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NEW JERSEY MUNICIPAL COURT PROCEDURES MANUAL,

April 1985

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INSTRUCTIONS FOR PROCEDURES MANUAL

ENCLOSED IS A COPY OF THE NEW MUNICIPAL COURT PROCEDURES MANUAL (APRIL 1985).

THE MANUAL IS FOR THE USE OF MUNICIPAL COURT PERSONNEL.

THE PROCEDURES MANUAL REPLACES THE MUNICIPAL COURT MANUAL. ACCORDINGLY, REMOVE ALL THE PAGES FROM YOUR THREE-HOLE, LOOSE LEAF MUNICIPAL COURT MANUAL BINDER AND REPLACE THEM WITH THE PAGES OF THE NEW PROCEDURES MANUAL.

ALSO ENCLOSED ARE LABELS PRINTED TO IDENTIFY THE APRIL, 1985 EDITION OF THE PROCEDURES MANUAL. REMOVE THE BACKER OF THE LABEL AND AFFIX IT ON THE FRONT OF YOUR PROCEDURES MANUAL BINDER SO THAT IT COVERS THE PRINTING ON THE 1983 EDITION OF THE MUNICIPAL COURT MANUAL.

IF YOU DO NOT HAVE A MANUAL 3 RING BINDER, A BINDER SHOULD BE OBTAINED. THE ADMINISTRATIVE OFFICE OF THE COURTS WILL NOT PROVIDE 3 RING BINDERS. THE 3 RING BINDER SHOULD BE ABOUT 1½" SPINE X 11½" X 10". THE PAGES OF THE APRIL, 1985 EDITION OF THE PROCEDURES MANUAL SHOULD BE INSERTED IN THE BINDER AND THE LABEL AFFIXED ON THE COVER OF THE BINDER.

THE ADMINISTRATIVE OFFICE OF THE COURTS WILL BE SENDING OUT REPLACEMENT PAGES WHEN CHANGES IN THE PROCEDURES MANUAL BECOME NECESSARY. THESE REPLACEMENT PAGES WILL HAVE THE PAGE NUMBER AND REVISION DATES ON THEM. WHEN THESE PAGES ARE RECEIVED, REMOVE THE OLD PAGE AND INSERT THE REVISED PAGES.

INTRODUCTION

This New Jersey Municipal Court Procedures Manual has been authorized by the Administrative Office of the Courts to assist municipal court judges and clerks. The Manual was prepared by the National Center for State Courts and a committee of court clerks under the guidance of the Municipal Court Services Unit of the Administrative Office of the Courts. Municipal court clerks from every vicinage reviewed this Manual for applicability.

The Procedures Manual is a practical guideline for the performance of municipal court operations. Except where indicated, the procedures outlined are not mandatory but reflect preferred practice. The format of the Manual also enables courts to adapt it to their individual needs.

This Manual replaces the New Jersey Municipal Court Manual. It will be periodically updated so that it remains current. Comments or suggestions to improve the Manual will be appreciated and an update form is included in the Manual to enable court clerks to make suggested changes.



Robert D. Lipscher
Administrative Director
of the Courts

April, 1985

NEW JERSEY MUNICIPAL COURT CLERKS' MANUAL

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PREFACE

In Spring 1984 the Administrative Director of the New Jersey Courts contracted with the National Center for State Courts, Northeastern Regional Office for the development of a procedures manual for municipal court clerks in New Jersey. This project was initiated as a result of work of the education committee of the Municipal Courts Improvement Project, which recognized the need for a manual to provide a guide to uniform procedures statewide. It is anticipated that this manual will be an effective tool to aid in improving the efficient operation of the municipal courts in the state of New Jersey.

In order to fulfill this assignment, a group of municipal court clerks was selected to represent courts of varying volume and geographical areas throughout the state. These clerks, along with AOC staff associated with the Municipal Court Improvement Project and with Municipal Court Services, composed a committee which would review drafts of the manual. Visits to court sites were made by National Center staff to document procedures. The initial drafts were then reviewed by the committee to develop a draft of procedures that could be applicable statewide. Subsequent drafts were also reviewed by additional clerks (cluster group chairpeople) to ensure the manual's applicability. Once the review committee had completed its task, the manual was reviewed by Municipal Court Services for legal accuracy,

administrative policy, and for merger of appropriate material from The New Jersey Municipal Court Manual. This New Jersey Municipal Court Procedures Manual now replaces the earlier manual.

The manual has several purposes:

1. To describe the procedures by which cases in municipal court are being processed;
2. To suggest guidelines for reference as a possible administrative aid;
3. To serve as an educational training tool for personnel;
4. To serve as the basis for discussions of improved procedures.

This manual is not intended to mandate uniformity nor to rigidify any particular practice. Nor should it be seen as superseding or altering the authority of the judge as it relates to in-courtroom clerk activities.

In order for this manual to remain useful it must remain current and relevant. For that reason, there will be periodic review and revision, coordinated by the AOC. An update form appears on the following page for those wishing to suggest changes for future revisions.

Manual Update Form

NEW JERSEY MUNICIPAL COURT PROCEDURES MANUAL

PROPOSED CHANGE*

Court Division _____

I recommend the following change:

Section name: _____

Page: _____

Subsection: _____

Proposed change: _____

Reason for change:

Rule: _____

Statute: _____

Other: _____

Submitted by: _____ Date: _____

Court: _____ Telephone: _____

*Reproduce as necessary

MANUAL FORMAT

This manual is designed to permit questions on procedure to be answered quickly and easily. Each major section is divided into subsections, with further breakdowns as necessary to facilitate access. Subsection numbers have also been assigned for quick reference. An index, found at the end of the manual, supplements the detailed table of contents.

A sample of the procedure descriptions format appears on the following pages. Perhaps the most important feature of the format is the column labeled "Comments," which should be used to adapt the manual to each court's individual situation at the direction of the clerk. A blank format page is provided in this section for duplication as necessary to include additional documentation and to allow for variations.

A list of forms used is provided. Certain forms, referred to as Exhibits, have been reproduced for inclusion in Appendix A.

The Clerk may find it useful to insert in the manual a sample completed form from a closed case, blocking out names, to serve as an example for new personnel. Another useful practice is to enter the docket number of a case-type not encountered frequently for reference.

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I. Major Division

1.0 Subdivision

DATE: date of draft or revision

SECTION	PROCEDURE	REFERENCE	COMMENTS
1.1	Decimal number assigned to section keyed to table of contents	Statutory rule, administrative directive or official form and exhibit reference	
	Introductory paragraph		
	Step-by-step procedures	NJSA (New Jersey Statutes Annotated)	
1.2	Stipulation	<u>R</u> : New Jersey Court Rules	
	a. Enter heading information:	SRM (The Sound Recording and Administrative Regulations Governing Sound Recording in the New Jersey Courts)	
	1. case name		
	2. case number		
	b. Have attorney sign form.		
	c. Place form in case file.		
	Note: Special requirement or explanatory material.		This column is to be used to tailor the manual to individual needs. E.g., "Courtroom clerk's (Mary's) function", "File alphabetically, not by return date", "Give to Sue".

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DATE:

SECTION	PROCEDURE	REFERENCE	COMMENTS
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I. CRIMINAL

1.0 General Procedures

DATE: 3/85

SECTION	PROCEDURE	REFERENCE	COMMENTS
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1.1	Court Disposition Reporting Form (CDR)		
-----	--	--	--

The complaint-summons forms used in all indictable, disorderly persons offenses and petty disorderly persons offenses are the CDR-1 and CDR-2. These forms establish uniformity throughout all municipal courts statewide and are used to report the disposition of cases to the State Bureau of Identification (SBI). These forms and instructions are obtained from the State Police, and inquiries may be addressed to New Jersey State Police, State Bureau of Identification, West Trenton, N.J. 08625. The only exception to this is the special ticket-sized form of Complaint and Summons used in non-indictables when the officer deems it unnecessary or inappropriate to make an arrest. See I.2.2.1.

NJSA 53:1-18

The CDR-1 and CDR-2 are six-part forms, color-coded and carbon inter-leaved.

Ex. 1

Ex. 2

The six-part set, with matching serial numbers, contains the following:

1. "Original" (white), is retained by the court except in the following cases:

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1.1 Cont.	<ul style="list-style-type: none">• when the complaint is referred to the county prosecutor• on appeal to the superior court, when it is forwarded to the county clerk• if a juvenile is involved, it is forwarded to the clerk of the Family Part, Chancery Division		
2.	"SBI Copy" (yellow) is mailed to the State Bureau of Identification at the conclusion of the proceedings in the municipal court.		
3.	"Court Copy" (pink) is retained by the court unless the commitment section on the reverse side is used either for direct jail sentence or for default of payment of fine and costs; this form is not to be used for commitment in default of bail.		
4.	"Defendant's Copy" (green) is given to the defendant when he is given a summons or as soon after arrest as possible.		

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1.1
Cont.

- | | | | |
|----|--|--|--|
| 5. | "Return of Service and Identification" (blue) is given to the law enforcement officer for service and return. When making the return, the officer must fill in the appropriate space for the service of the summons and, in the event of an arrest, must complete the return for the arrest and sign it. The officer must complete the attached "Police Identification of Defendant" stub, which is then attached by the court clerk to the "SBI" (yellow) copy before mailing. (See I. 2.2.3, 'd'). | | |
| 6. | "Superior Court Copy" (white) is to be sent to the criminal assignment clerk within 48 hours of the complaint being signed if an indictable offense is involved or is required by procedures set forth for the speedy trial program in a particular county. | | |

Only one defendant can be charged on one complaint. Up to three offenses can be charged on one form, provided they arose out of the same set of circumstances. Also, a disorderly persons offense or a petty disorderly persons

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1.1 Cont.	offense cannot be alleged on the same form as an indictable offense. See R. 3:7-6, permitting joinder of indictable offenses, is subject to these limitations.		
--------------	--	--	--

The CDR provides for the following:

- Complaint
- Summons or Warrant
- Plea
- Judgment and Sentence
- Other court action or disposition
- Bail information
- Waiver of Indictment and trial by jury
- Commitment for custodial sentence
- Police return for arrest or service of a summons
- Police identification of the defendant

It is the responsibility of the court to determine whether a CDR-1 or CDR-2 is to be used. In general, the summons (CDR-1) rather than the warrant (CDR-2) should be used. The following

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1.1 Cont.	criteria should be used in determining whether to use the CDR-2 (warrant) instead of the CDR-1 (summons):	<u>R.</u> 3:3-1 <u>R.</u> 3:4-1	
--------------	---	------------------------------------	--

1. the individual has previously failed to respond to a summons;
2. the officer has reason to believe that the individual is dangerous to himself, to others or to property;
3. there are one or more outstanding arrest warrants for the individual;
4. the prosecution of the offense or offenses for which the individual has been arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the individual;
5. the individual cannot provide satisfactory evidence of personal identification;
6. the officer has reason to believe the individual will not appear in response to a summons; or
7. the individual demands to be taken before a judge.

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I. CRIMINAL

1.0 General Procedures

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SECTION	PROCEDURE	REFERENCE	COMMENTS
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1.1 Cont.	The following information must appear on the CDR:		
--------------	--	--	--

- defendant's name,
address and date of
birth
- date of arrest
- complainant's name,
address and affiliation
- date of offense
- charge information

a. Check charge information
section by referring to New
Jersey Statutes Annotated
for statute number and New
Jersey Code of Criminal
Justice Training Manual for
proper language and to make
sure violation conforms to
statute.

b. Swear in complainant by
administering oath:

"DO YOU SOLEMNLY SWEAR THAT
THE INFORMATION CONTAINED
IN THIS COMPLAINT IS TRUE
TO THE BEST OF YOUR
KNOWLEDGE AND BELIEF?"

OPTIONAL: "DO YOU AFFIRM
AND SINCERELY DECLARE THAT
THE INFORMATION CONTAINED
IN THIS COMPLAINT IS TRUE
TO THE BEST OF YOUR
KNOWLEDGE AND BELIEF?"

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- | | | | |
|--------------|--|--|--|
| 1.1
Cont. | c. Have complainant sign CDR and witness complainant's signature or check for complainant's signature and witness. | | |
|--------------|--|--|--|

Note: If the offense charged involves a higher penalty for a subsequent offense, it is the primary responsibility of the prosecutor or state police at this time to request the record of a defendant's prior convictions. If the prosecutor or the police are unable to accomplish this, the clerk should request it.

Note: In order to formalize the complaint, it must be docketed. See I.1.2.

1.2 Docketing

The procedure for docketing cases is as follows:

- a. Refer to docketbook for next docket number and enter docket number on complaint.

- b. Make the following entries in the docketbook:

Ex. 3

1. docket number ('c' case number)
2. defendant's name and address

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1.2 Cont.	3. offense (citation to statute)		
	4. date of offense		
	5. date of process (issue)		
	6. date process served		
	7. name and address of complaining witness		
	8. bail information, if applicable		

1.3 Indexing (OPTIONAL)

For reference purposes, at the time the Complaint is taken, a criminal case index card may be prepared and filed alphabetically by defendant's last name. Information on the card might include:

- defendant's name
- docket number
- any other useful information

1.4 Fines/Costs/Penalties Collection

1.4.1 Issue Receipts

The court must issue receipts whenever money is received. The receipts are in three parts and pre-numbered. They should be used in consecutive sequence.

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1.0 General Procedures

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1.4.1 Cont.	When completing receipts, circle what the money is being received for in the top right-hand corner (e.g., bail, fines, etc.).		
----------------	---	--	--

a.	Make the following entries:	Ex. 3	
----	-----------------------------	-------	--

1.	ticket number or docket number		
----	--------------------------------	--	--

2.	name of court		
----	---------------	--	--

3.	defendant's name		
----	------------------	--	--

4.	individual money received from		
----	--------------------------------	--	--

5.	address of individual from whom money received		
----	--	--	--

Note: Address is necessary only if person paying by check or if person posting bail; otherwise, as in traffic cases, enter "same".

6.	fines and costs		
----	-----------------	--	--

7.	amount of monies (sum)		
----	------------------------	--	--

8.	statute number and description of offense		
----	---	--	--

9.	method of payment of fine (cash, check, etc.)		
----	---	--	--

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1.4.1
Cont.

10. date paid

11. signature of
individual completing
receipt

Note: Cash receipting machines must be approved by the AOC. Information on the machine receipt may vary from that included on the handwritten receipt.

b. Distribute as follows:

1. original (white) to person paying fine
2. court copy (yellow) to case file

Retain audit copy (pink) in receipt book.

c. Make entry in Cash Book.
See V. FINANCIAL CONTROL.

Ex.22

d. Make entry for bank deposit.

Note: Bank deposits must be made at least once a week. In courts receiving substantial amounts, deposits should be made daily. If an unusually large amount is received, a deposit should be made the same day.

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1.0 General Procedures

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1.5	Bail		
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1.5.1	Setting Bail		
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A judge of the superior court in the county in which the offense was committed or the arrest was made may admit to bail. A municipal court judge is not authorized to admit to bail any person charged with murder, kidnapping, manslaughter, aggravated manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, or a person arrested in any extradition proceeding. If a municipal court judge has committed a person to jail after denying bail, only a judge of the superior court may thereafter admit him to bail.

R. 3:26-2

In any case in which the municipal court judge has set bail, he may designate the taking of the recognizance by the clerk or any other person authorized by law to take recognizances, other than the arresting officer.

R. 7:5-3

In the absence of the judge, a individual arrested and charged with a nonindictable offense to be tried in municipal court may be admitted to bail by the clerk of the court.

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1.5.1 Cont.	In the absence of the judge and the clerk, an individual may be admitted to bail by any other person authorized by law to admit persons to bail and designated for such purposes by the judge, other than the arresting officer.	NJSA 2A:8-27, 28 <u>R. 7:5-3</u>	
----------------	--	-------------------------------------	--

Several factors must be considered when setting bail on disorderly persons offenses.

- (1) the seriousness of the offense;
- (2) the defendant's criminal and bail record, if any;
- (3) the defendant's reputation and mental condition;
- (4) the length of defendant's residency in the community;
- (5) the defendant's ties and relationships;
- (6) the defendant's employment status, record of employment and financial condition;
- (7) the identity of responsible members of the community who would vouch for defendant's reliability;
- (8) any other factors indicating defendant's mode of life, or ties to the community bearing on the risk of failure to appear.

State v. Johnson,
61 N.J. 351,
364-365 (1972)

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I. CRIMINAL

2.0 Procedures by Type

DATE: 3/85

SECTION	PROCEDURE	REFERENCE	COMMENTS
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2.1 Indictable Offenses

2.1.1 Case Initiation

All indictable offense complaints are prepared on a Court Disposition Reporting Form: CDR-1 (complaint/summons) or a CDR-2 (complaint/warrant) and filed with the court.

- a. Check CDR for completion.
(See I.1.1)

Ex. 1
Ex. 2

Note: Where defendant is a juvenile (17 years and younger) the case should be heard in the Family Part of the Chancery Division. If taken in error, the case should be referred to family court by sending a copy of the complaint with cover letter to Family Part, Chancery Division.

R. 1:13-4(a)
R. 5:1-2(c)(3)
R. 5:1-3(b)(2)

- b. Assign docket number and enter at top left of CDR in space provided. (See I.1.2)

OPTIONAL: Type criminal case index card. (See I.1.3)

- c. Assign next available court date. (See III. 2.0.)
- d. Initiate statistical worksheet (for AOC monthly report). (See IV. 1.0.)

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2.1.1 Cont.	Note: Daily statistical entries will facilitate timely and accurate completion of the AOC monthly report.		
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- e. If CDR-1 used, send defendant's (green) copy by regular mail to defendant. If CDR-2 is used, defendant's (green) copy will be served on the defendant by the police department.

Note: The police should receive only blue and green copies; other copies of the CDR must stay with the court. I.e., do not give entire CDR to police after signing.

- f. If mailed, note manner of service on return of service and identification (blue) copy of CDR.
- g. Place return of service and identification (blue) copy in file. The bottom stub will be sent at disposition to SBI.

Note: If the police department served the complaint, the blue return of service will be completed by police and returned to the clerk.

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2.1.1 Cont.	h. Transmit original CDR (white) with transmittal letter to county prosecutor as required under speedy trial rule. Contact case manager for time requirements.		
----------------	--	--	--

Note: Any original (not copy) companion nonindictable complaints (e.g., traffic, disorderly persons and petty disorderly persons offenses) and any companion defendants should be listed on the indictable CDR and forwarded to the county prosecutor.

