

## SUPREME COURT OF NEW JERSEY

WHEREAS a review by the Administrative Office of the Courts (AOC) has revealed that there are 787,764 unresolved complaints on minor municipal court matters dating from before January 1, 2003. In those matters, arrest warrants were issued to defendants for failure to appear, and the warrants remain open. The vast majority of those cases are from 1986 to 2003;

WHEREAS those minor outstanding matters include 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. They do not include more serious matters, namely:

- (1) Indictable charges
- (2) Disorderly persons charges
- (3) Petty disorderly persons charges
- (4) 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

(5) or cases associated with a matter in any of the above categories;

WHEREAS those old outstanding complaints and open warrants in minor matters raise questions of fairness, the appropriate 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;

WHEREAS, after the AOC provided a list of cases eligible for dismissal to the affected municipalities and published a notice to the public and various interested organizations, pursuant to the Court's July 19, 2018 order, a panel comprised of three Assignment Judges ("panel") solicited and received public comments at three hearings about whether the identified minor municipal court complaints pending for more than fifteen years should be dismissed; and

WHEREAS the three-judge panel, upon review and consideration of the public comments provided at the hearings, issued a report to the Court recommending dismissal of the above 787,764 open matters and the development of a formal process for the annual dismissal of open municipal court matters that are more than 15 years old;

THEREFORE, in the interest of justice, and consistent with Rule 7:8-5 ("Dismissal") and the recommendation of the panel, it is ORDERED that

(a) the 787,764 open municipal matters implicated by the Court's July 19, 2018 order shall be **dismissed**;

(b) any associated open warrant for failure to appear shall be **recalled**; and

(c) any associated court-ordered driver's license suspension or revocation 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.

It is FURTHER ORDERED that the panel's report shall be referred to the Supreme Court Municipal Court Practice Committee

(a) to examine whether dismissal of offenses more than ten years old should be considered and whether the types of matters eligible for dismissal should be expanded; and

(b) to develop a process for the periodic review and dismissal of open, dated municipal court matters, which would include notice to municipal prosecutors and potential revisions to the court rules.

The provisions of this Order are effective immediately.

For the Court,



Chief Justice

Dated: January 17, 2019