal judge shall be appointed by the governing body of the municipality.

c. In a county that has established a central municipal court, the judge of the central municipal court shall be nominated and appointed by the Governor with the advice and consent of the Senate. In those counties having a county executive, the county executive may submit the names of judicial candidates for judge of the central municipal court to the Governor. In all other counties, the governing body may submit the names of judicial candidates for judge of the central municipal court to the Governor.

Source: N.J.S.2A:8-5. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §3, effective October 24, 1996.

2B:12-5. Additional municipal judges. a. With the written consent of the Assignment Judge of the vicinage, a county or municipality may:

- (1) increase the number of judgeships of the municipal court, or
- (2) appoint one or more temporary municipal judges.

b. A temporary judge is an additional judge of the municipal court appointed to meet a special need of limited duration. The procedure for appointment of temporary municipal judges shall be the same as that for other municipal judges, but each term of a temporary judge shall not exceed one year.

Source: C.2A:8-5a and C.2A:8-5b (P.L.1985, c.46, ss. 1 and 2); C.2A:8-5.2 (P.L.1983, c.430). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §4, effective October 24, 1996.

2B:12-6. Designation of acting judges. Subject to the Rules of Court, the Assignment Judge of the vicinage may appoint an acting judge of each of the municipal courts in the vicinage to serve as judge temporarily when the judge of that court is unable to hold the municipal court or for other cause. A person appointed as an acting judge shall be a judge of another municipal court or an attorney-at-law. A copy of the appointment of an acting judge for a municipal court shall be sent to the judge of that court and to the Administrative Director of the Courts.

Source: N.J.S.2A:8-10. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §5, effective October 24, 1996.

2B:12-7. Qualifications of judges; compensation. a. Every judge, temporary judge and acting judge of a municipal court shall be a resident of this State and an attorney-at-law admitted to practice in this State for at least five years provided, however, that this provision shall not apply to any attorney-at-law serving as a judge of a municipal court on the effective date of this act.

b. In lieu of any other fees, judges of municipal courts shall be paid annual salaries set by ordinance or resolution of the counties or municipalities establishing the court.

Source: N.J.S.2A:8-7; N.J.S.2A:8-9. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §6, effective October 24, 1996.

2B:12-8. Chief judge. Where there is more than one judge of a municipal court, the county or municipality may designate one of the judges as the chief judge of the court. The chief judge shall designate the time and place of court and assign cases among the judges, pursuant to the Rules of Court.

Source: N.J.S.2A:8-19. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §7, effective October 24, 1996.

2B:12-9. Presiding judge of the municipal courts. If the Chief Justice designates a judge of the Superior Court or a judge of one of the municipal courts in a vicinage to serve as presiding judge of the municipal courts for that vicinage, that judge may exercise powers delegated by the Chief Justice or established by the Rules of Court.

If the presiding judge is a municipal court judge, the presiding judge shall be paid by the State for the time devoted to duties as Presiding Judge, unless that judge is also assigned duties at the request of a county, in which case compensation, pension and other benefits shall be as determined by the Assignment Judge and the governing body of the county, with the approval of the Chief Justice.

Source: New. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §8, effective October 24, 1996.

2B:12-10. Municipal court administrator and personnel. a. A county or municipality shall provide for an administrator and other necessary employees for the municipal court and for their compensation. With approval of the Supreme Court, an employee of the county or municipality, in addition to other duties, may be designated to serve as administrator of the municipal court.

b. The judge of a municipal court may designate in writing an acting administrator or deputy administrator to serve temporarily for an absent administrator or deputy administrator until the absent administrator or deputy administrator returns or a new administrator or deputy administrator is appointed. The acting administrator or acting deputy administrator shall be paid at a rate established by the judge but not exceeding that established for the administrator or deputy administrator.

Source: N.J.S.2A:8-13; C.2A:8-13.1 (P.L.1953, c.168); C.2A:8-13.2 (P.L.1971, c.189); C.2A:8-13.3 (P.L.1975, c.39). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §9, effective October 24, 1996.

