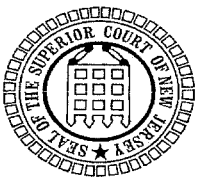
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

EDWIN H. STERN
PRESIDING JUDGE FOR ADMINISTRATION



FOUR HEADQUARTERS PLAZA
SUITE 1101, NORTH TOWER
158 HEADQUARTERS PLAZA
MORRISTOWN, N.J. 07960-3965
973-631-6381

January 26, 2006

MEMORANDUM TO: Honorable Philip S. Carchman

FROM: Honorable Edwin H. Stern
Chair, Criminal Practice Committee

E.H.S./mm

RE: **Criminal Practice Committee**
Rule Recommendation - R. 3:2-2

Pursuant to your Memorandum dated December 28, 2005, the Criminal Practice Committee is submitting the attached proposed amendment to Rule 3:2-2, to be considered by the Court this cycle. This rule proposal is designed to implement the Web-Enabled Criminal Complaint system (E-CDR Project), by permitting the electronic signatures of law enforcement officers on Complaint-Summons forms. Also attached is a brief summary of this issue and the reasons why the Committee is proposing this rule amendment.

Thank you for your courtesies and consideration in this matter.

/mp
Attachment
cc: Hon. Lawrence Lawson, Vice-Chair, Criminal Practice Committee
John J. McCarthy, Jr., Esq.
Steven D. Bonville, Special Assistant
Joseph J. Barraco, Esq.
Robert Smith, Assistant Director, Municipal Court Division
Florence Powers, Esq.
Melaney Payne, Esq.
Criminal Practice Committee

A. Proposed Rule Amendment Recommended for Adoption.

1. Rule 3:2-2 – Web-Enabled Criminal Complaint System (E-CDR); Electronic Signature of Law Enforcement Officers on Complaint-Summons Forms.

By request of the Municipal Court Services Division, Administrative Office of the Courts, the Committee considered whether Rule 3:2-2 should be amended to permit electronic signatures by law enforcement officers on Complaint-Summons forms (CDR-1). The New Jersey Judiciary, along with a number of outside agencies, is in the process of implementing a number of new technologies that will enable law enforcement officers and other authorized personnel to issue process electronically. One project involves development of an Internet-based or web-enabled criminal complaint (CDR) system for law enforcement officers to file complaints. This statewide system, which is called the E-CDR Project, will be accessible to all of the state's law enforcement agencies through the Internet.

The system will provide officers with a web-based form to enter and print the CDR-1 (Complaint-Summons) form. These complaint forms will print on plain paper at local law enforcement offices and replace the existing CDR-1 preprinted forms that are currently being used in New Jersey. Implementation of the E-CDR project will over time replace the current ACS Complaint Generation system and eliminate the typewritten complaints that are still being routinely filed in the state's municipal courts. However, the hard copy forms will be available where necessary. At this stage of the project, the system will be able to create electronic signatures of law enforcement officers on Complaint-Summons (CDR-1) forms. The system will print the name of the officer on the Complaint-Summons, as opposed to requiring an original signature of the law enforcement officer.

In the previous rules cycle, the Supreme Court amended Rule 7:2-1 effective September 1, 2004, that applies to Municipal Courts, to allow the use of an electronic signature in lieu of an original signature on various forms of process. The rule amendment gives an electronic signature the same force and effect as an original, handwritten signature and thus eliminates the need for a law enforcement officer to sign a paper copy of a Complaint-Summons (CDR-1) form for non-indictable matters in Municipal Court.

More recently, the Conference of Criminal Presiding Judges and the Committee recommended use of the web-based Complaint-Summons (CDR-1) form, and the use of electronic signatures by law enforcement officers on the Complaint-Summons (CDR-1) form. To ensure a consistent process to issue a Complaint-Summons for indictable offenses and non-indictable offenses, the Criminal Practice Committee is proposing an amendment to Rule 3:2-2 that would make an electronic signature of a law enforcement officer have the same force and effect as an original, handwritten signature.

The targeted operational date for the E-CDR project was August 2005. By Order dated July 20, 2005, the Supreme Court approved the Criminal Practice Committee's proposal for the relaxation of Rule 3:2-2 "so as to permit the use of an electronically affixed signature of a law enforcement officer on a Complaint-Summons (CDR-1) form rather than an original signature, with such electronically affixed signature being equivalent to and having the same force and effect as an original signature."

The Committee is requesting that the Court consider this proposed amendment to Rule 3:2-2 during this cycle to implement the E-CDR project.

3:2-2. Summons

A summons shall be made on a Complaint-Summons (CDR-1) form, a Uniform Traffic Ticket, or a Special Form of Complaint and Summons. The summons shall be directed to the person named in the complaint, requiring that person to appear before the court in which the complaint is made at a stated time and place and shall inform the person that an arrest warrant will be issued for failure to appear. The summons shall be signed by the judicial or law enforcement officer issuing it. An electronic entry of the signature of the law enforcement officer shall be equivalent to and have the same force and effect as an original signature.

Note: Adopted July 13, 1994 to be effective January 1, 1995[.]; amended to be effective .