If a disorderly persons and indictable offenses are filed together the disorderly persons offense cannot be heard until the indictable has been disposed.

i.	Transmit superior court copy of CDR (also colored white) to the county criminal case manager at superior court.		
----	---	--	--

Note: If the defendant is in jail because bail was not posted send superior court copy of CDR with separate commitment form with the defendant to jail. The superior court copy should then be forwarded to the criminal case manager in accordance with speedy trial procedures in your county. (See Bail, I. 1.6)

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2.1.1 Cont.	j. Place remaining copies (yellow SBI and pink court copies) of CDR in appropriate file. (See I. 2.1.2, 'c', 'd'.)		
----------------	--	--	--

	k. Notify defendant and others as required of hearing. (See III. 2.2.)	Ex. R	
--	--	-------	--

2.1.2 First Court Appearance

At the first court appearance the defendant is read his rights and informed of the charges against him.

Note: In some courts a Notice to Defendant (gives rights, notice of PTI) must be signed and a copy given (in person or by mail) to the defendant and county prosecutor.	Ex. 4
---	-------

a. Enter in docketbook under remarks and miscellaneous entries sections: "referred to prosecutor" and date.	Ex. 3
---	-------

b. Enter disposition information on AOC statistical report worksheet. (See IV. 1.0.)	Ex. 34
--	--------

c. Retain court copy (pink) of CDR-1 or -2 and top portion of return of service copy (blue) of CDR-1 or -2 in court file.	
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2.1.2 Cont.	d. Attach stub (blue return of service) to yellow SBI copy and mail in prepared envelope to SBI.		
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If blue return of service and identification is not returned, make facsimile, enter proper CDR number on stub and attach to SBI copy (yellow).

2.1.3 Probable Cause Hearing

As a result of the Speedy Trial program in each county, the court should check with the trial court administrator to determine what effect, if any, the speedy trial program has had on the procedures for holding probable cause hearings.

R. 3:4-3

In those counties where probable cause hearings are held, the following procedure is applicable:

Note: If indictment is returned (defendant indicted) before probable cause hearing, the indictment establishes the existence of probable cause.

- Remove probable cause hearing from calendar.

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2.1.3	After probable cause hearing: Cont.		
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- | | | | |
|----|--|--|--|
| a. | Complete letter of transmittal, entering: <ol style="list-style-type: none">1. date of probable cause hearing2. finding of probable cause3. whether defendant failed to appear | | |
|----|--|--|--|

- | | | | |
|----|--|--|--|
| b. | Forward transmittal letter to county prosecutor. | | |
|----|--|--|--|

Note: Notice of the probable cause hearing may be oral or in writing and the manner of notice must be made in a docket entry. The hearing should be prosecuted by the municipal prosecutor in the absence of the county prosecutor. After the hearing, the court must transmit all papers to the county prosecutor. Whether or not probable cause is found, the court shall continue any bail previously posted, or any other condition of pretrial release not involving restraint on the defendant's liberty. Any bail taken shall be transmitted to the county clerk.

- | | | | |
|----|---------------------------|--|--|
| c. | Retain copy in case file. | | |
|----|---------------------------|--|--|

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2.2 Nonindictable Offenses

2.2.1 Case Initiation

All disorderly persons and petty disorderly persons complaints must be taken on a CDR-1 (the preferred form) or CDR-2. (See section 1.1, Court Disposition Reporting Form for criteria for issuing CDR- 1 or -2).

R. 3:26

Some nonindictables (i.e., local ordinance violations, Penalty Enforcement Law Proceedings) should be taken on a special complaint/summons form.

NJSA 2A:58-1
et seq.
R. 1:32-2
R. 4:70-3(a)
R. 7:3-1(b)

This form of complaint and summons is used for nonindictable offenses when the officer deems it inappropriate or unnecessary to make an arrest at the scene of the alleged offense. It is important to remember that this form should not be used if a traffic offense or an indictable offense is involved.

Ex. 5

If the complaint is taken on a special complaint/summons form and the defendant is charged with a petty disorderly persons or a disorderly persons complaint, it should be transferred to a CDR, and the signed special complaint/summons form should be attached to CDR when it is completed.

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2.2.1 Cont.	Note: If a nonindictable is taken as a companion offense to an indictable, make cross-reference to indictable after docket number in docketbook and at bottom of complaint.		
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- | | | | |
|----|--|--|--|
| a. | Retain CDR as filed. | | |
| b. | Assign docket number. | | |
| c. | Place on calendar for first appearance. (Trial may be scheduled to follow immediately, according to local practice.) | | |
| d. | Notify complainant for notification to witnesses if trial set for same day . | | |

2.2.2 First Court Appearance

At the first court appearance the defendant is read his rights, including his right to an attorney, and instructed of the charges against him. The defendant is only asked to enter a plea if he is charged with an indictable offense that can be tried by the court on waiver. Bail may be granted as provided by court rule.

R. 7:5

R. 3:26
R. 7:5

(1) Not Guilty Plea

- | | | | |
|----|--|--|--|
| a. | If possible, assign next available trial date. | | |
|----|--|--|--|

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2.2.2	b. Complete Scheduling/ Adjournment Notice. Enter:	Ex. R	
(1)			
Cont.			

1. court name
2. defendant's name and address
3. docket number
4. date and time of court appearance
5. check type of court appearance (i.e., arraignment, probable cause, etc.)
6. signature of officer and/or court clerk

Note: It is preferable to inform parties of subsequent appearance dates in open court whenever possible by giving notice of hearing in person.

c. Distribute notice to:

1. complainant
2. defendant's counsel
3. municipal prosecutor, if applicable

Note: A copy of the calendar is sufficient notice to the municipal prosecutor. An updated copy of the calendar should be provided to the prosecutor on the hearing date.

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2.2.2

4. defendant

(1)

Cont.

5. case file

d. If clerk is to issue subpoena for notification of witnesses, do so, transmitting the original and one copy to police for service. Place copy in case file.

Ex. 19

Note: It is not normally the responsibility of the clerk to issue the subpoena. See III. 2.3.

(2) Guilty Plea

After defendant enters guilty plea, judge may sentence immediately or schedule new date for sentencing, if a PSI is to be prepared by county probation.

After the hearing, the judge completes appropriate sections and signs CDR.

a. Enter disposition in criminal docketbook, showing:

Ex. 3

1. plea

2. remarks and miscellaneous (e.g., made restitution, probation)

3. trial date

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2.2.2
(2)
Cont.

4. disposition and sentence
5. fine/cost and VCCB penalty paid (i.e., if paid in full. Otherwise, see III 4.2.1(b).

b. Optional: Enter same information ('a' above) as docketbook on statistical worksheet.

c. Attach all case papers and place in disposed file.

2.2.3 Adjudication

The judge may enter a finding of not guilty, guilty or may dismiss the charges.

A complaint is subject to dismissal only before the first witness is sworn. The judge should note on the complaint the reason for dismissal. After adjudication, the judge must enter the judgment and sign the CDR. After court the clerk updates the docketbook. (See III. 1.0.)

- a. Make docket entry.
- b. Make statistical worksheet entry.
- c. Return CDR to case file.

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2.2.3 Cont.	d. Upon disposition, and in no case later than 30 days of disposition, forward SBI copy (yellow) of CDR with blue stub attached to SBI.		
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	e. In all cases involving a higher penalty for a subsequent offense, check for record of prior convictions in case file. Postpone sentencing pending receipt of record, if incomplete.		
--	--	--	--

Note: The judge should not have access to a defendant's prior record before judgment is entered. The court clerk should retain the prior record and give it to the judge only if the defendant is found guilty. If the defendant alleges he is a first offender under the Controlled Dangerous Substances Act, the clerk should then give the judge the Registry record.

2.2.4 Sentencing

A judgment of conviction should set forth the complaint, plea, findings, adjudication and sentence. It shall contain the statutory citation, or a reasonably short description of the statute or ordinance under which the conviction was obtained, and the names and addresses of the witnesses sworn and a list of exhibits produced for trial. If the defendant is

Ex. R

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2.2.4 Cont.	found not guilty, or for any other reason is discharged, judgment shall be entered accordingly. The judgment shall be signed by the court and entered by the clerk. If judgment reserved at the time of hearing, upon the entry of the judgment the court shall mail a copy to the defendant by ordinary mail.		
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A penalty of at least \$25 but not more than \$10,000 must be paid to the VCCB by an individual convicted of a crime resulting in the injury or death of another. A mandatory penalty of \$25 is imposed on those convicted of any petty disorderly persons offense or disorderly persons offense or any crime not resulting in injury or death, and this penalty is in addition to any other fine, costs or disposition.

- (1) If defendant requests time payments, see III. 4.2.1 (1).

Note: The Order of Disposition/Sentence (Exhibit 6) may replace some or all of the following forms.

- (2) If defendant sentenced to jail:

- a. Complete Jail Commitment form, entering:

Ex. 8

1. defendant's name and address

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- | | | | |
|-----------------------|---------------------------|--|--|
| 2.2.4
(2)
Cont. | 2. court of origin | | |
| | 3. docket number | | |
| | 4. conviction information | | |
| | 5. sentence imposed | | |

Note: The same commitment form is also used for failure to post bail.

b. Have judge sign and date.

Note: When the clerk is authorized to sign on behalf of the judge, do as follows:

- o /s/ judge's name,
typed (your initials)

Note: Do not presign commitment forms.

c. Send original to jail with defendant and place a copy in the case file.

(3) If defendant placed on probation:

a. Complete Order Suspending Sentence and Placing on Probation, entering:

R. 3:21-7
Ex. 6

1. defendant's name
2. whether guilty, convicted, or plead not-guilty
3. charge

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- | | | | |
|-------|--|--|--|
| 2.2.4 | 4. date of offense | | |
| (3) | | | |
| Cont. | 5. length of probation | | |
| | 6. conditions of probation | | |
| | b. Have judge sign. | | |
| | c. Transmit original of order and pink copy of complaint to County Probation; give copy of order to defendant, and place copy of order in case file. | | |

Note: When CDR-1 or CDR-2 is used, the court should enter the terms of probation in the appropriate box and indicate the conditions of probation under miscellaneous information.

(4) Community Service

- | | | |
|----|---|-------|
| a. | Complete Community Service form. | Ex. 6 |
| b. | Transmit original form and copy of complaint to the Community Service Program of the Probation Department for action and place copy of community service form in the case file. | |

(5) Split Sentence

If the judge imposes a split sentence (i.e., combination of any of the above, e.g., probation, jail, etc.), follow the procedure under each sentence type.

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2.2.4 Conditional Discharge

(6)

An individual charged with possession of 25 grams or less of marijuana, or possession of 5 grams or less of hashish or the use of or being under the influence of any controlled dangerous substance, who is a first offender may be placed on conditional discharge.

NJSA 24:21-27

- a. Check SBI information to see if defendant is eligible.
- b. Notify judge if defendant qualifies as first offender.

Note: The judge must inform the defendant of his eligibility and give the defendant the option of going to trial or being placed on conditional discharge.

If conditional discharge option is refused then the normal adjudication process is followed.

- c. Place complaint in tickler file for term of conditional discharge labeled "conditional discharge".
- d. Separate and distribute copies of CDR (See I.1.1.).
- e. As applicable, refer case to county probation department and follow local procedure.

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2.2.4 (6) Cont.	At end of conditional discharge period:		
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- a. Send request to SBI to check for subsequent offenses.
- b. List case for hearing (whether or not subsequent offenses have been committed).
- c. Notify defendant to appear in court for hearing.

Note: At the hearing, the judge may, upon fulfillment of the terms and conditions of the supervisory treatment, terminate the supervisory treatment and dismiss the proceedings against the defendant. Termination of supervisory treatment and subsequent dismissal shall not be deemed a conviction for purposes of disqualifications and disabilities imposed by law as a result of conviction. Such dispositions shall, however, be reported by the clerk to the SBI. If the defendant has violated the terms and conditions of the treatment, schedule the case for trial.

- d. After adjudication, CDR-7 (Final Disposition Report) is filled out by judge. Transmit as follows:

Ex. 7

1. original SBI copy (green) to state police

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2.2.4 (6) Cont.	2. court copy (pink) to case file		
	e. If defendant convicted, complete MF-1 card and send to DMV. If license revoked, send license to DMV as well.	Ex. 11	NJSA 24:21-20c
	f. Make appropriate docketbook entry.		
(7)	Mental Health Commitment		
	SECTION RESERVED		
2.2.5	Motion to Reduce/Change Sentence	<u>R.</u> 7:4-6(a) <u>R.</u> 3:21-10	
	A motion to reduce or change a sentence must be filed not later than 60 days after the date of a conviction. The court may reduce or change a sentence either on motion or on its own initiative within 75 days of the judgment of the conviction. Exceptions to the 60-day limit are as follows:		
	1. A custodial sentence may be changed to allow defendant to enter into a custodial or non-custodial treatment or rehabilitation program for drug or alcohol abuse.		
	2. A custodial sentence may be amended to allow for release of a defendant due to illness or infirmity.		

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2.2.5 Cont.	3. A sentence may be changed for good cause shown upon the joint application of the defendant and prosecuting attorney.		
	4. A sentence may be changed as authorized by the Code of Criminal Justice.	NJSA 2C:1-1(d)(2)	
	5. A custodial sentence may be changed to permit entry into the Intensive Supervision Program.		
2.3	Remands		
	Cases may be downgraded or remanded by the county prosecutor to the municipal court. Any bail should be returned to the municipal court by county clerk.		
	When original complaint (CDR-3) and remand notice (or letter stating that the offense has been downgraded and the new statute number) is received in the clerk's office:		
	a. Set new date for hearing.		
	b. Complete Scheduling/Adjournment Notice (see 2.2.2(1) 'b'). Transmit to:	Ex. R	
	1. defendant		
	2. defendant's attorney		
	3. complainant		

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2.3
Cont.

- | | | | |
|----|--|-------|--|
| 4. | witnesses | | |
| 5. | other interested parties | | |
| c. | Follow procedure for non-indictable cases. (See above, 2.2.1.) | | |
| d. | After disposition, notify SBI, send SBI (green) copy of CDR-3. If SBI copy is not available then photocopy original and send copy. | Ex. 8 | |

2.4 Ordinance Violations

Ordinance complaints are taken on the special form of complaint and summons for use in non-indictable offenses. An agency or any citizen may file the complaint. Where a municipal ordinance violation is charged, the matter must be captioned in the name of the municipality vs. the named defendant, e.g., Borough of _____ v. John Doe.

- | | | | |
|----|--|-------|--|
| a. | When complaint is filed make sure Non-Indictable Complaint contains: | Ex. 5 | |
| 1. | docket number | | |
| 2. | defendant's name and address | | |
| 3. | date of offense | | |
| 4. | ordinance number | | |

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2.4
Cont.

5. written description of
the offense

6. complainant's name,
address and telephone
number on back of
complaint.

b. Assign docket number.

c. Sign complaint.

Note: A complaint (whether filed
by an agency or citizen) must be
sworn to before a proper officer
(i.e., clerk, deputy clerk,
judge, police officer, etc.)
before hearing (not required
prior to service on defendant).

d. Assign court appearance
date.

e. Distribute complaint as
follows:

1. Send summons to
defendant by regular
mail.

2. Give copy to
complainant.

3. Place original in
court file.

2.4.1 Disposition

Violations listed on the
Violations Bureau Schedule or
Supplemental Violations Schedule
may be paid directly through the
Violations Bureau.

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2.4.1 Cont.	All other defendants charged with ordinance violations must appear in court where upon a judgment of guilty the judge sets the fine. Handle as any nonindictable criminal complaint. (See above, 2.2.3.)		
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1.0 Uniform Traffic Ticket

The form of the uniform traffic ticket is prescribed by the Administrative Director of the Courts. The uniform traffic ticket consists of a complaint, two police copies and a summons. Specimen copies of the uniform traffic ticket and instructions may be obtained from the AOC.

R. 7:6-1(a)
Ex. R

1.1 Ordering Uniform Traffic Ticket Books

It is the clerk's responsibility (and one that cannot be delegated) to maintain a supply of traffic ticket books.

R. 7:6-1(a).

- Prior to placing a new order for tickets, check every time with the AOC regarding possible changes in form.
- Order tickets from local printer following form prescribed by AOC.
- Make sure that tickets are properly prenumbered and color-coded. Books are made up of 10 tickets.
- Store unused tickets in secure (locked) area.

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1.2	Ticket Distribution and Control		
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The municipal judge delegates his responsibility for maintaining the Traffic Ticket Control Record, a current inventory of local tickets, to the clerk, who must keep it up to date despite the volume of tickets. Cooperation with the Chief of Police is recommended so that inventory of tickets in the possession of local police officers may be maintained. Once tickets are supplied to local police officers, they should be entered in the Traffic Ticket Control Record consecutively by ticket number.

The clerk is responsible for keeping track of the ticket books that have been distributed to local police officers. (State police are responsible for their own.)

R. 7:6-1(c)

Control systems may be manual, semi-automated, or fully automated; both batch and on-line systems are in use. Since system methods vary, follow your users' manual for production of the required records.

1.2.1	Traffic Ticket Distribution		
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When a police officer has exhausted his supply of tickets, he must come to the clerk's office and sign a form with the following entries:

Ex. R

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- | | | | |
|----------------|---------------------------------------|--|--|
| 1.2.1
Cont. | 1. date | | |
| | 2. officer's signature | | |
| | 3. officer's
identification number | | |
| | 4. ticket numbers
(inclusive) | | |

Use of this form enables the clerk to know what officer has what tickets, as required.

Variation: In municipalities with large populations, the Chief of Police is issued a supply of ticket books for distribution to individual officers. A form is returned to the court showing the officer's name, identification number and ticket book numbers.

1.2.2	Traffic Ticket Control Record	R. 7:6-1(c)	
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The Traffic Ticket Control Record contains the following data:

Ex. 9

1. ticket number
2. date assigned
3. police officer code and name
4. date returned to court
(optional)

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|----------------|---|--|--|
| 1.2.2
Cont. | 5. date of disposition or
docket number must be
entered in the disposition
column of the Traffic
Ticket Control Record,
including either the docket
number or date of
disposition so that the
ticket can be readily
located at a later date. | | |
|----------------|---|--|--|

Note: The date of disposition is necessary only for courts that file by date of disposition.

6. traffic docket number

Note: There is no requirement to assign a docket number to parking tickets when a receipting machine is used. But then the date of disposition and the disposition itself become vital data for tracking. If a cash receipting machine is used, the locked-in receipt serves as the docket for parking tickets.

