

NOTICE TO THE BAR AND PUBLIC

DISMISSAL OF NEARLY 300,000 MUNICIPAL CASES MORE THAN 27 YEARS OLD AND RECALL OF DRIVER'S LICENSE SUSPENSIONS

By Order of May 21, 2021, the Supreme Court dismissed nearly 300,000 unresolved, minor municipal court cases that are more than 27 years old (Dismissal Order). These dismissals were ordered by the Court following review by municipal prosecutors of the cases to be dismissed. The dismissed cases are those in which driver's license suspensions had been issued to defendants for a failure to appear prior to January 1, 1994 which were still active on May 21, 2021. Some matters also had arrest warrants for failure to appear attached. In those matters, all driver's license suspension will be rescinded, and arrest warrants recalled.

The dismissed cases include parking offenses, motor vehicle offenses, municipal ordinances, and other minor municipal matters. The Dismissal Order exempts certain more serious municipal court cases from dismissal – for example, disorderly persons and petty disorderly persons offenses, driving while intoxicated, reckless driving, and refusal to submit to a chemical test.

This May 21, 2021 Dismissal Order is the first in a series of orders that will address approximately 1.7 million minor, unresolved municipal court cases involving the same types of charges. The series of orders will include almost 1.1 million matters that involve a driver's license suspension; more than 300,000 matters with an open arrest warrant at least 10 years old; and approximately 270,000 matters with both an open arrest warrant and a driver's license suspension. The unresolved, minor matters have been pending for more than 10 years. R. 7:8-5(c). Dismissing the 1.7 million matters simultaneously would be impracticable. They will therefore be dismissed in separate groups, with an order addressing each group, with the groups delineated by the age of the matters.

The Judiciary has created a webpage to assist the public in identifying what matters are included or not included in this Dismissal Order. The webpage, located at www.njcourts.gov/courts/mcs/dismissals.html, includes a database that can be searched to determine whether or not a particular case is one of those included in the Dismissal Order. The webpage also includes the list of charges that are **not included** in the Dismissal Order; further details on charges that are **included** in the Dismissal Order; a set of Frequently Asked Questions; and an explanation of how

an individual can, if necessary, contact the Motor Vehicle Commission to restore a suspended license.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: May 24, 2021

SUPREME COURT OF NEW JERSEY

1. On January 17, 2019, the Supreme Court dismissed 787,764 unresolved, minor municipal court complaints in which an arrest warrant for the defendant's failure to appear remained active and had been ordered prior to January 1, 2003.

a. The minor outstanding matters included parking violations; motor vehicle offenses (such as going through a stop sign, improper passing, general motor vehicle equipment violations, certain speeding offenses, and running a red light); local ordinance violations; fish and game violations; and penalty enforcement actions.

b. The cases dismissed did not include more serious matters, namely:

A. Indictable charges

B. Disorderly persons charges

C. Petty disorderly persons charges

D. The following motor vehicle charges:

- N.J.S.A. 39:3-10 Driving without a license
- N.J.S.A. 39:3-10.13 Operating a commercial vehicle while intoxicated
- N.J.S.A. 39:3-10.24 Refusal to submit to a breath test while operating a commercial vehicle
- N.J.S.A. 39:3-10.18(b) Operating a commercial vehicle while commercial license suspended or revoked

- N.J.S.A. 39:3-40 Driving while license suspended or revoked
- N.J.S.A. 39:4-49.1 Drugs in a motor vehicle
- N.J.S.A. 39:4-50 Driving while intoxicated
- N.J.S.A. 39:4-50.4a Refusal to submit to a chemical test
- N.J.S.A. 39:4-50.14 Underage driving while intoxicated
- N.J.S.A. 39:4-50.19 Failure to install an interlock device
- N.J.S.A. 39:4-96 Reckless driving
- N.J.S.A. 39:4-98 Speeding (only those complaints in which the speed was alleged to be in excess of 35 mph over the posted speed limit)
- N.J.S.A. 39:4-128.1 Passing a stopped school bus
- N.J.S.A. 39:4-129(a), (b) Leaving the scene of an accident with personal injury or property damage
- N.J.S.A. 39:6B-2 Driving without insurance
- N.J.S.A. 12:7-46 Boating while intoxicated

E. Charges associated with any of the above charges.

2. The Court entered the 2019 Omnibus Order after municipalities and municipal prosecutors received notice and had an opportunity to be heard as to why the outstanding dated warrants in minor matters should not be dismissed.

3. The 2019 Omnibus Order did not include dated, unresolved, minor matters in which a defendant's driver's license was suspended. Those cases are addressed by this order.

4. Effective January 1, 2020, the Court also adopted Rule 7:8-5(c) which provides that "[a]t least annually, after notice to the prosecutor and pursuant to procedures promulgated by the Administrative Director of the Courts, the court shall dismiss all eligible complaints that are more than 10 years old, unless the court determines that, in the interests of justice, a

particular complaint should not be dismissed.” Pursuant to the Rule, Administrative Directive #26-20 outlines procedures for the dismissal of unresolved, minor municipal complaints that are more than 10 years old.

5. In the 2019 Omnibus Order, the Court acknowledged that open arrest warrants in old, unresolved, minor municipal court matters raise questions of fairness, the use of limited public resources by law enforcement and the courts, the ability of the State to prosecute cases successfully in light of how long matters have been pending and the availability of witnesses, and administrative efficiency. The same concerns apply to ongoing driver’s license suspensions for dated, unresolved, minor municipal court matters.

6. The Administrative Office of the Courts (AOC) has identified approximately 1.7 million minor, unresolved municipal court complaints that fit the criteria set forth above. They include almost 1.1 million matters that involve a driver’s license suspension; more than 300,000 matters with an open arrest warrant at least 10 years old; and approximately 270,000 matters with both an open arrest warrant and a driver’s license suspension. The unresolved, minor matters have been pending for more than 10 years.

7. Initiating a dismissal process for all 1.7 million cases simultaneously would be impracticable. The AOC therefore divided the cases into five separate groups.

8. For the first phase (Phase 1), the AOC identified cases that fit the above criteria in which a driver's license suspension was ordered prior to January 1, 1994. In other words, the cases in Phase 1 are at least 27 years old. The group includes approximately 300,000 unresolved matters. In addition to a dated driver's license suspension, about 11,000 of the matters also have an open arrest warrant issued after January 1, 2003.

9. Municipal Court Administrators and the AOC made available lists of cases within Phase 1 to each affected municipal prosecutor and provided them 45 days to review and object to the proposed dismissal of cases within their jurisdiction. In response to objections, several dozen cases were removed from the proposed list.

It is, therefore, ORDERED, in the interest of justice, and consistent with Rule 7:8-5(c) and Administrative Directive #26-20, that effective immediately:

(a) the approximately 300,000 unresolved municipal matters designated as Phase 1 cases shall be **dismissed**;

(b) any associated arrest warrants for failure to appear shall be **recalled**;

(c) any associated court-ordered driver's license suspensions or revocations shall be **rescinded**. Any rescission of a court-ordered driver's license suspension or revocation pursuant to this Order is separate from any

license restoration fee or process required by the New Jersey Motor Vehicle Commission; and

(d) the list of dismissed cases shall be **made available** to the public on the Judiciary's website.

For the Court,

A handwritten signature in blue ink, appearing to be "S. P. ...", written over a horizontal line.

Chief Justice

Dated: May 21, 2021