

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2023-41

**RESTORING THE MUNICIPAL COURT'S ABILITY TO IMPOSE
COURT COSTS ON DISMISSED CASES**

WHEREAS, Frankford, Lafayette, Sandyston, Montague and Walpack currently have a shared service agreement for and to maintain a joint Municipal Court called "The Joint Municipal Court of Frankford, Lafayette, Sandyston, Montague and Walpack" 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 Township of Blairstown has a Shared Municipal Court Agreement with the Frankford Joint Court; 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 Joint Court of Frankford, Lafayette, Sandyston, Montague and Walpack and the Shared Court of Blairstown seek legislative authority in restoring the Municipal Court's ability to impose court costs on dismissed cases.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lafayette we call on our Legislators, Assemblyman Parker Space, Assemblyman Harold Wirths and Senator Steven V. Oroho, to propose legislation that will grant authority to the Municipal Courts of this State to impose costs on all or some summonses issued, as the Court may determine, on dismissed court cases.

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Lafayette Township Committee at a meeting duly held on October 17, 2023.

Anna Rose Fedish, RMC
Municipal Clerk