7. remarks, as appropriate
(e.g., paid or closeout)

Items 1-3 are entered as tickets are distributed, and information is added once the ticket has been issued and returned to the court.

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1.2.3 Voided/Destroyed Tickets

All tickets in each book must be accounted for so all copies of nonissued tickets must be returned by the police officer to the court. If an officer makes an error in writing the ticket and does not complete the ticket, this is usually a basis for void status. Once any substantive information regarding the violator or charges has been entered, the court must determine whether the charges should be dismissed and the ticket voided. The police officer must explain the reason for voiding on the back side of the original ticket or in a letter cosigned by a superior officer.

Upon receipt of request for voided ticket, or upon receipt of letter indicating that ticket was lost, spoiled or destroyed:

- a. Check that reason included; attach accompanying letter to ticket. (Do not assign docket number unless required for tracking.)
- b. Transmit to judge for decision.
- c. If approved, so note in Traffic Ticket Control Record (e.g., voided, lost, spoiled, destroyed).

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1.2.3 Cont.	d. Place ticket in separate voided ticket file by year issued.		
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Upon receipt of letter that tickets lost, spoiled or destroyed:

- So note in disposition column of Control Record.

1.3	Tickets Issued/Returned to court; Traffic Docket		
-----	--	--	--

1.3.1	Tickets Returned to Court		
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Upon receipt of original white complaint from police:

- a. Place in ticket number order.
- b. Assign next T docket number. (See IV.1.0.)
- c. Make entry to Traffic Ticket Control Record.
- d. Place tickets in ticket number order in appropriate file, e.g., by court date, alphabetical, docket number.

Note: Neither the clerk nor any court personnel are to make any changes or entries upon the ticket, e.g., do not enter missing statute numbers, etc.

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1.3.1 Cont.	Note: Where a complaint has been filed with respect to a NJSA Title 39 violation regarding a motor vehicle accident resulting in death or serious personal injury, the municipal court judge or the clerk should notify the county prosecutor for a determination whether an indictable offense is involved. Such accidents could arise from a prosecution for NJSA 39:4-50, driving under the influence (DWI), NJSA 39:4-96, careless driving, or NJSA 39:4-97 reckless driving.		
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1.3.2 Traffic Docket

The traffic docket contains the following information:

Ex. 10

1. traffic docket number (see III 1.1.)
2. ticket number
3. violator's name and address
4. offense and date of offense
5. complainant's name or identification number
6. return date (trial date)
7. date of process, if different from date of offense (as in hit and run accident)

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1.3.3 Request for Abstract

More serious traffic offenses or those in which statutes provide for a greater penalty for a subsequent violation require that an abstract of the defendant's driving record be obtained prior to sentencing, much as a presentence investigation report is supplied in criminal cases. It is the responsibility of the prosecutor through the police department to obtain this abstract and file it with the court.

If either the municipal prosecutor or police are unable to request the prior record, the clerk should make the request as soon as possible. Only if the defendant is found guilty should the driver's record be given to the judge to facilitate proper sentencing. Sentencing should be postponed if such records are not available.

- Upon filing of complaint, check with police to ensure abstract has been requested.
- Check for filing of abstract prior to sentencing.
- Make abstract available to judge after adjudication of guilt.

2.0 Payment Received - No Appearance Required: Violations Bureau

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2.1 General Procedures

Payment may be received by mail or at the counter for violations listed on the Violations Schedule (see step 'b' below). A personal check or money order made payable to the municipal court and for the exact amount is accepted for payment; no third-party checks may be accepted.

The violator's copy of the ticket (the summons) should have the defendant's signature and accompany the payment. The payment should be accepted, however, even if this information is incomplete. I.e., the defendant has neglected to sign the waiver on the back provided the offense is listed on the violations schedule. Should a defendant later maintain his innocence due to never having signed the waiver, he should be notified to appear for trial. A check or money order bearing no identification of any kind should still be deposited promptly in the court's account, and an accurate and complete record be kept of such unidentified receipts.

- a. Retrieve ticket from file and place with violator's copy.
- b. Refer to Violations Schedule for fine amount

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2.1 Cont.	and to see if payable without court appearance. (If violation not listed on schedule, appearance is required. For out-of-state violators, see <u>R</u> . 7:6-6.)		
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If payment received from an in-state violator on an offense requiring a court appearance, send form letter with payment showing reason for return and newly assigned court date.

c. Process payment. See III 4.2.1.

2.2 Nonparking Violations

An MF-1 card is prepared either by computer or manually for each nonparking ticket. It must be sent to the DMV within 3 days of disposition. The MF-2 Transmittal Sheet is a list of all MF-1 cards to be sent to DMV.

Ex. 11
Ex. 12

a. Prepare MF-1 for each nonparking ticket.

1. In remarks section, enter amount of overweight or overlength, as applicable.

2. Note if partial payment.

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2.2
Cont.

3. If information on back, so note on front of MF-1.

4. If statutory charge has been amended, only the amended charge need appear.

Note: If license has been revoked, attach license to MF-2 per instructions on back of MF-1.

b. Prepare MF-2, Transmittal Sheet, according to instructions on form.

c. Count MF-1 cards to make sure one prepared for each shown on MF-2 transmittal.

d. Send original (green) and first copy (yellow) of MF-2 to DMV along with MF-1's. Retain blue copy of MF-2.

The DMV returns the acknowledgment (yellow) copy stamped 'rec'd/date'.

Note: If not received within a reasonable time, contact Bureau of Court Reports and Fines section of DMV. Prepare duplicate set (so marked) as directed.

e. Compare yellow and blue copies. If accurate, retain yellow copy, discard blue copy and place yellow

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2.2 Cont.	copy in file in order with remaining blue transmittal copies awaiting DMV response.		
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2.3	Disposition		
	a. Update docket with disposition: date paid, fine/costs.		
	b. Attach receipt to ticket.		
	c. Place tickets in appropriate file.		

3.0	Not Guilty Plea/Trial		
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3.1	Generally		
-----	-----------	--	--

To enter a plea of not guilty (defendant wishes to contest the case), the defendant or attorney may either call the clerk's office with the summons number and return date, or enter a plea at first appearance.

The defendant must notify the clerk of his desire to plead not guilty at least three days before the return date - this is so noted on the traffic summons. When a defendant so responds, the clerk alerts the complainant of the intended plea so that the trial either proceeds on the original return date or a new date may be set. The use of this notice is particularly important in order to avoid unnecessary appearances by police officers and defendants themselves.

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3.1 Cont.	For serious offenses (e.g., DWI or where a consequence of magnitude, such as loss of license, may be imposed), to save the court's time, ask if the defendant can afford his own attorney. If not, direct him to come to court to complete a 5A form. See Assigned Counsel, III. 11.0.	Ex. 25	
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a. Retrieve ticket from file.

Note: It may be helpful to make a notation on the ticket that a not guilty plea has been entered to differentiate it from other tickets and to alert staff to schedule it for trial.

b. Schedule for trial.

Note: Before assigning a court date, verify the officer's schedule to ensure his availability. Use either the court date on the ticket or assign a new date, as appropriate. (See also III.12.0, regarding provision of officers' schedules.)

Note: All DWI cases must be disposed within 60 days of the issuance of the ticket except in unusual circumstances. Thus on all DWI cases, police should enter the next court date on the ticket as the return (and plea entry) date.

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- | | | | |
|--------------|---|--|--|
| 3.2
Cont. | d. Upon receipt of completed affidavit, set for court date. | | |
|--------------|---|--|--|

If defense by affidavit permitted, the prosecution presents its testimony in the usual manner and the judge reads the contents of the affidavit in open court.

- | | | | |
|--|--|--|--|
| | e. Send notification of disposition by regular mail to defendant directing defendant to comply with the sentence imposed within 10 days. | | |
|--|--|--|--|

R. 7:6-6 (b)

3.3 Defective Parking Meter Cases

A person who has received a ticket and believes the parking meter to be defective may call the court or appear in person at the clerk's office.

- | | | | |
|----|--|--|--|
| a. | Instruct defendant to retain ticket and await report from court. | | |
| b. | Make record of: | | |
| 1. | ticket number | | |
| 2. | defendant's name, address | | |
| 3. | vehicle registration number | | |
| 4. | vehicle description | | |
| 5. | meter number and location | | |

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3.3
Cont.

6. date and time ticket
issued

Retain copy and attach to
ticket; transmit copy to
parking authority.

c. Have parking authority
(police) check meter and
return written inspection
report as to the condition
of the meter to the court.

d. Upon receipt of report:

(1) if report concludes
that meter is defective,
forward file to court for
dismissal. Mail notice to
defendant that matter has
been dismissed.

(2) if report concludes
that meter was functioning,
contact defendant. If
defendant pleads guilty,
ask defendant to pay fine;
if defendant wishes to
contest, schedule for trial.

3.4 Trial

Traffic complaints, which are
considered quasi criminal, like
disorderly persons offenses,
are tried in a summary manner,
meaning that the defendant is
not entitled to a jury trial if
the maximum fine does not exceed
\$1000 and the maximum sentence
does not exceed six months.
These offenses must be tried in
open court, unless tickets are

R. 1:2-1
7:4-5
7:6-6
7:4-2(f)

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3.4 Cont.	payable through the Violations Bureau. Two or more complaints may be tried together if the offenses arose out of the same facts and circumstances despite the number of defendants. Consolidation of such matters remains with the judge. See 111. 4.0.	<u>R.</u> 7:7-1 to 7-4	
3.5	Adjudication <ul style="list-style-type: none">• Ensure that abstract (See II. 1.3.3.) is available to judge at sentencing. <p>Note: In traffic cases, all the appropriate blanks under "Court Action, filled in and signed, constitute the judgment of the court. The spaces for plea, finding, fine and costs and all other spaces should be completely filled in by the judge.</p>		
4.0	Unpaid tickets - Failure to Appear or Answer		
4.1	Failure to Appear Notice (FTA) <p>After a return date has passed, the tickets remaining in the file for that court date should be retrieved and a Failure to Appear Notice should be prepared.</p> <p>For parking tickets, the name and address of the defendant must first be obtained. See 4.1.1.</p>		

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4.1.1 Parking Case Information Request (Look-Up)

The name and address of the defendant must be obtained from the DMV located in the state in which the vehicle is registered.

- For New Jersey registrations, some local police departments have a computer tie-in with DMV; in that case, the plate number is given to the police.
- If there is no tie-in, the clerk must send a letter to DMV showing the plate number(s) for which names and addresses are desired. A copy of the list with the date of transmittal to DMV shown thereon should be retained.

Note: The addresses of DMV's in other states may be obtained from the American Automobile Association, or a directory may be obtained from :

American Association of
Motor Vehicle Administrators
Suite 910
1201 Conn. Ave. NW
Washington, DC 20036
202-296-1955

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4.1.1 Upon receipt of information:
Cont.

- a. Enter defendant's name and address in docketbook or Traffic Ticket Control Record, as applicable.
- b. If information not on file, wait two weeks and resubmit request or note on ticket 'not on file', and bring before the judge for determination of dismissal in open court.

4.1.2 Preparation of Notice

- a. Prepare Supplemental Notice (FTA):

If on violations bureau schedule, add \$5 additional penalty.

If not on violations bureau schedule, do not list any fines or costs, but inform defendant to appear; assign new court date and enter on notice.

Ex. 20

R. 7:6-3
- b. Mail notice (white) by regular mail to defendant.
- c. Retain DMV (yellow) and court (pink) copies of notice with ticket in appropriate file.

Note: It may be helpful to note the return date shown on the FTA notice in either the Traffic

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4.1.2 Cont.	Ticket Control Record (column 4) or the docketbook to help locate the ticket if necessary.		
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	d. If FTA notice returned undeliverable, proceed with closeout to DMV procedures. (See 4.4.1.)		
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	e. If payment received, process as for paid tickets, see 2.0.		
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If ticket remains unpaid
and no appearance is made,
proceed to issue warrant.

4.2	Traffic Warrant		
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When the court date shown on the
FTA Notice has passed, the clerk
must issue a traffic warrant to
all resident defendants in
moving violations matters who
have failed to appear or respond
to the FTA notice. (For
nonresidents, follow closeout
procedures, R. 7:6-3.)

R. 7:6-3(b)

Once the warrant has been
issued, the defendant must
appear -- no waivers can be
accepted through the Violations
Bureau. Only money posted for
bail may be accepted.

4.2.1	Issuance of Warrant		
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	a. Prepare warrant. If judge has not set bail, set bail, using amount from Violations Schedule or enter mandatory bail amount.		
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Ex. R

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4.2.1 Cont.	Note: It is incorrect practice to enter the words "or fine" after the bail amount on the warrant.		
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- | | | | |
|--|---|--|--|
| | b. Send original warrant to police. | | |
| | c. Attach copy of warrant to ticket and retain in pending file in alphabetical order. | | |
| | d. Optional: In addition to steps 'a' through 'c' above, mail notice of warrant to defendant. | | |

4.2.2 Warrant Executed

If the defendant is arrested, bail (e.g., cash, ROR, surety) must be posted (see 4.3.1, below) with either the clerk or with police or he will be put in jail, a new court date is scheduled, and the defendant is notified to appear. (See 4.3.2, below.)

If the defendant appears without arrest and posts bail, the clerk must notify the police to recall the warrant.

If bail is not posted, consult the judge and follow instructions as to release or commitment. If the defendant is committed to jail in default of bail, schedule for appearance before the judge. See I. 2.2.4 (2) for preparation of commitment form.

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4.2.3 Warrant Not Executed

An unexecuted warrant remains outstanding (i.e., active) unless either the judge withdraws the warrant or the defendant posts bail. After 30 days, however, closeout procedures should be followed. (see 4.4.1.)

4.3 Bail

4.3.1 Bail Posted

Bail posted after service of a warrant is usually paid at the police department of the municipality of residence. Bail may also be paid prior to execution of the warrant at the clerk's office. A Cash Bail Bond and Affidavit of Ownership must be filed when bail is posted.

Ex. 21

Bail money should be deposited into a separate bail account.

Upon receipt of bail:

a. Retrieve file.

b. Process bail; issue receipt if not already given. (See III. 3.0).

Ex. 4

c. Attach bail receipt and warrant copy to ticket.

d. Make entry to Cash Bail Book:

Ex. 22

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4.3.1
Cont.

1. name of defendant
2. receipt number
3. docket number
4. bail amount
5. name of bailor, if different
6. date of deposit

e. Make docketbook entry:

Ex. 10

1. bailor's name and address
2. amount of bail and date posted

4.3.2 Court Date

Once bail has been posted:

a. Assign court date.

b. Prepare Scheduling/
Adjournment Notice,
entering:

Ex. R

1. name of defendant
2. summons number
3. docket number
4. court date and time
5. address to which sent
6. mailing date of notice

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4.3.2	c. Mail notice to defendant.		
Cont.			

	d. Place ticket and attached papers in file under scheduled court date.		
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For forfeiture procedures, see III. 3.4.

4.4	Closeout to DMV	R. 7:6-3	
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4.4.1	Closeout Procedures		
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The closeout to DMV procedure is applied when:

1. FTA notice undeliverable

Note: As of July 15, 1985, an unpaid parking ticket may be individually closed out in the same manner as described in this section for moving violations. This replaces scofflaw procedures.

2. warrant unexecuted after 30 days

The result of the closeout procedure is license suspension.

- a. On yellow copy of FTA notice, enter today's date and note whether warrant issued. If not, include reason, e.g., warrants cannot be executed to nonresident.

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4.4.1 Cont.	Send yellow FTA copy to DMV.		
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	b. Enter 'R. 7:6-3' and date on:		
--	----------------------------------	--	--

- | | | | |
|--|---|--|--|
| | 1. back of ticket | | |
| | 2. in remarks and miscellaneous column of docketbook | | |
| | 3. Traffic Ticket Control Record (local tickets only) | | |

The DMV sends a notice to each defendant for whom the yellow FTA notice copy is sent. The notice contains a deadline by which the defendant must answer the summons or the license will be suspended (Scheduled Suspension - Failure to Appear Court Response Form). A copy is also sent to the court, with space for entering payment. See 4.4.3'a'.

Ex. 16

	c. Attach Scheduled Suspension court copy to ticket, along with any other attachments.		
--	--	--	--

	d. Place tickets in alphabetical order in close-out file.		
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Note: A separate filing system should be set up for Failure to Appear closings. Parking, nonparking and cases involving NJSA 39:4-50 should be filed separately in each of these respective categories under the

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4.4.1 Cont.	last name of the defendant. Notations should be made in the disposition column of the Traffic Ticket Control Record.		
4.4.2	Payment After Closeout: Reopening File Any case that was closed-out to DMV may be reopened at any time. If a New Jersey resident defendant contacts the court, inform him that a warrant for his arrest is outstanding and that he should post bail and appear for hearing.		
	a. Set for hearing.		
	b. Upon payment, complete court portion of Suspension Notice form, showing date settled, disposition (guilty, not guilty, dismissed) and fine, and clerk's or judge's signature.	Ex. 16	
	c. Return form to DMV.		
	d. Make entry to docketbook and Traffic Ticket Control Record.		
4.4.3	Restoration of License If license is ordered restored by the judge pending disposition of an appeal:		
	a. Complete Order Restoring Driver's License.	Ex. 18	

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- | | | | |
|----------------|-------------------------------------|--|--|
| 4.4.3
Cont. | b. Have judge sign. | | |
| | c. Mail certified copy of order to: | | |
| | 1. DMV | | |
| | 2. County Clerk | | |
| | Retain original in case file. | | |

4.5 Unpaid Parking Summonses

As of July 15, 1985, when a citizen has an unpaid parking traffic summons, he may be reported to DMV on the yellow copy of the FTA as described above with respect to moving violations. See 4.4.1.

5.0 Requests from Public

When a citizen appears in person or telephones the Violations Bureau to request a copy of a summons or to ask a question regarding an outstanding summons, the staff person should try to respond to the request as quickly and courteously as possible. In some instances, it may be necessary to obtain the person's name and phone number in order to respond at a later time (as in locating a lost ticket with scanty information, e.g.).

Procedures for some common inquiries are described below.

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5.1 Defendant Loses Ticket

When citizen indicates he wants to pay for traffic summons but has lost ticket:

- a. Refer to Traffic Ticket Control Record or request approximate date of offense to identify relative location in docketbook. If ticket is old and therefore closed out, see 4.4.1.

- b. Retrieve ticket and explain contents.

