

Plea Form; Supplemental Plea Form for Thefts of an Automobile or Unlawful Taking of a Motor Vehicle

Directive #10-97
(Amends Directive #7-96;
Amended by Directive #4-98
and #2-99)
Issued by:

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Administrative Director

The Supreme Court, at its Administrative Conference on June 3, 1997, approved the recommendation of the Criminal Practice Committee for revision of the *Plea Form*. The Court also approved the Committee's recommendation for a *Supplemental Plea Form for Thefts of an Automobile or Unlawful Taking of a Motor Vehicle*.

1. PLEA FORM

The *Plea Form* has been revised to assure defendants are advised of the requirement, contained in the *Law Enforcement Officers Protection Act* (L. 1996, c. 115), that in addition to any disposition made pursuant to the provisions of Title 2C of the New Jersey Statutes, any person convicted of a crime be assessed a penalty of \$30.

2. SUPPLEMENTAL PLEA FORM FOR THEFTS OF AN AUTOMOBILE OR UNLAWFUL TAKING OF A MOTOR VEHICLE

A new form entitled, *Supplemental Plea Form for Thefts of an Automobile or Unlawful Taking of a Motor Vehicle*, has been added to advise defendants of the penalties contained in N.J.S.A. 2C:20-2.1. N.J.S.A. 2C:20-2.1 provides for a monetary penalty and license suspension.

There is a question as to whether the penalties in N.J.S.A. 2C:20-2.1 are mandatory. In March, in a split decision, an appellate division panel held that the sanctions provided in N.J.S.A. 2C:20-2.1 are mandatory. *State v. Rama*, 298 N.J. Super. 339, 341 (App. Div. 1997). Pending its disposition of the appeal, the Supreme Court has approved the use of the supplemental form to advise defendants of the sanctions provided in the statute. The penalties themselves are not listed on the judgment of conviction form. Therefore, while the supplemental form provides notice to the defendant of the penalties for auto theft, the judge will have to specifically include them on the judgment of conviction.

EDITOR'S NOTE

This Directive amends Directive #7-96 and is amended by Directive #4-98 and Directive #2-99. A reference to forms being attached has been deleted.