2B:12-11. Certification of municipal court administrators. a. The Supreme Court may appoint a Municipal Court Administrator Certification Board. That board shall:

- (1) Design examinations for certification of municipal court administrators;
- (2) Establish courses satisfying training requirements in subjects closely related to the duties of a municipal court administrator; and

(3) Establish procedures and fees for certification.

b. A person shall be certified as a Municipal Court Administrator if the person:

(1) Is a high school graduate;

(2) Has a combination of two years of either full-time government employment performing duties related to those of a municipal court administrator, or higher education;

(3) Completes the training required by the board;

(4) Passes the examination held by the board, and

(5) Pays any required certification fee.

c. A person who is a municipal court administrator and has been serving in that position for five years on the effective date of this act shall be certified as a municipal court administrator if the person passes the examination held by the board and pays any required certification fee. A person who is a municipal court administrator and has been serving in that position for three years on the effective date of this act shall be certified as a municipal court administrator if the person completes the training required by the board, passes the examination held by the board and pays any required certification fee.

d. Starting on the fifth anniversary of the effective date of P.L.2006, c.20, no person shall be appointed as a municipal court administrator unless that person holds a municipal court administrator certificate issued by the Supreme Court. Municipal court administrators hired in the interim between that effective date and the fifth anniversary following that effective date shall have five years from the date of hire to obtain certification.

e. Starting on the fifth anniversary of the effective date of P.L.2006, c.20, after a vacancy in the office of municipal court administrator, the governing body may appoint a person who does not hold a municipal court administrator certificate to serve as a municipal court administrator, on an interim basis, for a period not to exceed one year commencing on the date of the appointment. Any person so appointed may, in consultation with the judge of the municipal court, be reappointed as a municipal court administrator, on an interim basis, for two subsequent one-year terms. The municipal court administrator appointed on an interim basis may be reappointed for a fourth, and, if necessary, a fifth additional one-year term, provided the municipal court administrator is currently enrolled in the certification program and needs additional time to complete that program.

(1) Time served as an interim municipal court administrator may be credited toward the experience authorized as a substitute for the college education requirement under paragraph (2) of subsection b. of this section.

(2) Time served as a municipal court administrator, on an interim basis, may not be credited as time served as a municipal court administrator for the purpose of acquiring tenure under section 1 of P.L.1953, c. 168 (C.2A:8-13.1) and section 1 of P.L.1975, c.39 (C.2A:8-13.3).

f. Notwithstanding the provisions of P.L.2006, c.20, a person who is serving as a municipal court administrator on the effective date of P.L.2006, c.20, may continue to hold the position of municipal court administrator in that municipality, provided the person satisfactorily completes, within five years of the effective date of P.L.2006, c.20, the training required by this section and thereafter satisfies the continuing education required of certified municipal court administrators. If a municipal court administrator qualified under this subsection transfers to a position as a municipal court administrator in another municipality, that administrator will be treated as a newly-hired administrator for purposes of this section.

g. The Supreme Court of New Jersey may adopt rules to implement the purposes of P.L.2006, c.20.

h. A municipal court administrator certificate may be revoked or suspended by the board for dishonest practices or failure to perform, or neglect of, duties of a municipal court administrator.

Source: New. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 2006, c. 20, §1, effective May 25, 2006.

2B:12-12. Bond or insurance. Before assuming the duties of office, a judge or administrator of a municipal court, or person employed by the court who handles money in the scope of that employment, shall be covered by a bond or insurance against loss or misappropriation of funds payable to the municipality, county and State, in an amount and with terms set by the municipality.

Source: N.J.S.2A:8-14. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-13. Powers of administrator. Any process, order, warrant or judgment issued by a municipal court may be signed by the judge or be attested in the judge's name and signed by the municipal court administrator. The municipal court administrator shall have the authority granted by law and the Rules of Court to administrators and clerks of courts of record.

Source: N.J.S.2A:8-15. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-14. Officers empowered to execute process. Any law enforcement officer, or any other person authorized by law, may act in the service, execution and return of process, orders, warrants and judgments issued by any municipal court.

Source: N.J.S.2A:8-16. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-15. Courtrooms and equipment. Suitable courtrooms, chambers, offices, equipment and supplies for the municipal court, its administrator's office and its violations bureau shall be provided by the municipality or by a county that has established a central municipal court.

Source: N.J.S.2A:8-18. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §10, effective October 24, 1996.