Note: As a last resort, if the ticket cannot be located, give note to the defendant noting his effort to locate it and direct him to return it to the court upon receipt of FTA notice along with original amount of fine. Submit to judge for approval.

- c. Process payment.

DMV is notified of payment via the monthly disbursement report.

5.2 Already Paid Tickets

When citizen presents notice to pay ticket which he asserts has already been paid:

- a. Check docketbook or Traffic Ticket Control Record to determine if payment made.
- b. If paid in person, endorse FTA Notice as receipt and give to citizen.

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5.3 Registration Number in Error

If defendant asserts
registration number is wrong:

- Ask defendant to send to court a copy of the registration along with the FTA notice.

5.4 Double Payments

A double payment may occur when the original ticket is not retrieved upon payment and the defendant's copy is not matched to the original ticket. If a FTA Notice is then sent in error, the defendant may end up paying twice.

When citizen presents receipt of payment:

- a. Check Traffic Ticket Control Record for disposition.
- b. Retrieve ticket from paid file.
- c. Prepare refund check from general account and make entry to Cash Book with notation "return of overpayment."
- d. Give check to citizen.
- e. If money has already been disbursed via the monthly report, subtract the amount

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5.4 Cont.	from the proper agency column on the subsequent report.		
5.5	Correspondence with Rental Car Agencies When a rental agency receives a FTA Notice it forwards it to the court with a copy of the lessee's rental agreement to indicate that the lessee is responsible for payment. a. Contact lessee with form letter requesting payment. b. If payment not made, reissue FTA to lessee. See 4.4.1.		

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1.0	Docketing		
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1.1	Docket Numbering		
-----	------------------	--	--

Separate dockets should be maintained for traffic and criminal cases in a format approved by the AOC.

Assigning a docket number is one of the first tasks to be done upon filing of a complaint with the court.

R. 7:10-4(d)

The docket number should be preceded by an alphabetical prefix to differentiate between the criminal and traffic dockets (e.g., T- for traffic, C- for criminal).

A consecutive number should follow the alpha prefix. Some courts continue with a series of numbers; the preferred way is to include in the docket number the last two digits of the calendar year and start with number 1 at the beginning of each year.

E.g., T-1-84, C-1-84. The key to the next consecutive docket number is usually the docketbook; in some larger courts, prenumbered file folders may be used.

When, over a period of years, the docket numbers for either traffic or criminal cases, or both, have become very high, i.e., in the ten thousands or more, a new docketing number series may be adopted. The

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1.1 Cont.	numbering system should start again with T-1, T-2, T-3, etc. if this does not create confusion. If the repetition of old docket numbers does cause a problem, a letter prefix such as T-A1, T-A2, T-A3, etc. may be used. Consideration may also be given to a new numbering series for traffic tickets when a new supply is ordered.		
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While there is no requirement to assign docket numbers to parking violations, it is essential to be able to track cases. Adding the date of disposition and/or the disposition itself to the Traffic Ticket Control Record will accomplish this purpose.

1.2 Docketbook Entries

The AOC approved docketbook forms should be used for traffic and criminal cases. The Administrative Director of the Courts will approve alternate forms of dockets when the volume of cases warrants the use of data processing equipment. Parking cases may fit into this category.

Upon the filing of the complaint, docket entries corresponding to information available at the time should be promptly made. Additional

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1.2 Cont.	information, such as posting of bail, attorney appearances, etc. should be added as the case progresses. Information that does not fall within the named categories may be entered in the Remarks/Miscellaneous column. (See also I., CRIMINAL, and II., TRAFFIC, for specific entries.		
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2.0	Calendaring		
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2.1	Calendar Control Worksheet		
-----	----------------------------	--	--

The calendar worksheet is a working document used to schedule cases for hearing. The formal calendar is prepared from this worksheet. The following entries may be helpful:

- docket number
- defendant's name
- offense
- complainant's name
- defendant's attorney
- type of matter (e.g., first appearance, trial, plea)

Experience should demonstrate approximately how much time is necessary to dispose of uncontested matters before reaching the contested cases.

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2.1 Cont.	The clerk should discuss with the judge the length and type of cases that should be placed on the calendar.		
2.2	Notice of Hearing A scheduling notice should be prepared to notify all parties of the court hearing date.		
	a. Complete Scheduling/ Adjournment Notice, entering:	Ex. R	
	1. court name and county		
	2. defendant's name and address		
	3. docket number		
	4. date and time of court appearance		
	5. check type of court appearance (i.e., arraignment, probable cause, etc.)		
	6. signature of officer and/or court clerk and date completed		
	b. Distribute notice to:		
	1. prosecutor		
	2. defendant or defendant's counsel		
	3. complainant		

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2.2 Cont.	4. court		
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Note: A copy of the calendar is sufficient notice to the municipal prosecutor. An updated copy of the calendar should be provided to the prosecutor on the hearing date.

2.3	Subpoena		
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R. 1:9-1,2,3
R. 7:3-3

If defendant is represented by retained counsel and wishes to subpoena witnesses, it is the obligation of retained counsel to prepare and serve his own subpoenas.

The municipal prosecutor has the responsibility for determining what witnesses he wants and of preparing his own subpoenas. However, if the municipal prosecutor lacks secretarial help, court personnel may assist in typing the subpoenas.

Upon the request of counsel assigned to represent an indigent defendant in the municipal court, the court clerk should prepare subpoenas requested and arrange for service by the police or by a person 18 or more years of age. This should also apply to the request of an indigent defendant who is not entitled to assignment of counsel.

R. 1:9-3

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2.3 Cont.	<p>The municipal prosecutor or an indigent defendant appearing pro se or by assigned counsel should provide the court clerk with the names and addresses of those persons to be subpoenaed. It should be emphasized that it is not the obligation of the court clerk to determine who shall be subpoenaed.</p>		
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If a defendant is appearing pro se but is not indigent, the court clerk should supply him with subpoena forms. However, it is the obligation of the pro se defendant rather than the court clerk to prepare them and have them served.

In cases involving nonindictable offenses, law enforcement officers may issue and serve subpoenas to testify in the form prescribed by the Administrative Director of the Courts. Courts having jurisdiction over nonindictable offenses, the Division of State Police, the Division of Motor Vehicles and any other agency so authorized by the Administrative Director of the Courts may supply subpoena forms to their law enforcement officers. After service of a subpoena, the officer shall attach a copy of the subpoena to the appropriate complaint and promptly file them with the court.

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2.3 Cont.	Note: <u>R. 7:3-3</u> provides that the court supply a subpoena form (different from that described here) to law enforcement personnel upon request.	Ex. 19	
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- | | | | |
|----|--|-----------------|--|
| a. | Prepare subpoena, entering: | <u>R. 1:9-1</u> | |
| 1. | name of the court | Ex. 4 | |
| 2. | case name (State v. _____) | | |
| 3. | case number | | |
| 4. | time and place of hearing | | |
| 5. | name, address and telephone number (home, business) of person being subpoenaed | | |
| 6. | any objects designated by the court to be entered as evidence | <u>R. 1:9-2</u> | |

Note: If the witness is to testify in a criminal action for the State or an indigent defendant, the subpoena shall so note, and shall contain an order to appear without the prepayment of any witness fee.

- | | | | |
|----|---|--|--|
| 8. | signature of court official and date issued | | |
|----|---|--|--|

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2.3 Cont.	b. Transmit original and one copy to police for service. (The original, showing proof of service, should be returned to the clerk.)	R. 1:9-3	
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Note: R.1:9-3 permits a subpoena to be served by any person 18 or more years of age. Service of a subpoena shall be made by serving a copy of the subpoena personally on the person named and by tendering to him the fee allowed by law, except that:

If the person is a witness in a criminal action for the State or an indigent defendant:

- Before he leaves the court at the conclusion of the trial, pay him the fee by check.

The court clerk should have a fund for this purpose. Provision for such a fund should be included in the budget for court operating expenses. If no fund has been provided, payment shall be made by voucher. When payment is made in this manner, the clerk should clear the payment in advance with the municipal treasurer.

- c. Place one copy of subpoena in case file.

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2.4	Calendar Preparation		
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The court calendar should be prepared at least 3 days in advance of a court session.

2.4.1	Case Listing		
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Cases should be listed on the calendar in the order prescribed by court rule.

R. 7:10-3

List cases in the following order:

1. applications for adjournment
2. unlitigated motions
3. arraignments
4. guilty pleas
5. litigated motions
6. contested matters with an attorney
7. other contested matters

Appearances by attorneys shall be entered promptly with the court or clerk and, according to R. 7:10-3(b), if the appearance is not entered, the attorney shall not receive priority on the trial list.

2.4.2	Calendar Entries		
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The calendar should contain:

Ex. 20

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|----------------|--|--|--|
| 2.4.2
Cont. | 1. docket or summons
number | | |
| | 2. defendant's name | | |
| | 3. attorney's name, whether PD
or assigned | | |
| | 4. offense | | |
| | 5. name of complainant | | |
| | 6. space for entry of
disposition, plea and
remarks at time of hearing | | |

When the court knows there will be a contested case or cases that will take considerable time to hear, these should not be listed on the regular court calendar. Such cases should be heard at a special court session.

The calendar should be prepared as far in advance of the court session as possible and copies should be furnished to the police department or other appropriate law enforcement agencies such as the State Police, so officers may determine the cases listed for trial in which their testimony may be required.

A copy of the calendar should also be posted at the entrance to the courtroom for examination by litigants or attorneys and copies should be available to the municipal prosecutor, the judge and the court clerk.

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2.4.3	Calendar Distribution		
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Distribute copies of the calendar to:

1. judge
2. municipal prosecutor
3. municipal police department
4. state police (if applicable)
5. public defender
6. other court personnel
7. courtroom clerk

Note any additions or deletions on one copy of the calendar (a master sheet) for quick reference.

3.0	Bail		
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3.1	Posting Bail		
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3.1.1	Cash Bail		
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R. 7:5-2

See R. 3:26-4(a) re: various requirements for bail, the conditions of the recognizance and the limitations on taking bail from an individual surety.

In any county, with the approval of the Assignment Judge, a program may be instituted for the deposit of cash bail in court in the amount of 10% of the amount of bail fixed. Under the 10% cash bail program,

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3.1.1 Cont.	discretion remains with the judge as to whether the defendant's application should be granted, denied, or conditionally granted.		
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The Supreme Court has indicated that in cases where the offense charged is not serious and the amount of bail is not great, the court should accept personal checks rather than have the defendant held in jail until such time as he can obtain a bail bond or post cash bail. Before accepting a check under such circumstances the person accepting the check should be reasonably certain of the defendant's identification or of the bailor's identification if a person other than the defendant is posting the bail. Personal checks may also be accepted for payment under the 10% cash bail program.

Note: A \$6 filing fee and \$6 discharge fee are collected on indictable offenses which is sent to the County Clerk with the bail. These fees may be waived involving indigent defendants.

NJSA 22A:2-29

In the discretion of the judge, bail bond cards of a reputable company may be accepted in lieu of cash bail in traffic cases provided :

- there is a guarantee of payment;

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- | | | | |
|----------------|--|--|--|
| 3.1.1
Cont. | <ul style="list-style-type: none"> the amount of bail is within the amount guaranteed; and the offense charged is covered by the terms of this card. | | |
|----------------|--|--|--|

The person accepting this card should:

- Check for signature. Have the person write his signature again for the purpose of comparison.
- Compare signature with that on the driver's license for verification of the signature and the defendant's description.
- If the card is presented and accepted, require the defendant to sign a cash bail bond.
- Note whether the card has expired.
- Hold card pending appearance of defendant.

If the defendant does not appear, the court should declare a forfeiture and the company so notified, giving all the pertinent information. Upon receipt of payment, the card should be returned to the company.

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3.1.1 Upon collection of cash bail:
Cont.

- a. Complete receipt, circling "bail" in top right hand corner. Distribute as follows:

1. original to person posting bail
2. copy to case file

Retain copy in receipt book.

- b. Complete Cash Bail Bond/
Affidavit of Ownership and
distribute as follows:

R. 3:26-4(f)
Ex. 21

Note: Cash bail affidavit is required only if a surety other than the defendant is posting bail. If the offense is an indictable offense, the original affidavit must be sent to the County Clerk.

1. Indictable offense only: original affidavit to County Clerk (along with bail money and \$12 filing/discharge fee)

Note: On nonindictable offenses, original affidavit and bail stay with municipal court.

Note: If nonindictable is companion case to indictable, treat as indictable as in 'b' 1 above. If the case is referred

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3.1.1 Cont.	to county prosecutor, transmit all bail money to County Clerk.		
	2. copy to defendant		
	3. copy to bailor if other than defendant		
	4. copy to file		
c.	Enter bail information on the CDR/traffic complaint.		
d.	Post in Cash Bail Book:		
	1. date received		
	2. defendant's name		
	3. name of surety if someone other than defendant posted bail		
	4. docket or summons number		
	5. receipt number		
	6. amount of bail		
	7. type of bail (traffic or criminal)		
e.	Make out deposit slip and deposit in Bail Account.		
f.	Make appropriate docketbook entry.	R. 3:26-4(a)	

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3.1.2 Personal Recognizance

The judge will use essentially the same criteria as are used to determine whether to use a summons or warrant (i.e., length of residency, prior record, etc.) to determine whether to release a defendant on his own recognizance.

The judge must determine this on indictable offenses and the clerk may do so on nonindictables.

- a. Complete Recognizance Form stating a cash bail amount (e.g., ROR/\$500). Have defendant sign. Have judge (or clerk, in his name) sign.

Note: When bail is taken by the police department the officer in charge of the shift must sign the recognizance.

- b. Make docket entry in the proper column of the docket book and on the CDR.

R. 3:26-4(d)

- c. Give copy to defendant and place original in case file.

Note: Transmit original recognizance to County Clerk on indictable offenses only.

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3.1.3 Real Property

Real estate may be offered as security for bail upon approval of the judge.

When real estate is offered as security for bail, every surety shall describe in an affidavit the property offered and the encumbrances thereon, the number and amount of other recognizances and undertakings for bail entered into by him and remaining undischarged, if any, and all his other liabilities.

R. 3:26-5

- a. Complete Recognizance form using information from the affidavit.
- b. Have surety sign. (The husband and wife are required to sign the recognizance and the affidavit of surety, even if the real estate offered is in the name of only one of them.)
- c. Obtain signature of judge or authorized personnel designated by law on recognizance.
- d. Make docket entry in the proper column of the docket book and on the CDR.
- e. Complete receipt for filing fee paid.

Ex. 23

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3.1.3	f. Deposit filing fee.		
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Cont.

	g. Write check payable to County Clerk.		
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Note: If property is located in county where offense was committed, forward filing fee (\$6) and discharge fee (\$6) and original recognizance form to County Clerk for recording.

R. 3:26-4(c)

If property located in county other than where offense was committed, follow steps 'h' and 'i' below.

	h. Mail original recognizance form with filing fee and discharge fee (\$12) to County Clerk in which property is located to establish lien on property.		
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	i. Send a copy of the recognizance form along with filing fee and discharge fee (\$12) to the County Clerk where the offense was committed.		
--	---	--	--

	j. Place copy of recognizance in file with other case papers.		
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3.1.4	Surety (Bondsman)		
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A list of acceptable bond companies is supplied by the Administrative Office of the Courts. Additions and deletions are supplied through the Court Bulletin Letters.

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3.1.4 Cont.	A bond should consist of the following (whether or not on separate forms):		
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- | | | | |
|--|--|--|--|
| | 1. recognizance form | | |
| | 2. power of attorney | | |
| | 3. release of bond form (i.e., Affidavit of Surety) | | |
| | a. Make sure the following are attached to bail bond: | | |
| | 1. Power of Attorney of Surety (insurance bond) | | |
| | 2. Release form (if supplied by bondsman) to be returned after disposition | | |
| | b. Check bond for errors. E.g., proper bail amount, defendant's name, charge, amount on power of attorney, all signatures. If error, contact surety to submit new correct bond and return bond in error to bondsman. | | |
| | c. Collect \$12 filing/discharge fees. | | |

Note: If the county has an arrangement by which the county collects the filing fee from bail bondsman, it does not need to be collected by the clerk.

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3.1.4 Cont.	d. After review, acknowledge recognizance form.		
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	e. In indictable cases only, send original bond papers to County Clerk with filing fee and companion cases, as applicable.		
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Note: Retain original
recognizance form in case file
for nonindictables (e.g.,
disorderly, petty disorderly
persons offenses). If companion
case, see 3.1.1 'b', note and
2.1.1 'h', note.

	e. Place copy in case file.		
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3.2 Commitment in Default of Bail

Where bail has been set and the
defendant is unable to post
bail, the judge should commit
the defendant to the county
jail. The commitment may be
signed by the judge or attested
in his name and signed by the
court clerk or the deputy court
clerk.

a.	Complete temporary commitment form. Specify on form the amount of bail to be posted to enable the County Clerk and jailor to know the proper amount to be collected.		
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NJSA 2A:8-15
Ex. R

b.	Have judge (or clerk, in judge's name) sign commitment. Affix court seal.		
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3.2 Cont.	c. Send original to jail with defendant and place copy in case file.		
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	d. Schedule defendant for immediate appearance before judge. As applicable, prepare Order to Produce and give to jail for appearance of defendant at hearing.		
--	---	--	--

	e. Schedule for trial for next court session.		
--	---	--	--

3.3 Return of Bail

3.3.1 Cash Bail

Cash bail should be promptly and properly refunded at the conclusion of the trial or when the condition of the bail has been fulfilled.

For indictable offenses where bail has been forwarded to County Clerk, bail is returned by the County Clerk to the bailor. If the indictable offense is downgraded and remanded, bail is subsequently returned to municipal court. Follow posting procedures for appropriate type of bail.

The bailor, whether the defendant or surety, must approve the use of bail for paying outstanding penalties.

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SECTION	PROCEDURE	REFERENCE	COMMENTS
3.3.1 Cont.	<p>a. Refer to case file to verify that case has been disposed before releasing bail.</p> <p>b. Obtain cash bail receipt from bailor, if available.</p> <ol style="list-style-type: none">1. If defendant is bailor, check for identification.2. If bailor is other than defendant (surety), obtain receipt and affidavit of ownership and compare signatures to ensure proper identification.3. If bailor cannot present receipt, have him sign court's original affidavit and copy of receipt; compare signatures and check identification. <p>c. Write check(s) from Cash Bail account:</p> <ol style="list-style-type: none">1. If bail to be applied to penalties, make out two checks (one for exact amount of penalties, second for remainder) payable to the bailor.		

