

## PART III

### **VIOLATIONS BUREAU PAYMENTS FOR STATUTORY PENALTIES PURSUANT TO R. 7:11-4(a)**

Parts I and II of this Schedule list specific amounts that are payable through the Violations Bureau for traffic and non-traffic offenses where a court appearance is either not required pursuant to R. 7:12-4 or indicated by the police officer at the time that the Complaint/Summons is issued. There are also other offenses, pursuant to R. 7:11-4(a), that are payable through the Violations Bureau if the complaint does not involve a mandatory court appearance and the statutory penalty does not exceed \$50.00 for each offense. The methods for determining the Payable Amount for those offenses are as follows:

#### **METHODS FOR DETERMINING PAYMENT OF STATUTORY PENALTIES**

1. Where the statutory penalty does not exceed \$50 for each offense, including where the minimum statutory penalty does not exceed \$50 for each offense, the defendant at any time before the hearing date, upon presentation of the signed plea of guilty and waiver of trial endorsed on the summons, may pay the penalty and, in addition, court costs to \$21.00 in the Violations Bureau subject to the limitations prescribed in R. 7:12-4, including the limitation when the summons is marked to indicate that a court appearance is required.
2. Where the statute provides simply for a MAXIMUM penalty not in excess of \$50, it may be disposed of by payment through the Violations Bureau of one-half the maximum penalty plus \$21.00 court costs.
3. Where the statute provides for a MINIMUM penalty not in excess of \$50, even though the maximum exceeds \$50, it may be paid through the Violations Bureau by a payment of the minimum penalty plus \$21.00 court costs.
4. Where the statute provides for a FIXED PENALTY ONLY, not in excess of \$50, it may be paid through the Violations Bureau by a payment of the penalty fixed by statute plus \$21.00 court costs.

**(Note that R. 7:11-4(a) applies to all offenses involving a statutory penalty not just to Fish and Game offenses. These offenses come under the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. It includes, for example, such violations as are contained in Weights and Measures, N.J.S.A. 51:1-29, Cigarette Tax Act, N.J.S.A. 54:40A-24, Fish and Game, N.J.S.A. 23:1-2, Conservation and Development, N.J.S.A. 13:9-44.10, Consumer Fraud Act, N.J.S.A. 56:8-14, Motor Fuel Retail Act, N.J.S.A. 56:6-4.1).**

## PART IV

### ALLOCATION AND DISTRIBUTION OF PAYABLE AMOUNT

The provisions of this part are also applicable to Local Supplemental Violations Bureau Schedules as referenced.

#### A. ALLOCATION OF PAYABLE AMOUNT BETWEEN FINES, ASSESSMENTS AND COURT COSTS

In Part I (Traffic Violations), the Payable Amount established in this Statewide Violations Bureau Schedule and in Local Supplemental Violations Bureau Schedules for each offense, includes at least a fine, court costs (which may equal but not exceed the fine) and amounts required to be assessed by statute. These amounts are:

- \$1.00 for the Body Armor Replacement Fund
- \$1.00 for the New Jersey Spinal Cord Research Fund
- \$2.00 for the New Jersey Forensic DNA Laboratory Fund
- \$1.00 for the Autism Medical Research and Treatment Fund
- \$1.00 for the New Jersey Brain Injury Fund

Part II (Non-Traffic Violations) are not subject to the assessments listed above.

#### B. ALLOCATION AND DISTRIBUTION OF COURT COSTS

A portion of the total court costs allocated pursuant to Part IV A. of this Schedule shall be distributed upon collection in accordance with N.J.S.A. 22A:3-4 and N.J.S.A. 2B:12-30 as follows:

1. For all violations payable through the Violations Bureau, pursuant to this Statewide Violations Bureau Schedule or a Local Supplemental Violations Bureau Schedule, \$2 shall be collected by the municipal court administrator for deposit into the Automated Traffic System Fund. **This portion of the court costs cannot be suspended.**
2. For all violations of the provisions of Title 39 or any other motor vehicle or traffic violation, payable through the Violations Bureau, pursuant to this Statewide Violations Bureau Schedule or a Local Supplemental Violations Bureau Schedule, \$.50 shall be collected by the municipal court administrator for deposit into the Emergency Medical Technician Training Fund (EMTTF). **This portion of the court costs cannot be suspended.**
3. Any remaining court costs shall be collected by the municipal court administrator for distribution to the municipality.