2B:12-16. Territorial jurisdiction. a. A municipal court of a single municipality shall have jurisdiction over cases arising within the territory of that municipality except as provided in section 10 of P.L.1997, c.357 (C.27:25-5.15). A joint municipal court shall have jurisdiction over cases arising within the territory of any of the municipalities which the court serves. The territory of a municipality includes any premises or property located partly in and partly outside of the municipality. A central municipal court shall have jurisdiction over cases arising within the territorial boundaries of the county. A regional municipal court established pursuant to the pilot program set forth in section 1 of P.L.2021, c.191 (C.2B:12-34) shall have territorial jurisdiction over cases arising within the territory of the municipalities participating in the regional municipal court pilot program.

b. A municipal court judge, serving as an acting judge in any other municipal court in the county, may also hear matters arising out of that other court, while sitting in the court where the acting judge holds a regular appointment.

Adopted. L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §11, effective October 24, 1996; L. 1997, c. 357, §13, effective July 14, 1998; L. 2023, c. 284, §1, effective August 1, 2024.

2B:12-17. Jurisdiction of specified offenses. A municipal court has jurisdiction over the following cases within the territorial jurisdiction of the court:

- a. Violations of county or municipal ordinances;
- b. Violations of the motor vehicle and traffic laws;
- c. Disorderly persons offenses, petty disorderly persons offenses and other non-indictable offenses except where exclusive jurisdiction is given to the Superior Court;
- d. Violations of the fish and game laws;
- e. Proceedings to collect a penalty where jurisdiction is granted by statute;
- f. Violations of laws regulating boating; and
- g. Any other proceedings where jurisdiction is granted by statute.

Source: N.J.S.2A:8-21. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §12, effective October 24, 1996.

2B:12-17.1. Responsibility for notification. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-57), a court adjudging guilt or liability for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, shall charge the prosecutor or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the Commissioner of Health, in writing, of the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable, and the person charged with the responsibility shall provide such notice.

Adopted. L. 2003, c. 67, §4, effective May 5, 2003. **Amended.** L. 2018, c. 331, §1, effective August 1, 2018.

2B:12-17.2. Motor vehicle matters involving death, bodily injury, Superior Court exclusive jurisdiction; prosecution guidelines. a. In any matter concerning Title 39 of the Revised Statutes where death or serious bodily injury has occurred, regardless of whether the death or serious bodily injury is an element of the offense or violation, the Superior Court shall have exclusive jurisdiction over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. For the purposes of this section, the term “serious bodily injury” shall have the meaning set forth in subsection b. of N.J.S.2C:11-1.

b. The Attorney General may develop guidelines establishing procedures to be followed for prosecutions involving violations of N.J.S.2C:11-4, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3) or section 1 of P.L.1997, c.111 (C.2C:11-5.1) or criminal offenses involving serious bodily injury and underlying motor vehicle offenses arising from the same incident consistent with the provisions of P.L.2006, c.28 (C.2B:12-17.2 et al.).

Adopted. L. 2006, c. 28, §1, effective June 29, 2006. **Amended.** L. 2017, c. 165, §7, effective July 21, 2017.

2B:12-18. Jurisdiction of specified offenses where indictment and trial by jury are waived. A municipal court has jurisdiction over the following crimes occurring within the territorial jurisdiction of the court, where the person charged waives indictment and trial by jury in writing and the county prosecutor consents in writing:

- a. Crimes of the fourth degree enumerated in chapters 17, 18, 20 and 21 of Title 2C of the New Jersey Statutes; or
- b. Crimes where the term of imprisonment that may be imposed does not exceed one year.

Source: N.J.S.2A:8-22. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-18.1. Jurisdiction of complaints brought by State or county law enforcement. All complaints issued in the county on or after the effective date of

P.L. 2023, c.284 (C.2B:12-18.1 et al.) by the State Police or any 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, shall be heard in the municipal court of the municipality from which the complaint originates, consistent with the provisions of N.J.S.2B:12-17 and N.J.S.2B:12-18. A regional municipal court established prior to the enactment of P.L. 2023, c.284 (C.2B:12-18.1 et al.) shall retain jurisdiction over all matters pending as of the effective date of P.L. 2023, c.284 (C.2B:12-18.1 et al.). The assignment judge of the vicinage shall have the authority to transfer matters between the municipal courts of the county consistent with the provisions of this section. exceed one year.
Adopted. L. 2023, c. 284, §1, effective August 1, 2024.