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3.3.1
Cont.

2. If bail to be returned, make out one check for amount of bail posted payable to bailor.

Note: If a case has been finally concluded by entry of judgment and the bailor cannot be located so that the court cannot refund the cash bail, the court should pay the bail to the municipal treasurer by a separate check, with an accompanying letter of explanation, keeping a copy of the letter in the court file. If the bailor is subsequently located, he may obtain refund from the municipality. The court should sign an order directing the municipality to refund the money to the bailor.

d. If bail to be applied to fine:

1. Direct bailor to endorse check for penalty amount payable to the court.
2. Deposit in General Cash Account. Record in General Cash Book as receipt of penalty, noting penalty, amount, docket number, defendant's name.
3. Issue receipt to bailor (defendant or surety).

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3.3.1 Cont.	4. Enter docket number and name of defendant on check and on check stub.		
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- | | | | |
|--|---|--|--|
| | e. Make entry to Cash Bail
Book (disbursements): | | |
| | 1. date returned (date of
check) | | |
| | 2. to whom returned (paid
to...) | | |
| | 3. check number(s) | | |
| | 4. amount returned (paid) | | |

3.4	Defendant Fails to Appear: Bail Forfeiture		
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R. 3:26-6
R. 7:6-3

3.4.1	Cash Bail		
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Note: Where cash has been posted by a third party surety and the defendant does not appear, the judge may declare a forfeiture or mail a notice of the proposed forfeiture to the surety, advising that if the defendant is not produced in court on a date designated, the bail will be forfeited.

Upon failure to appear and declaration of forfeiture by the judge:

- | | | | |
|----|--|--|--|
| a. | Send notice to surety that
bail will be forfeited for
failure to appear. | | |
|----|--|--|--|

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3.4.1
Cont.

- b. Note forfeiture in docket and on complaint.
- c. Make entry to Cash Bail Book as for return. (See 3.3.1, step 'd'.)
- d. Traffic cases only: send MF-1 to DMV as to forfeiture. (See II. 2.2.)

Note: The warrant remains outstanding (i.e., active) until either the judge withdraws the warrant or the defendant posts bail.

e. Prepare checks.

1. Traffic: Make check from cash bail account payable to municipal court and deposit in general cash account, with entry to General Cash Book.
2. Criminal: Make check from cash bail account payable to municipal treasurer.

f. Disburse the forfeited bail to the agency to which the fine would have been payable.

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3.4.1 Cont.	Note: If a NJSA Title 39 traffic violation is involved, costs not exceeding \$15 may be deducted from the bail and the costs paid to the municipal treasurer. The balance of the bail is then payable to the agency to which the fine would have been payable.		
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3.4.2 10% Cash Bail

The surety is ordinarily only responsible for the 10%, the defendant is responsible for the remainder, 90%. The clerk's duty in this regard is to notify the county/municipal counsel as applicable so that he may file a motion for judgment on forfeiture to collect the forfeited bail.

State v.
Singleton
182 NJ Super. 87
(App. Div. 1981)

a. Send notice of forfeiture to:

Ex. R

- county counsel, if superior court has jurisdiction

OR

- municipal counsel, if municipal court has jurisdiction

b. Issue warrant for contempt of court.
(See III 6.1.)

NJSA 2A:10-1c

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3.4.3 Corporate Surety

- (1) Municipal Court Has Jurisdiction (including when defendant has waived indictment and trial by jury, under NJSA 2A: 8-22)

When there is a breach of a condition of the recognizance, the municipal prosecutor shall move for a declaration of the bail

R. 3:26-6(a)

or the court on its own motion may declare a forfeiture; if the defendant absconds while on supervisory treatment after bail has been posted, then bail may be forfeited. When a forfeiture is declared:

NJSA 24:21-27(a)

a. Note forfeiture and date on:

1. complaint
2. docket (miscellaneous column)

b. Prepare notice of forfeiture with:

Ex. R

1. docket number
2. defendant's name
3. amount of bond
4. date of forfeiture
5. name of corporate surety
6. number of power of attorney

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3.4.3 (1) Cont.	c. Immediately send written notice of the forfeiture and demand for payment of the amount of the bond to:		
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1. bondsman
(attorney-in-fact)
2. home office of
corporate surety
(address often listed
on power of attorney
form)

Note: If no response or payment is received within two weeks of the mailing of the notice, mail a second notice, so labeled, to the bondsman and the corporate surety's home office.

If there is no response or payment within 30 days of the mailing of the second notice, notify the Commissioner of the New Jersey Department of Insurance in writing, indicating what action the court has taken in this matter.

If the forfeiture is not paid or the forfeiture is not set aside by the judge:

- a. Immediately send notice of the forfeiture to the municipal attorney who shall forthwith proceed to collect the forfeited amount.

Ex. R

R. 3:26-6(a)

Include in the written notice:

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- | | | | |
|-----------------------|---|--|--|
| 3.4.3
(1)
Cont. | 1. docket number | | |
| | 2. defendant's name and address | | |
| | 3. amount of bond | | |
| | 4. date of forfeiture | | |
| | 5. name and address of corporate surety (as shown on power of attorney) | | |
| | 6. number of power of attorney | | |
| b. | Retain a copy of the notice with the complaint; send a copy of the notice to the Assignment Judge. | | |
| c. | When judgment of default is entered, send a copy of the judgment to the Commissioner of the New Jersey Department of Insurance with a cover letter requesting the cooperation of that Department in obtaining payment of the judgment without the necessity of executing on the judgment. Send a copy of the cover letter to the Administrative Office of the Courts. | | |

If the judgment, including any costs or interest, is not paid within 20 days, the municipal attorney shall docket the

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3.4.3 (1) Cont.	judgment in the superior court and proceed with execution on the judgment and he shall, in writing, notify the clerk of the court and the Assignment Judge of the amount collected. The amount collected shall be paid to the Municipal Treasurer unless otherwise provided by law.	NJSA 2A:8-42	
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If the court subsequently remits the forfeiture in whole or in part, the clerk shall:

- Notify the municipal attorney and the Assignment Judge of that fact.

When the recognizance is discharged by court order upon proof of compliance with the conditions thereof, or by reason of the judgment on the complaint, or when payment of the recognizance is received, the clerk shall:

- Enter the word "discharged" and the date of discharge in the docket and send notice of the discharge to the clerk of the superior court.

Ex. R

(2) Indictables (Outside Municipal Court Jurisdiction)

When the municipal court does not have jurisdiction to try the case, including instances when the defendant has not waived indictment and trial by jury under NJSA 2A:8-22, and when

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3.4.3 (2) Cont.	<p>there is a breach of a condition of the recognizance as, for example, when the defendant fails to appear in the municipal court for a probable cause hearing, the municipal prosecutor shall move for a declaration of forfeiture of the bail, or the court on its own motion may declare a forfeiture. When a forfeiture is declared:</p> <ol style="list-style-type: none"> Note on complaint the fact of forfeiture and the date. Enter the forfeiture and date in the miscellaneous column of the docket. Prepare letter of transmittal for mailing of documents in steps 'd' and 'e' below. Include in letter notation of forfeiture and date thereof. <p>Retain copy of transmittal; send copy to Assignment Judge for county.</p> <ol style="list-style-type: none"> Immediately send the complaint and transmittal letter to the county prosecutor. Send to the County Clerk: <ol style="list-style-type: none"> the recognizance with the power of attorney attached 	R. 3:26-6(a)	

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3.4.3 (2) Cont.	<p>2. filing fee, unless fee waived and the waiver so noted on the recognizance.</p> <p>3. transmittal letter</p> <p>The County Clerk will then carry out the procedure for enforcement of the bond and, if necessary, notify the county counsel.</p>	R. 1:13-2	
3.4.4	<p>Real Property</p> <p>The judgment on bail forfeiture is made at the county level.</p> <ul style="list-style-type: none"> Notify the county counsel in writing that the defendant failed to appear. <p>Note: When real estate located in a county other than the one in which the bail was taken is affected, the clerk of the court in which such recognizance is given shall forthwith send notice of discharge or forfeiture and the date thereof to the clerk of the county where such real estate is situated who shall make the appropriate entry at the end of the record of such recognizance.</p>	<p>NJSA 2A:8-29 R. 3:26-4(e)</p> <p>R. 3:26-4(e)</p>	
3.5	<p>Reinstatement of Forfeited Bail</p> <p>Upon order issued by judge:</p> <p>a. Return cash bail to surety.</p>	R. 3:26-7	

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3.5 Cont.	<p>b. Send notice of reinstatement to all parties who were notified of forfeiture. If corporate surety, notify municipal attorney and Assignment Judge.</p> <p>c. On a real property bond, send a letter to the County Clerk releasing the bond.</p> <p>d. On a corporate surety bond, send letter (or fill in their form) releasing bond.</p>	Ex. R	
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4.0 In-Court Duties

The clerk assigned to the courtroom is responsible for the smooth functioning of the court sessions. Each clerk should work closely with the judge to coordinate activities-- e.g., some judges prefer to call the calendar, while others have the clerk do it. Under no condition should the municipal prosecutor or police call the calendar.

Duties may include (but are not limited to) the following:

- overseeing proper set-up of courtroom
- having available case papers for matters on calendar
- overseeing proper operation and recordkeeping of sound recordation

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4.0 Cont.	<ul style="list-style-type: none"> • checking-in parties • opening court • swearing in witnesses • labeling and storage of evidence (exhibits) • documenting court action • collecting penalties assessed • completing court forms as directed <p>Each of these duties is discussed in detail below.</p>		
4.1	<p>Before Court</p> <p>a. Check to see that the courtroom has been set up properly, i.e., chairs and tables in proper position, flag displayed, sound recording device, recording log and tapes available, flip chart displayed; gavel and law books (NJSA Titles 2A, 2C, 24, 39 and Court Rules) on bench; copy of Violations Bureau Schedule, complaints/ tickets, court calendar, receipt books and other appropriate forms.</p> <p>Make copies of notice of defendant's rights available in courtroom by</p>	Ex. R	

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4.1 Cont.	placing on chairs in various parts of the courtroom.		
	b. Test the sound recording tape, playing back the test to check for clarity. (See IV. 5.0.)		
	c. Check all microphones for operation and placement. Microphones should be placed at:		
	1. defendant's table		
	2. witness stand		
	3. bench		
	4. prosecuting attorney's table		
	5. optional: defendant's stand		
	d. On Recording Log, mark "tape checked, played back" and enter your initials. Also put date and tape number on the record. Label tape and box with date and tape number.	Ex. 24	
	e. Check people in. Say:		
	"GOOD EVENING LADIES AND GENTLEMEN. PLEASE MAKE SURE YOU CHECK IN AT THE CLERK'S DESK. IF YOU HAVE COPIES OF TICKETS PLEASE HAND THEM TO ME."		

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4.1 Cont.	Note: During a break in court session, an opportunity should be given for latecomers to check in with the clerk.		
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Check off names on copy of the calendar as they check in. For each case, check that all parties are present to enable case to proceed.

f. Separate guilty and not-guilty pleas and put in order in which they will be called within each group.

g. On subpoenaed persons, announce "IS _____ HERE?" If not present, judge will ask again when case is called.

4.2 During Court

Court personnel (never police) officially open court as follows:

a. Say: ALL RISE. THE MUNICIPAL COURT OF _____ IS HEREBY IN SESSION, THE HONORABLE _____ PRESIDING.

The judge then makes his opening remarks.

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|--------------|---|--|--|
| 4.2
Cont. | <ul style="list-style-type: none"> • The clerk should make sure people speak into the proper microphone and identify themselves fully and clearly on the record. • Begin making log entries, beginning with the log # (tape revolution), always identifying the speaker. As each tape ends, begin new tape, marking on log sheet where old tape ended and new one began. Also mark tapes with date and number of the tape. • If the sound recorder should malfunction: inform judge, then conduct routine check of equipment. If it cannot be corrected, it is in the judge's discretion whether to continue or delay proceedings. Report the malfunction immediately to repair service, then to the Sound Recording Services Unit of the AOC (phone:609- 292-2644). • Forward to judge each case file as it is called. (Give opportunity for latecomers to check in with the clerk so their cases will be called.) | | |
|--------------|---|--|--|

The court calendar should follow, as closely as possible, the following order:

R. 7:10-3

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|--------------|---------------------------------------|--|--|
| 4.2
Cont. | 1. applications for adjournment | | |
| | 2. unlitigated motions | | |
| | 3. arraignments | | |
| | 4. guilty pleas | | |
| | 5. litigated motions | | |
| | 6. contested matters with an attorney | | |
| | 7. other contested matters | | |

4.2.1 Adjudicated Matters

Upon assessment of a penalty, the individual is directed to remit that penalty to the court. The penalty may be assessed immediately, as following a guilty plea, or assessment of the penalty (sentencing) may be deferred.

Note: Court forms (such as commitments, probation orders, etc.) should be typed -- either by court personnel in the office or by courtroom clerk during break in court session. Internal office forms (e.g., time payment records) need not be typed but should be legible.

- 4.2.1 Fines/costs
 (1)
 (a) Payment in Full

Upon payment of penalty:

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4.2.1	a. Complete receipt and distribute:	Ex. 4	
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- | | | | |
|-------|---|--|--|
| (1) | | | |
| (a) | | | |
| Cont. | 1. original to defendant | | |
| | 2. Staple copy to ticket if traffic case; place in case file if criminal. | | |
| | 3. Retain copy in receipt book. | | |

Note: For courts with validating machines, follow local receipting procedure.

(b) Installment Payment of Fines/Costs

Subsequent to adjudication, the court may allow the defendant to make payments in installments. Installment payments may be made in criminal and traffic matters only upon order of court according to terms set by the court.

State v. DeBonis
58 NJ 182 (1971)

The request for partial payment must be heard in open court. The defendant completes in full a financial questionnaire (Form 5A, Application to Establish Indigency) if not completed earlier, upon which the judge bases the decision.

Ex. 25

Upon order of court:

a. Complete Order for	Ex. 26
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4.2.1 (1) (b) Cont.	Installment Payment of Fines and Costs according to terms set by judge. Have defendant complete name, address and personal information at bottom. Have judge (or clerk) sign order.		
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- b. Give copy of order to
defendant; retain original
with case file.

(1)(b) (i)	Time Payment Record		
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A separate form should be
completed for each date of
adjudication. (Multiple
complaints may be entered on
same form if date of
adjudication is the same.)

Note: To reduce bookkeeping, it
is recommended that payments be
set up on a monthly basis where
possible.

- a. Complete Time Payment
Record Sheet form with:

1. name/address of
defendant
2. docket number, summons
number, charge(s) on
which partial payment
to be made, and
fine/costs amounts
3. date of court
order/terms of
payment

Ex. R

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4.2.1 (1) (b) Cont.	4. total penalty (fines/costs of all docket numbers shown)		
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b. Place form in appropriate file.

c. Place complaint in appropriate partial payment file.

d. TRAFFIC CASES ONLY:

1. For nonparking traffic cases, prepare and send to DMV the MF-1. (This card is prepared only once, at adjudication.)

2. Make entry in appropriate docketbook and Traffic Ticket Control Record as applicable as to time payment. E.g., note 'pp' (partial payment), and amount in miscellaneous column.

e. CRIMINAL CASES ONLY:

When fine is for indictable or disorderly persons offense, send yellow copy of CDR-1 or -2 to SBI.

(ii) Installment Payments

As payments are made:

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4.2.1 (1)(b) (ii) Cont.	a. Update Time Payment Record with:	Ex. R	
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1. receipt number
2. amount paid (applied
first to costs, then
to fine)
3. balance due
4. Make entry to Cash
Book.
5. Make bank deposit.

Note: As payment is made, VCCB
(Violent Crimes Compensation
Board) penalty must be satisfied
first before credit is given
toward fine or cost.

TRAFFIC CASES ONLY

If full payment not made within
6 months or defendant is
otherwise not in compliance with
the order of the court:

- a. Optional: Send follow-up
notice to defendant.
- b. Set for court hearing or
close out as follows:

(iii) Closeout on Installment Schedule

- | | |
|--|---------------------------|
| a. Complete Order of Suspension,
showing date by which
license will be suspended
if payment not made. | NJSA 39:4-203.1
Ex. 27 |
|--|---------------------------|

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|-----------------------------------|---|--|--|
| 4.2.1
(1)(b)
(iii)
Cont. | <p>b. Send copy of Order to DMV and to defendant.</p> <p>c. Note sending of Order in docketbook and Traffic Ticket Control Record.</p> <p>d. File ticket by court date.</p> <p>e. If payment not received, send Order of Suspension to DMV.</p> <p>f. Place case file in closeout drawer.</p> | | |
|-----------------------------------|---|--|--|

Note: The case may be reopened upon order of court.

- | | | | |
|-------------------------|---|--|--|
| 4.2.1
(1)(b)
(iv) | <p>Final Payment Made</p> <p>As each Time Record Payment is paid in full:</p> <p>a. As applicable, validate back of ticket.</p> <p>b. Make final entry on Time Payment Record (show zero balance) and attach to complaint(s). Place complaints in appropriate disposed file.</p> <p>c. In miscellaneous and fines/costs columns of docketbook, enter "paid in full" notation and date of deposit.</p> | | |
|-------------------------|---|--|--|

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4.2.1 Bad Checks

(1)(c)

(iv)

If a check is returned to the court for insufficient funds, the court should contact the defendant to try to resolve the matter before taking further action.

- a. Send letter to defendant, giving date by which payment is to be made (cash, certified check or money order only).

Ex. 28

If payments are not paid on time, upon order of the court:

- b. Complete and issue warrant. Obtain signature of either clerk or judge and distribute as follows:
1. original to case file
 2. 3 copies to police department for service
- c. When defendant is brought to court on the warrant, remainder of fine and any penalties must be paid in full.
- d. Prepare payment schedule. Have individual sign both the order and the payment schedule. Give copy of payment schedule to individual; retain copy for case file.