## PART V

### MISCELLANEOUS

The provisions of this part also apply to Local Supplemental Violations Bureau Schedules as referenced.

#### A. ADDITIONAL PENALTIES FOR FAILURE TO APPEAR ON RETURN DATES

##### 1. MOTOR VEHICLE, TRAFFIC AND PARKING CASES

For offenses listed on this Schedule and on Local Supplemental Violations Bureau Schedules, the following additional penalties will be added to the Payable Amount as indicated:

1. When a supplemental notice is sent, \$10 will be added to the Payable Amount.
2. When a Notice of Proposed Suspension for a parking violation is sent, \$10 will be added to the Payable Amount.
3. When an Order of Suspension is issued for a parking violation, \$15 will be added to the Payable Amount.
4. A \$3.00 DMV fee is also to be added to the total Payable Amount due upon the issuance of an Order of Suspension.
5. When a warrant is issued, unless the judge otherwise orders, the amount of the bail indicated on the warrant shall be as follows: Parking offenses - The Payable Amount plus \$15. All other listed offenses - The Payable Amount plus \$25.

**(Note: Under the provisions of N.J.S.A. 39:5-9, costs, not to exceed \$30, may be deducted by the court from forfeited bail in traffic cases.)**

##### 2. NON-TRAFFIC CASES

For offenses listed in Part II on this Schedule, N.J.S.A. 2B:12-31 permits the municipal court to order the suspension of a defendant's driving privilege for failure to appear at any scheduled court appearance. The following procedures may be used by the court to effectuate that process:

1. Send a "Notice of Proposed Suspension of Driving Privileges for Failure to Appear" to the defendant. This notice may be used for violations that are payable on this Schedule as well as for those violations that are not. Note: Unlike traffic

matters, no fee may be assessed for the mailing of this notice.

2. Should the defendant fail to respond to the Notice of Proposed Suspension, the court may issue an Order of Suspension. When the court issues the Order, \$25 (\$10 (Notice) + \$15 (Order)) will be added to the total Payable Amount.
3. A \$3 DMV fee is also to be added to the total Payable Amount upon the issuance of the Order.
4. When a warrant is issued, unless the judge otherwise orders, the amount of the bail indicated on the warrant shall be the amount of the Payable Amount plus \$50.

## **B. APPEARANCE OF DEFENDANT IN CERTAIN CASES**

The officer issuing the Complaint/Summons may, where in the opinion of the officer circumstances indicate the defendant should appear in court, check the Complaint/Summons "Court Appearance Required" box in which event the case may not be processed in the Violations Bureau.

## **C. AUTHORIZATION TO APPLY BAIL AGAINST FINE(S) AND COSTS**

By executing the form of Authorization to Apply Bail Against Fine(s) and Costs and Waiver of Rights, a defendant against whom a warrant has been issued waives the rights to a lawyer and a trial, enters a plea of guilty to the offense charged, and authorizes the municipal court administrator to apply the bail posted toward the payment of fines, assessments and costs. This form may be used for all offenses payable through the Violations Bureau.

## **D. DEFENSE BY AFFIDAVIT IN CERTAIN CASES**

For any offense not listed on this Schedule or on a Local Supplemental Violations Bureau Schedule (see Part VI), a court appearance is required unless the court authorizes a defense by affidavit in accordance with the provisions of R. 7:12-3. For offenses involving traffic accidents resulting in personal injury, a court appearance is also required.

## PART VI

### **LOCAL SUPPLEMENTAL VIOLATIONS BUREAU SCHEDULES**

Ordinance violations, including parking and non-parking traffic offenses may be listed on a Local Supplemental Violations Bureau Schedule, established pursuant to R. 7:12-4. That Schedule is subject to the approval of the Assignment Judge and shall be consistent with the provisions of Parts III, IV and V of this Statewide Violations Bureau Schedule.

DATED: April 19, 2004

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Richard J. Williams, J.A.D.  
Administrative Director of the Courts