2B:12-19. Authority of municipal court judge prior to indictment; notice to county prosecutor. a. A municipal court has authority to conduct proceedings in a criminal case within its territorial jurisdiction prior to indictment subject to the Rules of Court.

b. A municipal court shall not discharge a person charged with an indictable offense without first giving the county prosecutor notice and an opportunity to be heard in the case.

Source: N.J.S.2A:8-23. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-20. Municipal housing court; jurisdiction. A municipality in a county of the first class may establish, as a part of its municipal court, a full-time municipal housing court. Municipal housing courts shall have jurisdiction over actions for eviction involving property in the municipality which are transferred to the municipal housing court by the Special Civil Part of the Superior Court.

Source: C.2A:8-24.1 (P.L.1983, c.207, s.4). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.
Amended. L. 2003, c. 295, §29, effective July 12, 2004.

2B:12-21. Officials authorized to act for court. a. An administrator or deputy administrator of a municipal court, authorized by a judge of that court, may exercise the power of the municipal court to administer oaths for complaints filed with the municipal court and to issue warrants and summonses.

b. A police officer in charge of a police station, other than an officer who participated in the arrest of the defendant, may exercise the power of the municipal court to administer oaths for complaints filed with the municipal court. Any police officer may issue summonses related to such complaints and may as authorized by the Rules of the Court issue a summons in lieu of an arrest for an offense committed in the officer's presence.

c. The authority of the municipal court to set conditions of pre-trial release may be exercised by an administrator or deputy administrator of a municipal court who is authorized by the judge of that court, or by any police officer in charge of a police station, other than an officer who participated in the arrest of the defendant. The authority may be exercised only in accordance with bail schedules promulgated by the Administrative Office of the Courts or by the municipal court.

d. Except as otherwise provided by the Rules of Court, a person charged with a non-indictable offense shall be released on summons or personal recognizance without unnecessary delay and within 12 hours after arrest unless a judge or court administrator has set the conditions for pretrial release and the conditions remain unmet.

e. A person acting for a municipal court by authority of this section shall immediately file the complaint, warrant, summons or recognizance which was the subject of the action with the municipal court.

Source: N.J.S.2A:8-27; N.J.S.2A:8-28. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-22. Periodic service of imprisonment. A court may order that a sentence of imprisonment be served periodically on particular days, rather than consecutively. The person imprisoned shall be given credit for each day or fraction of a day to the nearest hour actually served.

Source: C.2A:8-30.1 (P.L.1969, c.146). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-23. Default in payment of fine; community service. a. A person, sentenced by a municipal court to pay a fine, who defaults in payment may be ordered to perform community service in lieu of incarceration or other modification of the sentence with the person's consent.

b. The county or municipal official in charge of the community service program shall report to the municipal court any failure of a person subject to a court work order to report for work or to perform the assigned work. Upon receipt of the report, the court may revoke its community service order and impose any sentence consistent with the original sentence.

Source: C.2A:8-31.1 and C.2A:8-31.2 (P.L.1983, c.153). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994. **Amended.** L. 1996, c. 95, §13, effective October 24, 1996.

2B:12-23.1. Penalties payable in installments; alternative penalties. a. Notwithstanding any other provision of law to the contrary, if a municipal court finds that a person does not have the ability to pay a penalty in full on the date of the hearing or has failed to pay a previously imposed penalty, the court may order the person to perform community service in lieu of the payment of a penalty; or, order the payment of the penalty in installments for a period of time determined by the court. If a person defaults on any payment and a municipal court finds that the defendant does not have the ability to pay, the court may:

- (1) reduce the penalty, suspend the penalty, or modify the installment plan;
- (2) order that credit be given against the amount owed for each day of confinement, if the court finds that the person has served jail time for the default;
- (3) revoke any unpaid portion of the penalty, if the court finds that the circumstances that warranted the imposition have changed or that it would be unjust to require payment;
- (4) order the person to perform community service in lieu of payment of the penalty; or
- (5) impose any other alternative permitted by law in lieu of payment of the penalty.

b. For the purposes of this section, "penalty" means any fine, statutorily-mandated assessment, surcharge or other financial penalty imposed by a municipal court, except restitution or a surcharge assessed pursuant to subsection f. of section 1 of P.L.2000, c.75 (C.39:4-97.2).