Ex. R

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4.2.1 (c) Cont.	e. TRAFFIC CASES ONLY: If payment not made, prepare form letter to DMV and send to DMV. This action initiates the license suspension procedure.	MF 39, R 1/67	
(2)	License Revocation		
	a. Collect license from defendant; attach to ticket.		
	b. Where necessary, complete temporary driving permit, have judge sign and give copy to defendant. Temporary permit issued only for purpose of allowing defendant to reach home.	Ex. 29	
	c. As applicable, collect fine and make out receipt (see II. 2.2.4(1)). If bail to be applied to fine, see 3.3.1 'd'.)		
(3)	Jail (Commitment)		
	a. Have officer escort defendant to holding area until commitment papers can be typed. See II. 2.2.4 (2).		
(4)	Probation		
	• Have referral form completed (see II. 2.2.4(3), Probation)	R. 3:21-7	

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4.2.1	Community Service		
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(5)

- Have community referral form completed (see CRIMINAL, 2.2.4(4), Community Service)

4.2.2	Contested Matters (Not Guilty Pleas)		
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When matters go to trial, the clerk has several additional duties, as follows.

4.2.2	Appearances		
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(1)

- When the case is called before the court, ensure that the attorney's appearance is entered on the record.

(2)	Swearing in Interpreter/Witness		
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Either the judge or clerk (not a police officer) swears in all persons taking the stand (includes expert witnesses, interpreters). Each witness should be sworn individually, not collectively, and the judge or clerk should note the name and address of each witness as well as the fact that the oath was administered.

If directed to swear him in:

- a. If interpreter involved, the interpreter is usually sworn in before the witness. See oath, below, step 'c'.

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4.2.2 (2) Cont.	Note: Where needed, an interpreter must be obtained before trial may commence. Contact your TCA for direction regarding interpreters.		
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	b. Ask the person his name and address for the record. Have person spell last name.		
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	c. Ask him to raise his right hand. Say:		
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Oath to Witness

"DO YOU SOLEMNLY SWEAR OR
AFFIRM THE TESTIMONY YOU
ARE ABOUT TO GIVE IN THIS
MATTER IS THE TRUTH, TO THE
BEST OF YOUR KNOWLEDGE?"

Oath to Interpreter

"DO YOU SOLEMNLY SWEAR OR
AFFIRM THAT THROUGHOUT YOUR
SERVICE IN THIS MATTER YOU
WILL ACCURATELY AND
IMPARTIALLY INTERPRET TO
THE BEST OF YOUR ABILITY?"

(3) Exhibits

The clerk must label and store
exhibits.

a. Upon acceptance by the
court as evidence, label
exhibit with following
information:

- docket number

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4.2.2 (3) Cont.	<ul style="list-style-type: none">• who entered exhibit (see abbreviations, below), sequential number, and whether 'for identification' (ID) or full exhibit.		
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E.g., S - state
exhibit; D - defendant
exhibit; J - joint
exhibit. S-3 ID means
the third exhibit
entered by the (state)
prosecutor, for
identification only.
An ID exhibit may
later be changed by
the judge to full
evidence status.

- date entered into
evidence
- initials of clerk
receiving evidence

b. Enter description of
exhibit on log sheet.

Business records (e.g., radar
test sheets, officer
certification, tuning fork,
breathalyzer tests) should be
photocopied; retain photocopy as
evidence and return original.

(4) Dispositions

- Follow procedures for
Adjudicated Matters, 4.2.1.

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4.2.3 (3) Cont.	Note: Court forms (e.g., commitment forms, probation orders, etc.) should be <u>typed</u> -- either by court personnel in the office or by courtroom clerk during a break in court sessions. Internal forms (e.g., time payment records) need not be typed, but should be legible.		
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4.3 End of Court Session

- a. Have judge review on the record matters that are pending, i.e., overdue fines, dismissal of summonses, neighborhood disputes.
- b. Turn recorder off, make sure tapes are marked with date and number of the tape. Secure and file chronologically in tape file drawer.
- c. Attach log sheet to court calendar and file chronologically in court calendar file.
- d. Remove or otherwise secure all court property.
- e. Place all evidence in locked safe. Retain for 30 days.

Note: Drugs, weapons, contraband should be returned to police for proper handling and storage. Obtain a written

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4.3 Cont..	receipt for the items. Direct the police to transfer evidence if appeal filed.		
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- If appeal filed: forward exhibits with case papers to higher court.
- If no appeal: return to proper parties; have individual sign form to acknowledge return of exhibits.

f. Prepare appropriate form regarding disposition of each case. See that revoked license is sent with MF-1 card to DMV within 3 days of disposition.

5.0 Contempt of Court

Upon order of the court:

- Issue bench warrant. Set appropriate bail. Ex. R

6.0 Warrants

6.1 Issue Warrant

Warrants may be issued for a number of reasons. The most common are: failure to appear and failure to make partial payment. The clerk as well as the judge has the authority to issue warrants in both criminal and traffic matters for failure to appear and failure to pay.

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6.1 Cont.	<p>a. Complete warrant, entering:</p> <ol style="list-style-type: none"> 1. name of municipality and county 3. docket number 4. complaint number 5. defendant's name and address 6. reason for issuance of warrant. E.g., failure to appear or failure to make payment 7. bail amount (the clerk may set bail on all <u>except</u> indictable offenses) 8. date defendant did not comply or failed to appear 9. date warrant is sent <p>b. Sign warrant.</p> <p>c. Optional: complete warrant card, in duplicate (or make photocopy) with:</p> <ol style="list-style-type: none"> 1. defendant's name and address 2. docket number 3. complaint number 4. ticket number 	Ex. R	

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6.1 Cont.	<p>5. violation and statute number</p> <p>6. bail amount</p> <p>7. name of town or municipality where warrant is to be issued</p> <p>d. Forward original warrant to police where warrant is to be served:</p> <p>If defendant lives within jurisdiction of court, transmit to appropriate law enforcement agency.</p> <p>If defendant lives outside jurisdiction of court, prepare cover letter, attach to original warrant and transmit to appropriate law enforcement agency.</p> <p><u>Variation:</u> Forward all warrants to local police for forwarding to appropriate law enforcement agency.</p> <p>e. Place copy of warrant and letter (if applicable) with case papers and place in alphabetical order in warrant file.</p> <p>f. Optional: Place warrant card in alphabetic warrant file drawer.</p>		

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6.2	Recall of Warrant		
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If the defendant appears without arrest and posts bail, the clerk must notify the police to recall the warrant.

- a. Contact law enforcement officer by phone of reason for recall and direct them to return warrant to the court. Make note of date, time and officer spoken with.
- b. Send cover letter to law enforcement agency to confirm recall of warrant. Retain copy of letter in file, or note in case file recall of warrant and authority.
- c. Optional: note on warrant card:
 1. date of recall
 2. disposition (reason for recall)
 3. party contacted to return warrant
 4. your initials

7.0	Return of Executed Search Warrants		
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Unexecuted search warrants should never be filed with nor handled by the clerk.

R. 3:5-4

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7.0	Upon receipt of executed warrant:		
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Cont.

a.	Check for accompanying papers:		
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R. 3:5-6

1. return of service
2. inventory of seized property
3. affidavits
4. transcripts or summary of oral testimony taken before the issuance of warrant

Sign if papers are in order.

b.	Place all papers in sealed envelope and forward to County Clerk for filing (hand deliver or mail certified mail, return receipt). Do <u>not</u> retain copies of papers.		
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8.0 Appeals

The municipal court must act promptly in complying with all required steps when a notice of appeal is filed so that there will be no delay at the county level or appellate division.

A Notice of Appeal must be filed within 10 days after entry of judgment of conviction. The notice must be accepted by the clerk and forwarded to the County Clerk, however, whether or not it is timely.

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8.0 Cont.	When the defendant or attorney requests a Notice of Appeal form, advise them that it must be filed within 10 days of judgment with:	Ex. R	
	1. municipal court clerk (original)		
	2. County Clerk (All filing fees are paid at the County Clerk's office, not municipal court).		
	3. county prosecutor	R. 3:23-9	
	4. municipal attorney (ordinance violations only)		
8.1	Notice of Appeal Filed		
	Upon receipt of Notice of Appeal:	R. 3:23-3	
	a. Accept the Notice and date stamp.		
	b. Make docketbook entry in Remarks column: notice of appeal filed, date.		
	c. Send to the County Clerk by regular mail (optional: certified mail, return receipt):	R. 3:23-4(a)	
	1. <u>original</u> complaint with judgment of conviction	R. 7:4-6(b)	
	2. all mailable evidence (note any exhibits withheld)		

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8.1 Cont.	3. Transmittal Letter on Appeal indicating whether or not transcript deposit made (see 8.2, below).		
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4. any bail posted after imposition of sentence	R. 7:5-4	
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5. Transcript of the Docket (a listing of the information contained in the docket, identified by column headings of the docket)		
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Appeals from orders dismissing or refusing to dismiss a complaint may be taken to the superior court, law division. Either the prosecuting attorney or the defendant may seek leave to appeal to the superior court, law division, from an interlocutory order entered before trial by a court of limited criminal jurisdiction.

R. 3:24

Note: Do not wait for transcript deposit to be made before forwarding appeal papers to County Clerk.

8.2	Transcript on Appeal		
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The appellant is to serve, no later than the time of the filing and service of his notice of appeal, a written request for the preparation of an original and copy of the transcript upon

R. 2:5-3(a)

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8.2 Cont.	the reporter who recorded the proceedings, if the proceedings were recorded stenographically, or upon the clerk of the municipal court if the proceedings were sound recorded.		
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Any person (whether or not a party to the action) may request a transcript. Any person ordering a transcript is required to deposit with the court clerk or the reporter the estimated cost of the transcript. Upon completion of the transcript, the person ordering it will be required to pay any costs over the deposit or receive a refund if the deposit exceeded the actual cost. For request of transcript not in regard to appeal, see 9.0. R. 7:4-5(b)

Upon receipt of request for transcript, order as follows: R. 2:5-3(a)

- a. Estimate amount of transcript deposit (the amount is either \$300 for each day or fraction thereof of trial or estimated cost at \$100 per hour or fraction thereof of trial).

Collect estimated amount, issue receipt and deposit in bail account.

If, on an appeal, no deposit has been received and none is received after the appellant is notified that one is required:

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8.2 Cont.	<ul style="list-style-type: none"> • Notify the appellate court that no deposit has been received and no transcript is being produced. 		
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	b. Complete transcriber's order form.	Ex. R	
--	---------------------------------------	-------	--

Note: A list of approved transcribers is available from AOC.

	c. Forward to the sound transcriber:		
	1. transcriber's order form		
	2. copy of logsheet		
	3. the tape		

	d. Complete "Transcript for Appeal from Sound Recording" and mail to AOC.	Ex. 32	
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In indigent cases, the individual must file a motion in superior court to determine eligibility for waiver of deposit. Do not place order for transcript until order granting motion is received.

See also R. 3: 23-8(a) regarding payment of transcript by county or municipality in indigent cases.

Government agencies are not required to pay a deposit. Do, however, obtain a letter from the agency confirming the

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8.2 Cont.	agency's intent to pay before ordering transcript. The agency sends its voucher to the clerk, who should enter the correct amount on the voucher and forward it to the transcriber. (Also see Sound Recording Manual (SRM), p.39, re: responsibility of clerk.)		
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- | | | | |
|----|--|-------------|--|
| e. | Upon completion of transcript, collect any costs over the amount of the deposit or refund any excess paid. | R. 2:5-3(d) | |
|----|--|-------------|--|

Note: If there is any delay in receipt of the transcript, notify the County Clerk, with copy to AOC.

Note: It is the duty of the court clerk to see that all transcripts ordered are produced. Upon completion, no matter who actually types the transcript, it is the responsibility of the court clerk to file the transcript. The court is responsible for obtaining an adequate deposit and payment for the transcriber. (See SRM, p. 16.)

- | | | | |
|----|---|--|--|
| e. | Upon receipt of transcript distribute as follows: | | |
|----|---|--|--|

- | | | | |
|----|------------------------------------|--------------|--|
| 1. | defendant or defendant's attorney | | |
| 2. | County Clerk (original) | R. 7:4-5 | |
| 3. | county prosecutor (certified copy) | R. 3:23-8(a) | |

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|-------|-----------------------------|--|--|
| 8.2 | 4. municipal attorney | | |
| Cont. | (ordinance violations only) | | |
| | 5. optional: clerk's file | | |

Note: To help track the 20-day preparation of transcript time, a recommended practice is to maintain a log of transcripts ordered, including deposit amounts, dates, and tape location.

SRM, p.38
R. 7:4-3

8.3 Hearing/Decision on Appeal

- a. If applicable, upon receipt of notice from criminal case manager of date of hearing, notify transcriber and place in case file.

Note: If license is ordered restored by judge, see II. 4.4.3.

Upon receipt of decision on municipal appeal from county clerk:

R. 3:23-8(e)

- a. If decision of municipal court upheld: R. 3:23-2
R. 3:23-8(a)(b)

1. Make docketbook entry, entering: upheld, date.
2. Call defendant or attorney if they haven't appeared within 7 days (if penalties stayed pending appeal) to collect fines, costs, or turn in license. If defendant fails to

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8.3 Cont.	appear or pay, follow failure to appear procedures.		
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Note: In spite of the filing of an appeal, any fine which has been paid should not be sent to the County Clerk. The municipal court should deposit the fine and costs in its own account and routinely disburse it to the proper agency with its next monthly disbursement.

b. If decision of municipal court reversed:

- Refund any fines or costs paid by the defendant at the municipal court. R. 7:8-3
R. 7:10-4(a)

Note: The refund should be made to the defendant (or attorney) upon the receipt of a copy of the order of reversal. However, an alternative procedure is suggested.

When the fine has been disbursed to the state, county, or municipality, the municipal court, upon receipt of a certified copy of acquittal or reversal:

- Give the defendant a municipal court check for the amount due, including court costs. Deduct the amount from the next disbursement to the state, county, or municipality.

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8.3 Cont.	Make an appropriate notation on the monthly financial report.		
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Note: If a VCCB penalty has already been paid, the following refund procedure should be followed if the defendant is subsequently found not guilty on appeal:

- Issue refund check to defendant for the amount of the VCCB assessment in addition to any fines and costs. Deduct this amount from next month's VCCB disbursement, noting this in the VCCB Summary Municipal Court Report form.

9.0 Transcripts

For transcripts on appeal, see 8.2.

Any person may order a transcript upon payment of proper deposit.

- Handle as above, 8.2, except that copy given only to requestor, there is no time limit for preparation, and no notification is given to other parties of the transcript.

10.0 Expunged Records

Upon receipt of petition from County Clerks' office:

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10.0 Cont.	<ul style="list-style-type: none"> • Prepare letter to superior court judge, indicating whether municipal court judge has objections (e.g., dates were wrong, etc.) or no objections to petition. 		
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10.1 Receipt of Expungement Order

Upon receipt of order from superior court judge:

- As applicable, block out name of defendant in index.
- Stamp across information in docket book "Expungement court order dated ____".
- Place case papers in sealed envelope with docket number only on outside.
- Place envelope in locked file cabinet not accessible to public.

10.2 Request for Information on Expunged Record

Expunged records may be provided to the judge of any municipal court, as well as any other judge, county prosecutor, probation department or the attorney general for use in conjunction with a bail hearing, the preparation of a presentence report, or for the purpose of sentencing, or in relation to supervisory treatment or diversion programs.
Information continued in expunged

NJSA 2C:52-20
and -21

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10.2 Cont.	records may also be supplied to the VCCB pursuant to any claim filed with the board.		
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NJSA 2C:52-18

Upon request for information from a person other than named above:

- Check index or docket book; if information blocked out, say: "WE HAVE NO RECORD."

11.0 Assigned Counsel

At a minimum the court is required to provide counsel for defendants charged with serious offenses.

R. 3:27-2

In municipalities without a public defender or where the public defender has a conflict, assigned counsel is to be appointed by the judge pursuant to a system established by the Assignment Judge.

Upon appointment of assigned counsel:

- Prepare letter which includes name of defendant, charge(s) and name of assigned counsel.
- Make copies and send to all parties. To assigned counsel also send copy of complaint. Confirm appointment with assigned counsel by telephone.

Ex. R

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11.0 Cont.	If application for assigned counsel denied:		
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- Send letter to defendant so
noting.

12.0	Liaison with Law Enforcement		
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The processing of criminal and traffic matters in municipal court is facilitated by a good working relationship with local and state law enforcement agencies. Enlisting the assistance and support of these officers in the areas listed below is especially helpful.

Some courts of high volume have a liaison officer assigned to the court to help in these areas (e.g., bail policy, scheduling policy, conflicts, etc.).

12.1	Assigning Court Return Dates		
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The court should communicate to police any changes in its court schedule. In return, the police should supply the court with the work schedule of its officers to ensure their appearance on dates scheduled and to make efficient use of court time. Supplemental schedules, showing changes, should be supplied by the police to the court.

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12.2	Ordering of Abstracts in Serious Traffic Cases		
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It is law enforcement's responsibility as the prosecution to request abstracts as required in serious traffic cases and to file them with the court prior to sentencing.

If either the municipal prosecutor or police are unable to request the prior record, the clerk should make the request as soon as possible.

12.3	Companion cases		
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Police should notify the court of companion cases (defendant charged with nonindictable and indictable offenses)) and should establish a policy with the court regarding the setting of bail for multiple charges based on one incident.

13.0	Change of Venue		
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R. 7:4-3

Upon order of court for change of venue:

- a. Complete order to transfer. Obtain signatures of judge and defendant on order.
- b. Contact other court to arrange transfer. Confer with defendant's attorney, prosecutor and judge.

Ex. R

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14.0 Cont.	Note: The court to which the case is to be transferred must be contiguous to your municipal court. If the matter cannot be heard by a contiguous court, contact the Assignment Judge for assignment.		
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14.0	Domestic Violence		
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SECTION RESERVED

15.0	Notice in Lieu of Complaint		
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If the offense charged constitutes a minor neighborhood or domestic dispute, a notice in lieu of complaint may be issued in accordance with R. 7:3-2. The judge hears the matter informally and then decides whether there is a basis for a formal complaint. If there is, the usual procedure for filing of complaint is followed. (See sections I, II.)

When citizen comes to clerk's office to describe dispute:

a. Complete Notice in Lieu of Complaint in triplicate with information provided by citizen. Include in notice date of appearance before judge. Obtain signature of judge on Notice.

Ex. 33

b. Distribute Notice as follows:

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- | | | | |
|--------------|--|--|--|
| 15.0
Cont | <ol style="list-style-type: none">1. Send copy by regular mail to person charged.2. Send copy to person making charge.3. Retain original in separate file. | | |
|--------------|--|--|--|

Note: A Notice in Lieu of Complaint is not docketed, but should be maintained in a separate file pending the informal hearing.

- c. After hearing, proceed in accordance with judge's decision.

