

Transaction Fee Schedule

Directive #4-95
(Replaces Portions of Directive #2-93)
Issued by:

March 15, 1995
Robert D. Lipscher
Administrative Director

An act instituting the Comprehensive Enforcement Program (L. 1994, c.9) was signed into law on January 13, 1995. Part of that statute amends the provisions of *N.J.S.A. 2C:46-1d (1)*:

d. (1) When, in connection with a sentence of probation, a defendant is sentenced to pay an assessment imposed pursuant to section 2 of P.L. 1979, c. 396 (C.2C:43-3.1), a fine, a penalty imposed pursuant to *N.J.S.2C: 35-15*, a forensic laboratory fee imposed pursuant to *N.J.S.2C: 35-20* or to make restitution, the defendant, in addition, shall be sentenced to pay a transaction fee on each occasion that the defendant makes a payment or an installment payment, until the defendant has paid the full amount he is sentenced to pay. *All other individuals making payments on court ordered financial obligations through the probation division shall also pay a transaction fee on each payment or installment payment.* The Administrative Office of the Courts shall promulgate a transaction fee schedule for use in connection with installment payments made pursuant to this paragraph; provided, however, the transaction fee on an installment payment shall not exceed (\$1.00) \$2.00.

Note that the transaction fee is now applicable to any payment made through the probation division in connection with a financial penalty resulting from a sentence under Title 2C or a suspension of proceedings and an order to supervisory treatment pursuant to *N.J.S.A. 2C:36A* (conditional discharge) or *N.J.S.A. 2C: 43-12* (pretrial intervention).

Transaction fees are *NOT* to be charged on payments made:

- ! **for child support,**
- ! **in conjunction with a disposition arising from Title 2A, Article 2, the Code of Juvenile Justice; or**
- ! **in conjunction with a sentence under Title 39, Motor Vehicles.**

Accordingly, the Administrative Office of the Courts has established a Transaction Fee Schedule, in connection with **offenses committed on or after March 13, 1995** as follows:

- ! **for payments of \$3.00 or less, there is no transaction fee;**
- ! **payments of \$3.01 to \$9.99 incur a transaction fee of \$1.00;**

! payments of \$10.00 or more incur a transaction fee of \$2.00.

Note that individuals whose offenses were committed before February 1, 1993 continue to pay no transaction fee. Individuals whose offenses were committed between February 1, 1993 and March 13, 1995 will continue to pay a transaction fee according to the schedule promulgated in Directive #2-93.

The following procedures apply only to collections from municipal court defendants who are obligated to pay transaction fees.

1) In those jurisdictions where Probation exercises responsibility for collecting payments, pursuant to *N.J.S.A. 2C:46-4a(2)*:

(a) if the defendant makes full payment to the municipal court administrator of all monetary obligations imposed under the sentence, no transaction fee will be charged; or

(b) if the defendant makes partial payment to the municipal court administrator, collection of the transaction fee will be deferred until the defendant's next payment to the Probation Division is due; at that time, both the deferred fee and the fee for the second payment will be collected by the Probation Division.

2) In those jurisdictions where the local practice is for the municipal court administrators to collect payments ordered as a condition of probation, contrary to *N.J.S.A. 2C:46-4a(2)*, the preceding does not apply. Rather, the municipal court administrator will collect the transaction fees appropriate to each payment, based on the transaction fee schedule, and forward that money to the county probation division monthly.

Administrative forms and instructions to implement these policies will be forthcoming.

EDITOR-S NOTE

No substantive changes were made to the original text.
Replaces portions of Directive #2-93.