Adopted. L. 2009, c. 317, §1, effective January 18, 2010. **Amended.** L. 2013, c. 255, §1, effective January 17, 2014.

2B:12-24. Costs charged to complainant in certain cases. In cases where the judge of a municipal court dismisses the complaint or acquits the defendant and finds that the charge was false and not made in good faith, the judge may order that the complaining witness pay the costs of court established by law.

Source: N.J.S.2A:8-32. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-25. Records and standards for municipal courts. The Supreme Court may prescribe records to be maintained and reports to be filed by the municipal court and may promulgate standards for facilities and staff of municipal courts.

Source: New. **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-26. Docketing judgment. A judgment of a municipal court assessing a penalty, fine or restitution may be docketed in the Superior Court by the party recovering the judgment.

A judgment docketed in the Superior Court shall operate, from the time of the docketing, as though the judgment was obtained in an action originally commenced in the Superior Court.

After a judgment has been docketed in the Superior Court, the municipal court shall not issue an execution or hold proceedings in the case except that the municipal court may grant a new trial or process an appeal.

If a new trial is granted or an appeal taken after a judgment is docketed, the Superior Court shall not issue an execution on the judgment pending the final determination of the proceedings.

Source: C.2A:8-42, C.2A:8-43, C.2A:8-48, C.2A:8-51, C.2A:8-52, C.2A:8-53 (P.L.1968, c.460, ss. 1,2,7,10,11,12). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-27. Municipal court administrator and personnel. The governing body of the county or municipality may employ an attorney-at-law as a prosecutor, under the supervision of the Attorney General or county prosecutor, who may represent the State, county or municipality in any matter within the jurisdiction of the central municipal court or any other municipal court in accordance with the provisions of P.L.1999, c.349 (C.2B:25-1 et al.).

Adopted. L. 1993, c. 293, §1, effective February 15, 1994; L. 1996, c. 95, §14, effective October 24, 1996. **Amended.** L. 1999, c. 349, §11, effective April 13, 2000.

2B:12-28. Repealed.

Repealed. L. 1997, c. 256, §18, effective December 22, 1997.

2B:12-29. Blank.

Adopted. L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-30. Automated Traffic System Fund. a. The Legislature finds and declares that there is a need to improve the management, efficiency and effectiveness of municipal court operations and quality of justice by providing funds:

(1) To be utilized by the Administrative Office of the Courts to design, equip, operate and maintain a standardized, Statewide computer system, including integrated traffic ticket control, court financial accounting, case processing, statistical reporting services and other components necessary to automate municipal court operations; and

(2) To ensure the smooth exchange of automated information among the Judiciary, the Division of Motor Vehicles, law enforcement agencies, other public or quasi-public agencies, or those autonomous systems approved by the Administrative Office of the Courts pursuant to subsection d. of this section.

b. In order to accomplish these purposes, there is created the "Automated Traffic System Fund." The fund shall be a dedicated fund within the General Fund and administered by the Administrative Office of the Courts. The fund shall be the depository of moneys realized from the \$1.00 surcharge imposed pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1), the \$2.00 court cost assessment imposed pursuant to subsection a. of N.J.S. 22A:3-4 and any other moneys made available for the purposes of the fund.

c. The Supreme Court may issue Rules of Court to effectuate the purposes of this act.

d. Nothing in this section shall be deemed to prevent a municipality, at its own expense, from maintaining or obtaining and using an autonomous computer system for integrated traffic ticket control, court financial accounting, case processing, statistical reporting services and other components necessary to automate municipal court operations that interconnects with the Automated Traffic System, its components and computer network, upon the approval of the Administrative Office of the Courts, in accordance with the following:

(1) An autonomous system shall only be approved for interconnection with the Automated Traffic System (ATS) when it meets all technical interconnection requirements, standardized data definitions and functionality of the Automated Traffic System, including its criminal and ordinance violation components, necessary to: fully automate municipal court operations in accordance with law, court rule or administrative directive; maintain and update on-line the standardized Statewide data base and its electronic traffic and criminal warrant components; and provide for on-line inquiry and exchange of automated data, consistent with the purposes expressed in subsection a. of this section.