16.0	Community Dispute Resolution		
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SECTION RESERVED

17.0	Alcohol Rehabilitation		
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SECTION RESERVED

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1.0	Monthly Statistical Report to AOC	Ex. 34	
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This report includes all information and statistical data on the state of the dockets (traffic and criminal), and all business transacted by the court.

The report must be completed and submitted by the 10th of the month, reporting the activities of the preceding month.

- a. Have the judge (or acting judge sitting that month) review the report and sign.

Municipal Court
Bulletin
Letter #5/6-84

Note: The clerk may not sign this report. If the judge or acting judge is not available to sign the report, send unsigned copy (retain original) with note that original is forthcoming upon judge's signature.

- b. Proofread. Distribute:

1. original to AOC
2. copy to the Trial Court Administrator (TCA)

Place a copy in the court files.

2.0	Reports on Traffic Cases		
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2.1	Monthly Financial Report of Fines Payable to Division of Motor Vehicles	Ex. 35	
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2.1 Cont.	<p>The report is prepared for the Bureau of Court Reports and Fines Section of the Division of Motor Vehicles (DMV). It lists all cases in which fines, penalties or forfeitures are payable to the DMV. Fines for NJSA 39: 8-1, 8-4, 8-6, 39: 4-46, 39: 4-76, and 39:6b-2 are payable to the State regardless of who issued them. A supply of forms may be obtained from the Bureau of Court Reports and Fines Section of the Division of Motor Vehicles.</p>		
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a. Prepare and send the report by the 10th of the month, entering:

1. summons number
2. date paid
3. name of defendant
4. statute number
5. amount of fine paid --
if paid in installments, indicate full amount of fine in same column with defendant's name and in "amount of fine" column enter amount of first payment with 'PP' in the column. For subsequent partial payments, there is no need to repeat full amount of fine, but disburse and include

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2.1 Cont.	partial payments in proper monthly financial reports as received followed by 'PP'. For final payments enter 'F' in this column.		
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	6. complainant's name (use appropriate abbreviation: M.V. INSP. for Motor Vehicle Inspector, S.P. for State Police, C.P. for County Police, or L.P. for Local Police. Ditto marks may be used. The name of the individual enforcement officer is not necessary. If none of the above applies, indicate OTHER.		
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	7. total fines, penalties and forfeitures remitted		
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	b. Write check in the amount of all traffic penalties owed to the State and collected in the preceding month. Make check payable to Director of Motor Vehicles.		
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Note: Even if there are no
cases to report, a report
showing the notation "no
reportable cases" should be
submitted.

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SECTION	PROCEDURE	REFERENCE	COMMENTS
2.1 Cont.	c. Send original to DMV and place copy in court files.		
2.2	Drunk Driving Surcharge-- \$100 Paid to Court	Ex. 35	
	A separate MF-10 form is used to report surcharges collected on drunk driving cases.		
	a. Prepare and send form by the 10th of the month entering same information as in 2.1 'a' above.		
	Note: Even if there are no cases to report, a report showing the notation "no reportable cases" should be submitted.		
	b. Write check in the amount of all drunk driving surcharges owed to the State and collected in the preceding month. Make check payable to Drunk Driving Enforcement Fund.		
	c. Mail original to DMV and retain one copy in court files.		
2.3	Uninsured Motorist Surcharge		
	A separate MF-10 form is used to report surcharges collected on uninsured motorist cases.	Ex. 35	
	a. Prepare and send form by the 10th of the month entering same information as in 2.1 'a' above.		

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2.3 Cont.	Note: Even if there are no cases to report, a report showing the notation "no reportable cases" should be submitted.		
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	b. Write check in the amount of all uninsured motorist surcharges owed to the State and collected in the preceding month. Make check payable to Uninsured Motorist Prevention Fund.		
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	c. Mail original to DMV and retain one copy in court files.		
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2.4	Parking Offenses Adjudication Act - Restoration Fee	Ex. 35	
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As of July 15, 1985 a separate MF-10 form is to be used to report to DMV restoration charges imposed by the court under this Act.

2.5	Financial Report on Traffic Cases to County		
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	A form similar to the MF-10 is submitted to the county with fees due them for the preceding month. A supply of these forms may be obtained from the County Treasurer.	Ex. R	
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	a. Prepare and send the report by the 10th of the month entering the same information as in 2.1 'a' above.		
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|--------------|---|--|--|
| 2.5
Cont. | b. Write check in the amount of all traffic penalties owed the county and collected in the preceding month. Make check payable to County Treasurer. | | |
| | c. Send original to the County Treasurer and place one copy in court files. | | |

Note: Follow local policy on reports to municipality.

3.0 Reports to Other Agencies

3.1 Summary Violent Crimes Compensation Board (VCCB) Municipal Court Report

Ex. 36

This report is submitted by the 10th of each month to the Violent Crimes Compensation Board (VCCB) along with a municipal court check in the amount of monies collected the previous month. A tally should be kept to ensure accuracy of statistics.

- a. Complete form, entering:
1. municipal court name
 2. month for which report is being submitted
 3. county
 4. number of eligible cases

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3.1
Cont.

5. disposition of eligible cases
6. payments of mandatory VCCB penalties (refer to cashbook for amounts)

Note: If there is no VCCB activity, complete and submit showing zeros in total columns.

- b. Have judge review and sign.
- c. Sign and date report, indicating title.
- d. Send:
 1. original to VCCB, 60 Park Place, Suite 1013, Newark, New Jersey 07102
 2. copy to the Trial Court Administrator
 3. copy to the AOC Statistical Services Unit
- e. Place a copy in the court files.

3.2 Miscellaneous

Reports are due by the 10th of the month to all agencies for which monies are collected in court or in the Violations

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3.2 Cont.	<p>Bureau (i.e., Fish and Game, Weights and Measures, SPCA). These forms are available from the appropriate agencies.</p> <p>a. Send original report with a municipal court check in the amount of monies collected the preceding month to the proper agency.</p> <p>b. Retain copy in court file.</p>		
4.0	<p>Records Retention</p> <p>All court records are kept in metal file cabinets with locking devices.</p> <p>(See also III, 8.0 Expunged Records)</p>		
4.1	<p>Destruction</p> <p>Records are reviewed at the end of each year to determine those that may be destroyed in accordance with the Records Retention Schedule published by the Administrative Office of the Courts.</p> <p>Court records may not be destroyed without prior authorization of the Bureau of Archives and History.</p> <p>a. Complete Request and Authorization for Records Disposal, listing in detail what the records are.</p>	Ex. 37, 38	

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4.1 Cont.	b. Send 4 copies of form to Bureau.		
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The Bureau will return 3 copies with their approval.

All destruction of records is by shredding.

4.2	Public Records		
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Public records may be examined and copied by anyone under the supervision of the court clerk.

R.1:38
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Records that are not public include the following:

- county probation reports and presentence investigation reports and any correspondence pertaining to them
- pretrial intervention program reports and any correspondence relating to them
- records regarding search warrants
- records that the judge has ordered impounded or kept confidential.

R. 1: 38(b)

R. 1: 38(f)

R. 3: 5-4

Note: If you are unsure about whether or not a document is a public record, consult with the judge.

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5.0	Sound Recording		
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All proceedings in municipal court are sound recorded. The Sound Recording and Administrative Regulations Governing Sound Recording in the New Jersey Courts provides details as to the role of the judge, operator, log and transcript.

Sound recordings of proceedings are kept by the clerk or reporter for three years.

6.0	Municipal Court Personnel Certification of Compliance with Rule 1:17-1(i)		
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Ex. 40

Court personnel are required to complete this certification form when they become an employee and later as status changes. The form advises the AOC of the employee's position with the court, indicates compliance with the prohibition against political activity and whether or not the employee holds another public office, position or employment.

- a. Complete form.
- b. Forward original to Assignment Judge. Retain copy in court file.

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1.0	Fiscal Matters		
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The proper handling of the court's fiscal matters is as much a part of the judge's responsibilities as any other part of judicial administration. When the judge is on vacation, ill, or otherwise not available, it is important that someone else be designated to accept the responsibility for these matters. Accordingly each municipal court judge should authorize the court clerk or the acting judge both to sign checks for the refund of cash bail, and to make disbursement of funds to the municipality, county, State or other agencies. The necessary arrangements must be made with the bank through an appropriate order and the execution of signature cards.

1.1	Disbursements		
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Financial control is one of the most sensitive aspects of judicial administration. R.7:10-4(a) provides that all monies received by a court as fines or forfeitures together with the financial reports covering such funds must be forwarded to the appropriate custodian on or before the tenth day of each month. When the funds were received in the course of enforcing municipal ordinances and assessed and collected by the municipal court, the municipal treasurer is the proper recipient. Where the monies were collected in the course of enforcing State laws and regulations, the funds should be paid to the custodian of the funds of the municipality or of the county or to such agency or officer as the particular law involved provides.

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1.1 Cont.	Under N.J.S.39:5-41, fines collected for violations of Title 39 where the complaint was instituted by the Director of the Division of Motor Vehicles or by a member of his staff or the State Police must be paid to the Director of the Division of Motor Vehicles. For all violations of N.J.S.39:4-46, failure to display the name and place of an owner of a commercial vehicle, N.J.S.39:4-76, overweight vehicles on interstate bridges, and N.J.S.39:8-1 et seq., inspection violations, fines must be disbursed to the Division of Motor Vehicles. Otherwise, fines collected for violations of Title 39 are paid to the County Treasurer.*		
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1.2 Cash Bail

Upon the final determination of a case the person who posted cash bail (bailor) should be given a check for the amount of bail posted. It is important that the refund be made only to

- * N.J.S.39:5-41 was amended to provide that when the amount forwarded to the County Treasurer in a given year equals the amount sent to the County Treasurer for Title 39 violations in 1980, then at that point all such collections are to be sent to the Municipal Treasurer. When and if the municipality receives the same amount that the county received in 1980, any additional collections shall be one-half to the county and one-half to the municipality for the balance of the year.

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1.2 Cont.	<p>the person who actually deposited the cash. Cash bail should always be deposited by the end of the next business day and, unless the bailor specifically approves, no portion thereof should be used to pay any fine or costs. If part of the bail is used for the payment of penalties, two checks should be drawn payable to the bailor; one for the amount of the fine and costs which the bailor should endorse back to the court and one for the balance due the bailor.</p>		
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If the refund of bail is in order after the disposition of a case and the court cannot locate the bailor for purposes of making a refund, the court should pay the bail to the municipal treasurer by a separate check with an accompanying letter of explanation keeping a copy of the letter in the court file. If the bailor is subsequently located, the court may then direct the municipality to make the appropriate refund.

1.3 Forfeiture of Cash Bail

If the defendant does not appear and the bail is forfeited, the funds are disbursed in the same manner as fines for the particular violation. Where a Title 39 violation has been charged by a State enforcement officer, the forfeited bail money should be paid to the Director of Motor Vehicles. Where the forfeiture

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1.3 Cont.	occurs in a proceeding instituted by a local officer under Title 39, the proceeds are paid to the County Treasurer.* The court however may first deduct court costs from the forfeited bail in an amount not to exceed those specified in N.J.S.22A:3-4 and pay the same to the municipal treasurer. See N.J.S.39:5-9.		
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Where bail is forfeited by either a resident or non-resident motorist in a non-parking traffic case, a disposition report must also be sent to the Division of Motor Vehicles. Where fines are collected from defendants in criminal cases other than those already discussed, such funds must be turned over together with any bail forfeitures to the municipal treasurer.

- * N.J.S.39:5-41 was amended to provide that when the amount forwarded to the County Treasurer in a given year equals the amount sent to the County Treasurer for Title 39 violations in 1980, then at that point all such collections are to be sent to the Municipal Treasurer. When and if the municipality receives the same amount that the county received in 1980, any additional collections shall be one-half to the county and one-half to the municipality for the balance of the year.

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1.4	Intermunicipal Courts		
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In the case of an intermunicipal court, however, fines must be paid to the municipal treasurer of the municipality in which the offense was committed, and any costs and fees and bail forfeitures must be apportioned among or between the municipalities according to the ratio of the municipalities' contribution to the support of the court.
N.J.S.2C:46-4.

1.5	State Agencies		
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There are other instances involving State laws in which fines collected must be forwarded to the State agency charged with administering the particular law, i.e. Fish and Game Violations. N.J.S. 23:10-19. It is recommended therefore that whenever a violation of a statute which is administered by a special State agency or board is involved, the statute should be consulted to ascertain the proper payee of any fines.

1.6	Receipts - Bank Deposits		
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R.7:10-4(b) obligates the court to keep an accurate account of all fees, costs and monies received, as well as any monies disbursed and to whom disbursed. The court must issue receipts whenever money is received. The receipts should be in triplicate and pre-numbered by the printer. The original should be given to

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1.6 Cont.	<p>the payor, one copy should be attached to the complaint and the third copy should be left in the receipt book. Where the Administrative Director of the Courts has approved a machine system of processing parking cases, a machine tape can serve as the duplicate receipt. Monies received must be deposited in a bank or banks authorized to do business in this State at least weekly, and preferably daily. Pending the deposit of receipts in a bank account the money must be kept in a secure place, preferably a safe, if one is available. Only a bonded person responsible and accountable for court receipts should have custody of and access to the money. When a bank deposit is made, it should include the total amount of cash or checks then on hand and received since the most recent deposit. Portions of fines or costs collected should not be withheld for the purpose of establishing a petty cash or change fund. If such a fund is necessary, the judge should request the appropriate local official to provide it from the municipality's own funds. When deposits are being prepared, a duplicate deposit slip should also be made, receipted by the bank, and retained with the court's financial records. No disbursement of any type should be made except by check drawn on the depositing bank.</p>		
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1.7 Payment of Moneys Due

If any monies are due the court, its employees, or any other persons for salaries, fees, or any other charges, such monies may be paid only after a proper voucher has been submitted by the court to the appropriate finance officer and may not be deducted from the court's receipts. R.7:10-4(c).

1.8 Refund to Defendant

Under R.7:8-3, whenever there is a reversal of a judgment of conviction and the defendant has paid a fine or costs which has already been disbursed by the court to the proper payee, then those fines or costs must be remitted to the defendant upon the service of a copy of the order of reversal upon the person to whom the money was disbursed. It is the practice of most municipal courts to make a check out to the defendant and deduct this amount from the next monthly disbursement to the treasurer or fiscal agency of the State, county or municipality that received the fine and costs which had to be refunded. An appropriate notation should be added on the monthly financial report.

In the event of the reversal of the conviction of a defendant who has already paid the VCCB penalty, the court should issue a refund check to the defendant

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1.8 Cont.	in the amount of the VCCB assessment in addition to refunding any fines and costs already paid by the defendant.		
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When some, but not all, of the penalty has been paid, only the amount already paid should be refunded.

2.0	Cash Book		
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2.1	Prescribed Cash Book		
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Pursuant to R.7:10-4(d) the Administrative Director of the Courts has prescribed the form of the general cash book and traffic cash book to be used in municipal courts. Samples of these cash books may be found in the Appendix.* No variation from these prescribed forms will be permitted without the prior written approval of the Administrative Director of the Courts. The only exception of this rule exists in those courts handling a large volume of cash bail. In such instances the proper books may be designated on an individual basis by the registered municipal accountant appointed by the municipality to make the annual audit.

* See Exhibit 22

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2.2 Purpose

The purpose of the cash book is to record in chronological order all monies received by the court. Pre-numbered receipts should be used and entries in the cash book made by receipt numbers, corresponding with the sequence in which payments are received. The entry of receipt numbers in the cash book in consecutive order facilitates auditing the accounts of the court.

2.3 General Cash Book

Every municipal court must maintain a general cash book in which the monetary transactions in all criminal cases are entered and, if a separate traffic cash book is not maintained, all traffic case entries should be made in the general cash book. A separate cash book may be kept for traffic cases or parking cases only. Such a separate book is not recommended if the volume of cases is small. If a separate traffic cash book is maintained, each column should be totaled whenever a bank deposit is made, and the totals then posted to the general cash book with a notation as to the deposit. This posting of deposits facilitates reconciliation of the bank account.

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2.4 Bank Deposits

Bank deposits should be entered in the cash book on a separate line setting forth both the date and amount of deposit. The amount of each deposit should include the total money received by the court since the most recent bank deposit.

2.5 Reconciliation

A general cash book should be footed and totaled at the end of each month and the balance - receipts less disbursements - reconciled with the monthly bank statement and the checkbook making a special notation on the bank statement itself of any outstanding checks. The reconciliation of accounts will be facilitated if deposits as well as checks are entered in the checkbook, thus maintaining a running balance.

2.6 Frequency of Bank Deposits

Bank deposits should be made at least once a week, but, in the larger courts where receipts are substantial, deposits should be made daily. Deposits should be made the same day if the court receives an unusually large amount of money.

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2.7 Cash Bail Entries

The general cash book makes provision for cash bail entries. If cash bail is posted, entry thereof should also be made in the appropriate docket and, in traffic cases, the "bail fixed" box on the reverse side of the complaint should be completed. Receipts issued for payment of bail should indicate the date of defendant's scheduled court appearance and the name and address of the bailor. If a separate cash bail book is maintained and the court has a combined bank account for bail and general funds, the monthly total should be posted from the cash bail book to the general cash book so that proper reconciliation of the bank account may be made. In the event that the court maintains a separate cash bail book and a separate cash bail account, the cash bail book should be totaled and reconciled each month with the cash bail bank account statement and the appropriate checkbook.

Receipts must always be issued when cash bail is posted, even where the cash bail is taken by a member of the police department. The police department should have pre-numbered receipts in triplicate containing the essential information shown on

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2.7 Cont.	<p>the receipt form in the Appendix. The original receipt should be given to the person posting bail and one copy should then be delivered promptly to the court clerk with the cash bail. The court clerk should then sign the third copy to show receipt of the cash bail from the police department and this copy should be retained in the police department records. When a person other than the defendant posts the bail, his name and address should be noted on the receipt so that the court may contact him with respect to refund or forfeiture of the bail. The Supreme Court has indicated that in cases where the offense charged is not serious and the amount of bail is not great, or if 10% cash bail is being paid, the court should accept personal checks rather than have the defendant held in jail until such time as he can obtain a bail bond or post cash bail. Before accepting a check under such circumstances, the person accepting the check should be reasonably certain of the defendant's identification or the person issuing the check if the bailor is not the defendant.</p>		
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2.8 Correcting errors

Care should be taken in maintaining the court's cash books so that the record will always be accurate and up to date. Each day's entries in the cash book must be made promptly and at no time should the judge allow the clerk to delay making cash book entries. The proper method of correcting an error in the cash book is to draw a thin line through the incorrect item and place the correct entry above or next to the corrected item. Erasures, strikeovers and the use of ink eradicators on the cash books are improper.

