

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2018-25

RESOLUTION SEEKING LEGISLATION GRANTING MUNICIPAL COURTS THE
AUTHORITY TO RESTORE THE ABILITY TO IMPOSE COURT COSTS ON CASES
DISMISSED THROUGH PLEA BARGAINS

WHEREAS, Branchville Borough, Frankford Township, Lafayette Township, Montague Township and Sandyston Township currently have a shared service agreement for and to maintain a joint Municipal Court called "The Frankford Joint Municipal Court" pursuant to the authority granted to municipalities by N.J.S.A. 2B:12-1 set seq., similar to many other joint municipal courts in the State of New Jersey; and

WHEREAS, the fees known as "court costs" pay for the Municipal Court including, but not limited to, employee salaries, operating expenses, property maintenance and security; and

WHEREAS, Municipal Courts who do not maintain their own police departments, do not receive any portion of imposed fines and are only entitled to retain court costs; and

WHEREAS, joint Municipal Courts collect fines following a trial or a plea which fines are then transmitted to the state; and

WHEREAS, while police officers may issue multiple summons, the defendant may only enter a plea to one or two summonses. Due to time constraints and caseloads it is impossible to try every Municipal Court case; and

WHEREAS, historically, Municipal Courts were permitted to charge court costs on every summons, including summonses that were dismissed following a plea. However, approximately 10 years ago a directive by the Supreme Court eliminated the Municipal Court's ability to charge court costs on dismissed cases resulting in a substantial loss of revenues in Municipal Courts who do not share in any fines; and

WHEREAS, the Frankford Joint Municipal Court seeks legislative authority in restoring the Municipal Court's ability to impose court costs on cases dismissed through plea bargains. This request does not apply to cases found not guilty.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lafayette that we call on our Legislators, Assemblyman Parker Space, Assemblyman Harold Wirths and Senator Steven V. Oroho, to propose legislation restoring the Municipal Court's ability to impose court costs on cases dismissed through plea bargains. This request does not apply to cases found not guilty.

BE IT FURTHER RESOLVED, a copy of this Resolution be forwarded to our Legislators, Assemblyman Parker Space, Assemblyman Harold Wirths and Senator Steven V. Oroho, as well as the municipalities in our legislative district.

CERTIFICATION

I hereby certify that the above Resolution was adopted by the Township Committee of the Township of Lafayette at their regular meeting held April 17, 2018.

AnnaRose Fedish, RMC
Municipal Clerk