(2) A municipality that obtains and uses an autonomous system, approved for interconnection with the Automated Traffic System, shall retain, from the date of interconnection, one-half the full amount of that portion of the court cost assessment imposed and collected on and after that date for payment into the Automated Traffic System Fund, pursuant to subsection a. of N.J.S.22A:3-4. The retained court cost assessment shall be used by the municipality to offset the operating costs of its autonomous system, including costs to maintain compliance with the interconnection requirements of the Automated Traffic System. A municipality shall be entitled only to retain those court cost assessments for as long as its autonomous system continues to meet the update and other requirements of paragraph (1) of subsection d. of this section.

(3) That portion of the court cost assessment, imposed pursuant to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be used for the purposes described in subsection a. of this section including: the State's costs, within the Automated Traffic System, of developing and maintaining interconnection with an autonomous system; the maintenance, improvement and updating of the Automated Traffic System, its components and the standardized Statewide data base; and the procurement and maintenance of hand-held data entry devices and related equipment for use by parking authorities or parking agencies who choose to be directly serviced by the Automated Traffic System. The Administrative Office of the Courts may obtain either directly, through the Statewide master contract process, or as otherwise provided by law, automation services or equipment including hand-held, ticket-issuing devices and printers for use by those parking authorities or parking agencies to facilitate the exchange of automated information and maintain the efficiency of the standardized Statewide computer system.

(4) An autonomous computer system used by a municipality shall be interconnected with the Automated Traffic System and its components by January 1, 1997. The Administrative Office of the Courts shall, at no cost to the municipality, install and maintain the telecommunication line and the court's modem to permit the municipal court to provide for the on-line exchange of automated information with the Automated Traffic System and its components. The Administrative Office of the Courts shall maintain sufficient capacity on its mainframe computer to incorporate the standardized data of that municipal court

into the Statewide record system, including the Statewide traffic and criminal warrant systems. Any municipality that fails to maintain and use an autonomous computer system that meets the requirements of this subsection by January 1, 1997 shall be implemented on ATS directly. After that date, municipal courts operating on ATS retain full discretion to either continue on ATS or subsequently obtain and use an autonomous system approved for interconnection.

(5) Nothing in this section shall preclude the Administrative Office of the Courts from immediately terminating, on an emergency basis, without notice, any interconnection with an autonomous system whose continued operation at any time immediately threatens or has compromised the security or data integrity of the Automated Traffic System, any of its components or any of the public and quasi-public agencies that exchange automated information with the Automated Traffic System, pursuant to paragraph (2) of subsection a. of this section. The municipality shall immediately be provided with written reasons for the termination, which shall continue until the threats to security and data integrity have been removed.

(6) If there is any disagreement between the municipality and the Administrative Office of the Courts concerning the standards for the exchange of automated information set forth in this section, the municipality or the Administrative Office of the Courts may seek the advice of the New Jersey Information Resources Management Commission established pursuant to P.L.1993, c. 199 (C.52:9XX-1 et seq.).

(7) Any municipal contract related to the operation of an autonomous computer system shall be subject to review, audit and the policies of the Division of Local Government Services in accordance with N.J.S.40A:11-1 et seq. including the auditing standards of the Division of Local Government Services relating to the processing of transactions by servicing organizations pursuant to section 6 of P.L.1972, c.112 (C.40A:11-12.6). All contracts between municipalities and private service providers shall require compliance with the provisions of this section.

(8) The Administrative Office of the Courts shall promulgate administrative procedures necessary to accomplish the purposes of this subsection.

e. By April 1, 1996, a special committee shall be established to review the adequacy of funding for the Automated Traffic System and the Automated Complaint System and the extent to which autonomous computer system interconnections have been requested and successfully completed. The committee may recommend to what extent, if any, the funding level should be adjusted and the need for any further legislative action. The special committee shall be comprised of seven members as follows: one Senator appointed by the President of the Senate; one member of the General Assembly appointed by the Speaker of the General Assembly; the Director of the Administrative Office of the Courts or his designee; the president of the New Jersey League of Municipalities or his designee; the president of the New Jersey Municipal Court Administrators Association or his designee; the president of the New Jersey Municipal Managers Association or his designee and the president of the New Jersey Association of Parking Authorities and Agencies or his designee. The committee shall report its findings to the Legislature by September 30, 1996.

Source: C.2A:8-21.2 and C.2A:8-21.3 (P.L.1990, c.96, ss. 1 and 2). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

2B:12-30.1. Automated Traffic System Statewide Modernization Fund. a.

There is established in the General Fund as separate, non-lapsing, dedicated account to be known as the Automated Traffic System Statewide Modernization Fund.

b. Each fiscal year, the State Treasurer shall credit all revenues derived from the offender assessment authorized under subsection c. of N.J.S.22A:3-4 to the Automated Traffic System Statewide Modernization Fund established pursuant to subsection a. of this section.

c. Moneys in the Automated Traffic System Statewide Modernization Fund, including any interest accruing thereon, shall be utilized exclusively for the administration, operation and modernization of the Statewide Automated Traffic System.

Adopted. L. 2004, c. 62, §1, effective September 1, 2004.

2B:12-31. Suspension of driving privileges. a. (1) If a defendant charged with a disorderly persons offense, a petty disorderly persons offense, a violation of a municipal ordinance, or a violation of any other law of this State for which a penalty may be imposed fails to appear at any scheduled court proceeding after written notice has been given to said defendant pursuant to the Rules of Court, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of, except by dismissal for failure of defendant to appear.

(2) If a defendant sentenced to pay a fine or costs, make restitution, perform community service, serve a term of probation, or do any other act as a condition of that sentence fails to do so, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege or prohibit the person from receiving or obtaining driving privileges until the terms and conditions of the sentence have been performed or modified.

b. Prior to any action being taken pursuant to the provisions of this section, the defendant shall be given notice of the proposed action and afforded an opportunity to appear before the court to contest the validity of the proposed action.

c. The municipal court shall notify the New Jersey Motor Vehicle Commission of any action taken pursuant to the provisions of this section.

d. Any action taken by a municipal court pursuant to this section shall be in addition to any other remedies which are available to the court and in addition to any other penalties which may be imposed by the court.

e. (1) When a defendant whose license has been suspended pursuant to subsection a. of this section satisfies the requirements of that subsection, the municipal court shall forward to the New Jersey Motor Vehicle Commission a notice to restore the defendant's driving privileges.

(2) There shall be included in the fines and penalties imposed by a court on a defendant whose license has been suspended pursuant to subsection a. of this section, the following:

(a) A fee of \$3.00 which shall be transferred to the New Jersey Motor Vehicle Commission;

(b) A penalty of \$10.00 for the issuance of the failure to appear notice; and

(c) A penalty of \$15.00 for the order of suspension of defendant's driving privileges.

Source: C.2A:8-27.1 (P.L.1991, c.240). **Adopted.** L. 1993, c. 293, §1, effective February 15, 1994.

Repealed. L. 2019, c. 276, §20, effective January 1, 2021. **Amended.** L. 2021, c. 16, §63, effective February 22, 2021

[Publisher's note: This section, repealed by L. 2019, c. 276, was subsequently technically amended by L. 2021, c. 16 to replace the term "Division of Motor Vehicles" with "New Jersey Motor Vehicle Commission". There is no indication in the amendment of the prior repeal or of any intent to reinstate the statute.]

2B:12-32. Purging of records for violators of certain municipal ordinances. a. Upon a court ruling that a municipal ordinance is unconstitutional, or approving a settlement of a civil action contesting the constitutionality of a municipal ordinance and when the ruling is considered final because the time for appeal has expired:

(1) the municipality that enacted the ordinance and any judicial or law enforcement agency or agency in the criminal justice system that maintains a written or automated record or file concerning the subject of the order shall purge that record or file of all information identifying any person arrested, charged or convicted of violating the ordinance;

(2) the municipality shall notify any person arrested, charged or convicted of violating the ordinance that such record or file has been purged; and

(3) the municipality shall refund any fines, penalties or court costs paid by any person arrested, charged or convicted of violating the ordinance. The refund shall not be required in any case where, by settlement of a civil action contesting the constitutionality of the ordinance, the person has received or will receive monetary compensation in an amount equal to or greater than any fines, penalties or court costs the person paid.

b. Notwithstanding the provisions of any other law, purging of identifying information pursuant to this act shall not require any action by the defendant or the payment of any fee.

c. The Supreme Court of New Jersey may adopt rules and the Administrative Director of the Courts may issue directives and guidelines to be followed by municipal courts to implement the purposes of this act.

d. The Attorney General may issue any guidelines which may be necessary concerning procedures for law enforcement agencies or any agency in the criminal justice system for purging records or files of municipal ordinance violations as required by this act.

Adopted. L. 2000, c. 108, §1, effective September 8, 2000.

2B:12-33. Application of act. a. This act shall apply to all rulings of unconstitutionality and all settlements dated on or after January 1, 1999.

b. In any case where a ruling of unconstitutionality or a settlement occurred on or after January 1, 1999 and prior to the enactment of this act, purging of identifying information pursuant to section 1 of this act shall be ordered by the court upon the ex parte application of any party.

Adopted. L. 2000, c. 108, §2, effective September 8, 2000.

2B:12-34. Regional municipal court pilot program. a. The Administrative Office of the Courts shall establish a regional municipal court pilot program in no fewer than two qualified counties and no fewer than five municipalities in each county. The pilot program shall take place only in municipalities and counties that apply to the Administrative Office of the Courts to participate. The Administrative Director of the Courts in consultation with the assignment judges shall select appropriate counties and municipalities from a list of those counties and municipalities that have applied for the program for the implementation of the program.

b. Any qualified county that has considered municipal court consolidation on a county-wide basis prior to the enactment of P.L.2021, c.191 (C.2B:12-34 et seq.)

may submit that information to the Administrative Director of the Courts and that county shall be included in the pilot program.

c. To qualify for selection under this section, a county shall 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 multi-county vicinage qualifies, all the counties in the vicinage qualify. The population and population density figures set forth in subsection e. of N.J.S. 2B:12-1 shall not apply to any regional municipal court in any county participating in this pilot program, including any county included pursuant to subsection b. of this section. **Adopted.** L. 2021, c. 191, §1, effective October 4, 2021.

2B:12-35. Jurisdiction of regional municipal court. A regional municipal court shall have territorial and subject matter jurisdiction over all municipal court matters falling within the territorial jurisdiction of the municipal courts of the municipalities in the pilot program. A county may, by ordinance, confer the regional municipal court with subject matter jurisdiction over complaints issued by such county law enforcement agencies or county code enforcement entities as may be set forth by ordinance.

Adopted. L. 2021, c. 191, §2, effective October 4, 2021. **Amended.** L. 2023, c. 284, §1, effective August 1, 2024

2B:12-36. Disposition of fines, costs collected. a. Notwithstanding any other law to the contrary, fines and costs collected by the regional municipal court shall be retained by the regional municipal court on a pro rata basis equal to the costs associated with management, administration, operation, judge and staff salaries, and technology for the regional municipal court. The remainder of the fines and costs collected by the regional municipal court shall be distributed in accordance with N.J.S.22A:3-4, 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).

b. A county participating in the pilot program may 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.

Adopted. L. 2021, c. 191, §3, effective October 4, 2021.

2B:12-37. Judicial appointments. Judicial appointments to the regional municipal court shall be made in accordance with the provisions of Article VI, Section VI, paragraph 1 of the State Constitution. Municipal court judges sitting in the municipal courts selected under section 1 of this act may be considered for appointment to the regional municipal court.

The assignment judge of the vicinage shall have the authority to make a temporary appointment in the event of a vacancy.

Adopted. L. 2021, c. 191, §4, effective October 4, 2021.

2B:12-38. Certain regional municipal courts to begin hearing cases. Any regional municipal court established in a county that is included in the pilot program pursuant to subsection b. of section 1 of P.L.2021, c.191 (C.2B:12-34), because that qualified county considered municipal court consolidation on a county-wide basis prior to the enactment of P.L.2021, c.191 (C.2B:12-34 et seq.) and submitted information on that previous consideration to the Administrative Director of the Courts, shall begin hearing cases no later than January 1, 2022, and any regional municipal court in any other qualified county selected by the Administrative Director of the Courts for the pilot program shall begin hearing cases no later than one year following enactment.

Adopted. L. 2021, c. 191, §5, effective October 4, 2021.