2.9 Locked metal cabinets

The cash books are vital records of the court and must be safeguarded at all times. For this reason they should be kept in a locked, metal cabinet.

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GLOSSARY

Abstract (DMV)	A history of defendants driving record obtained from the NJ DMV used where the statute provides for a greater penalty for a subsequent violation.
Adjournment	A putting off or postponement of business or of a session until another time or place; the act of a court, by which the session is dissolved, either temporarily or finally.
Adjudication	The formal giving or pronouncing a judgment or decree in a case; also the judgment given.
Affidavit	A written statement declaring certain facts to be true and confirmed by the oath of the person making the statement, (which oath is taken before an officer having authority to administer it).
AOC	Administrative Office of Courts, Municipal Court Services, Hughes Justice Complex, CN-037, Trenton 08625.
Appeal	A complaint to a higher court asserting commission of an error of law in a trial, proceeding before a lower court, or sentence of a lower court, seeking rectification of the lower court's error.
Arraignment	Consists of reading the complaint in open court to the defendant or stating the substance of the charge and calling upon him to plead thereto after he is given a copy of the complaint, if he has not previously received one.
Bail (Noun)	The surety or sureties who procure the release of a person under arrest by becoming responsible for his appearance at the time and place designated. Those persons who become sureties for the appearance of the defendant in court.
Bail (Verb)	To procure release of a person from legal custody and assuming responsibility for his appearance in court or any designated place.

Bail Bond	A guarantee by a corporate surety that a person will appear at a designated time and place, and a promise to pay a sum of money fixed by the court if the appearance is not made.
Bail Forefeiture	Upon breach of a condition of a recognizance, bail is disbursed to the agency to which the fine would have been payable.
Bench Warrant	An order issued by the court "from the bench" for the arrest of a person.
Bench Warrant Executed	The warrant is executed by the physical arrest of the defendant.
Bench Warrant Issued	Completion of the warrant based upon probable cause to believe that the offense has been committed exists and that the defendant has committed it.
Calendar (Court)	A list of cases awaiting trial or other disposition.
Close Out or Closed	When the required procedure of R. 7:6-3(a) or (b) or (c) has been followed the case is to be closed and all records so indicated.
Community Service	An alternative disposition whereby the defendant satisfies his sentence by providing a service or doing work in the community for a specified time limit.
Complainant	One who applies to the court for legal redress by filing complaint.
Complaint (Criminal)	A charge preferred before a judge having jurisdiction, that a person named (or an unknown person) has committed a specific offense, with offer to prove the fact, to the end that a prosecution may be instituted.
Contempt of Court	Any act which is calculated to embarrass, hinder, or obstruct the court in administration of justice, or which is calculated to lessen its authority or its dignity.

Continuance

The adjournment or postponement of an action pending in a court, to a subsequent day of the same or another term.

Criminal Docket

A book containing all criminal (indictable disorderly persons, petty disorderly persons and borough ordinance violations), complaints filed with the municipal court with an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Cross-complaint

An action brought by a defendant in a suit against the plaintiff in that suit upon a cause of action arising out of the same transaction in controversy. Or an action by one party to a suit against a co-party to the suit arising out of the same transaction, as plaintiff against co-plaintiff or (more frequently) defendant against co-defendant

Date of Offense

Date of occurrence of violation charged in the complaint (DR).

Date of Process

The date the complaint (CDR) is subscribed (taking of the jurat) and sworn to before the judge, court clerk or deputy court clerk, or any other person so authorized (NJS2A:8:27).

Date of Process Server

The date the warrant or summons (CDR) (process) is issued.

Defendant.

One who is sued and called upon to make satisfaction for a wrong complained of by another.

Dismissal

An order disposing of an action by sending it out of court, though without trial of the issues involved. A dismissal may be so styled as to bar a new suit on the same grounds (Dismissal with Prejudice) or may be so styled as to permit a new suit on the same grounds (Dismissal without Prejudice).

Disorderly Persons

Offenses that are designated by Criminal Code or Statute. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Fine is not to exceed \$1,000 (2C:43-3). Sentence is not to exceed six months imprisonment (2C:43-8).

Disposition

In criminal law, the sentence the defendant receives is the disposition.

DMV

Division of Motor Vehicles.

Docket

A book containing an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Docket Number

The number assigned to complaints/ summonses filed as they are received. Traffic cases including parking should be numbered consecutively beginning with the prefix "T". Criminal cases including borough ordinance violations shall be numbered consecutively beginning with the prefix "C".

Downgrade

When the indictable complaint is referred by the County Prosecutor and is returned to the municipal court for disposition of the lesser charge (downgrade).

Evidence

Any species of proof, or probative matter legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

Expert Witness

Person examined as a witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give his opinion as to such matter on account of his special training, skill, or familiarity with it.

Expunge

To blot out; to efface designedly; to obliterate; to strike out wholly.

Fine	A sum of money paid at the end of a suit or prosecution. The fine is imposed upon a person(s) or corporation as a form of punishment.
First Court Appearance	See under arraignment.
Form 5A	Application to Establish Indigency used if the defendant states he is unable to pay a fine all at once or to determine eligibility for representation by the public defender or assigned counsel.
FTA "Failure to Appear"	The failure of defendants to appear in court in response for summonses issued for parking and non-parking traffic offenses.
Grand Jury	A body of citizens, first sworn and instructed by the court, whose duties consist in determining whether probable cause exists that a crime has been committed and whether an indictment (true bill) should be returned against one for such a crime. If the grand jury determines that such a crime does not exist, it returns a "no bill". It is an accusatory body and its function does not include a determination of guilt.
Incarcerated	Confinement in jail or prison.
Indictable Offense	An offense, the nature of which is proper or necessary to be prosecuted by process of indictment.
Indictment	An accusation in writing found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a public offense, punishable on indictment.
Indigent	Poor or needy.
Judgment	In civil cases, a judgment is a final determination of the rights and duties of the parties. In a criminal case, a judgment is the determination of guilt or innocence of the accused.

Look-up

Parking tickets are written with license date number only. In the event the ticket is not paid by the return date (court date) of the ticket, it is necessary to find out (look-up) to whom (name, address) the vehicle is registered in order to send a failure to appear (FTA) notice. This is accomplished through computer tie-in on the local level with the DMV (see 4.1.1).

MF-1

The disposition report required to be sent to the DMV within three days of the disposition of the form must be completed and filed regardless of whether the defendant was found guilty, or not guilty, or the complaint dismissed, or an appeal filed (on moving cases only).

MF-2 (DMV)

Transmittal and Receipt Form. This form accompanies the MF-1 disposition reports. The report is prepared by the court in triplicate listing the trial or VB disposition date and the defendant's last name.

Motion

A written or oral request to a court for a ruling of law during the course of legal proceedings.

Oath

Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.

Payment Order

Order-Payment of Fines and Costs sets forth the terms (amount and frequency of payments) of the partial payment of the fine and costs imposed.

Petty Disorderly Persons

Offenses designated by criminal code or statute. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Fine is not to exceed \$500 (2C:43-3d). Sentence is not to exceed thirty days imprisonment (2C:43-8).

Plaintiff

See under Complainant.

Plea

The first pleading on part of defendant; the answer (G, NG) defendant makes to the plaintiff's declaration.

Pro-se	Appearing for oneself as in the case of one who does not retain a lawyer and appears for himself in court.
Probable Cause	An apparent state of facts found to exist upon reasonable inquiry which would induce a reasonably intelligent and prudent man to believe, in a criminal case. That the accused person had committed the crime charged, or, in a civil case, that a cause of action existed.
Probation	A sentence releasing the defendant into the community under the supervision of a probation officer.
Process	This word is generally defined to be the means of compelling the defendant in an action to appear in court; or a means whereby a court compels a compliance with its demands.
PSI	Pre-sentence Investigation results in a Pre-sentence Report which assists the judge in imposing sentence based upon those facts that may properly influence a sentencing decision. This investigation is conducted by the chief probation officer of the county.
Recognizance	An obligation of record entered into before court of record with condition to do some particular act.
Remand	When the County Prosecutor sends back to the municipal court a previous indictable complaint that has been downgraded for disposition.
Reserve Decision	The judge holds making a determination in a matter pending further information (i.e., driver's record abstract).
SBI	State Bureau of Identification.
Sentence	The judgment formally pronounced by the court or judge upon the defendant after his conviction in a criminal prosecution, formally declaring to the defendant the legal consequences of his conviction. In civil cases the terms judgment, decision, award or finding are used.

Service

The delivery of a writ, notice, injunction, etc. by an authorized person, or in some instances by certified mail, officially notifying that person of some action or proceeding in which he is concerned.

Subpoena

A command to appear at a certain time and place to give testimony upon a certain matter.

Summons

An order directing an officer to notify the person named in the order of the commencement of an action against that person and of the duty of the person named to appear in court on a day specified and answer the complaint of the party initiating the action.

Surety

One who binds himself for the payment of a sum of money, or for the performance of some duty or promise for another.

Suspended Sentence

Following the imposition of sentence in a criminal case, the court may suspend execution of the sentence and release the accused conditionally, subject to good behavior, for a fixed time. If during that time the accused is again convicted of crime or otherwise violates the conditions governing suspension of sentence, the court may order execution of the sentence at that time.

Traffic Docket

A book containing all traffic (DWI, moving, parking if court is not using a receipting machine) summonses filed with the municipal court with an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Traffic Docket

A book containing all traffic (DWI, moving, parking, if court is not using a receipting machine) complaints filed with the municipal court with an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Transcript

An official copy of certain proceedings in a court.

VCCB

Violent Crimes Compensation Board. A \$25 penalty that is assessed on all disorderly and petty disorderly persons offenses upon a decision of guilty.

Void

The status assigned to traffic tickets, when an officer makes an error in writing out the ticket. (E.g., writing the registration information in the space for the driver's license information.)

Warrant

A written order issued and signed by a judge, court clerk or deputy, directed to a peace officer or some other person specially named, and commanding him to arrest the body of a person named in it, who is accused of an offense.

Withdrawn

Once a complaint has been filed it cannot be withdrawn. There can be no disposition of a matter by the entry of a notation to the effect "complaint withdrawn".

APPENDIX A
NEW JERSEY MUNICIPAL COURT FORMS

APPENDIX A

New Jersey Municipal Court Forms

The forms listed below are those mentioned in the New Jersey Municipal Court Procedures Manual; the list is not intended to be all-inclusive. Where forms have been reserved, the clerk may insert the present form in use in the court as a sample pending promulgation of a statewide form.

	<u>Section</u>	<u>Exhibit No.</u>
I. CRIMINAL		
1.0 General Procedure		
CDR-1	1.1	1
CDR-2		2
Criminal Docket		3
Receipt		4
2.0 Procedures by Type		
Notice to Defendant	2.1.2	reserved
Special Complaint/Summons Form	2.2.1	5
Scheduling/Adjournment Notice	2.2.2(1)	reserved
Judgment of Conviction	2.2.4	reserved
Order of Disposition/Sentence		6
CDR-7 (Final Disposition Report)	2.2.4	7
CDR-3	2.3	8

	<u>Section</u>	<u>Exhibit No.</u>
II. TRAFFIC OFFENSES		
Uniform Traffic Ticket	1.0	reserved
Traffic Ticket Distribution Form	1.2.1	reserved
Traffic Ticket Control Record	1.2.2	9
Traffic Docket	1.3.2	10
MF-1 card	2.2	11
MF-2 Transmittal Sheet	2.2	12
Statement in Defense/Mitigation of Penalty	3.2	13
FTA Notice	4.1.2	14
Traffic Warrant	4.2.1	reserved
Scheduled Suspension (DI 34A)	4.4.2	15
Suspension Form-Court Response (DI-34B)	4.5	16
Order Suspending Driver's License		17
Order Rescinding Suspension		18
Form Letter requesting Payment (Rental Car Lessee)	5.4	reserved
III. GENERAL APPLICATION		
Subpoena (<u>R.</u> 7:3-3)	2.3	19
Subpoena (<u>R.</u> 1:9-11)	2.3	reserved
Calendar	2.4.2	20
Cash Bail Bond/Affidavit of Ownership	3.1.1b	21
Recognizance/Affidavit of Surety	3.1.3	23
Temporary Commitment Default of Bail	3.2	reserved
Notice of Forfeiture of Bail	3.4(2)	reserved
Notice of Discharge	3.4.1	reserved
Notice of Reinstatement of Forfeited Bail	3.5	reserved

	<u>Section</u>	<u>Exhibit No.</u>
Notice of Defendant's Rights	4.1	reserved
(Sound) Recording Log	4.1	24
Application to Establish Indigency	4.2.1	25
Order for Installment Payment of Fines and Costs	4.2.1	26
Time Payment Record Sheet		reserved
Partial Payment Follow-up Notice	4.2.1 4	reserved
Order of Suspension (DI-34D)	4.2.1a	27
Bad Check Letter	4.2.1(c)	28
Temporary Driving Permit	4.2	29
Bench Warrant	5.0	reserved
Warrant	6.1	reserved
Notice of Appeal	8.0	reserved
Transmittal Letter on Appeal	8.1	30
Transcript of Docket	8.1	31
Transcriber's Order Form	8.2b	reserved
Transcripts for Appeal From Sound Recording	8.2	32
Notification of Assigned Counsel	11.0	reserved
Order to Transfer (Change of Venue)	13.0	reserved
Notice in Lieu of Complaint	15.0	33

IV. ADMINISTRATION

Monthly Statistical Report AOC ST-33A	1.0	34
Monthly Financial Report of Fines Payable to DMV -MF-10	2.1	35
DD Surcharge - MF-10	2.2	35
Uninsured Motorist Surcharge MF-10	2.3	35
Parking Offenses Adjudication Act -Restoration Fee MF-10	2.4	35
Financial Report on Traffic Cases to County	2.4	reserved
VCCB Report (ST-112)	3.1	36

	<u>Section</u>	<u>Exhibit No.</u>
Request and Authorization for Records Disposal (ED-6)	4.1	37
Instructions for Preparing ED-6		38
Records Retention Schedule	4.1	39
Municipal Court Personnel Certification of		
Compliance (<u>R</u> .1:17-1(i))	6.0	11

COURT	
COUNTY OF _____	N. J.
COURT DOCKET NUMBER 1 C _____	COURT CODE NUMBER _____

Defendant: _____
Address: _____
City, State: _____

Defendant one of _____ defendants

Date of birth _____ Date of arrest _____

COMPLAINT

Complainant: _____ of _____
NAME OF COMPLAINANT IDENTIFY DEPARTMENT OR AGENCY REPRESENTED
Residing at _____
ADDRESS OF PRIVATE CITIZEN COMPLAINANT
Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the _____ day of _____, 19____, in the _____ of _____
MUNICIPAL CODE NO. County of _____ N. J. did;

Charge Number 1 N.J.S.	Charge Number 2 N.J.S.	Charge Number 3 N.J.S.
---------------------------	---------------------------	---------------------------

Subscribed and sworn to before me this _____ day of _____, 19____.

Signed _____ Signed _____
(NAME AND TITLE OF PERSON ADMINISTERING OATH) (COMPLAINANT)

You are hereby summoned to appear before this court to answer the above complaint. If you fail to appear on the date and at the time stated, a warrant will be issued for your arrest.

Date summons issued _____ Date to appear _____ Time _____ (AM) (PM)

(SIGNATURE OF PERSON ISSUING SUMMONS) (TITLE)

DATE OF FIRST APPEARANCE R.3:4-2	COURT ACTION (Cases wherein judgment or Conditional Discharge is entered in this court)													
-------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--

CHARGES	NAME LAST, FIRST	PLEA	DATE OF PLEA	ADJUDICATION OR COND. DISCH.	DATE	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.	COND. DISCHARGE TERM
Number 1														
Number 2														
Number 3														

OTHER ACTION BY THIS COURT				Violent Crimes Penalty, Amt.			
DATE	DEFENDANT DISCHARGED AS TO PROBABLE CAUSE, PROSECUTOR GIVEN PRIOR NOTICE	DEFENDANT HELD FOR GRAND JURY ORIGINAL COMPLAINT, RECORD, BAIL TRANSMITTED	NO ACTION BY THIS COURT COMPLAINT REFERRED TO PROSECUTOR	INSTITUTION TO WHICH SENTENCED			
Other (Specify) _____							

BAIL INFORMATION							
DATE	AMOUNT BAIL SET	REL. ON BAIL	R. O. R.	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED	
SURETY COMPANY -- PERSON POSTING BAIL -- RELEASED IN CUSTODY OF -- ADDRESS							

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION											
PROSECUTING ATTORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER
	1		2		3		4		5		6

MISCELLANEOUS INFORMATION											
List Companion CDR numbers (Including Co-defendants).											

JUDGE _____ DATE _____

ORIGINAL

DOCKET No.
DEFENDANT

Municipal Court of _____

County of _____

State of New Jersey

CO-DEFENDANT(S)

To: _____ Reason _____
To: _____ Reason _____
To: _____ Reason _____
To: _____ Reason _____

ADJOURNMENTS

_____ for DEFENDANT

_____ for STATE

EXHIBITS

_____ for DEFENDANT

_____ for STATE

WITNESSES

Name _____ Address _____
_____ for DEFENDANT

Name _____ Address _____
_____ for STATE

COUNSEL

WAIVER OF INDICTMENT BY GRAND JURY AND TRIAL BY JURY

The defendant herein, being advised of the nature of the charge against him and of his rights to indictment by grand jury and trial by jury, hereby waives prosecution by indictment and trial by jury and requests to be tried before this court.

Dated: _____

Signature of Defendant _____

Signed in the presence of: _____

Approved _____

_____ Judge

The State of New Jersey vs.

COURT	
COUNTY OF _____ N. J.	N. J.
COURT DOCKET NUMBER (1)	COURT CODE NUMBER
C—	

Defendant: _____
 Address: _____
 City, State: _____

Defendant one of _____ defendants

Date of birth _____ Date of arrest _____

COMPLAINT

Complainant: _____ of _____
(NAME OF COMPLAINANT) (IDENTITY DEPARTMENT OR AGENCY REPRESENTED)
 Residing at _____
(ADDRESS OF PRIVATE CITIZEN COMPLAINANT)
 _____ day of _____, 19____, in the _____ of _____ County of _____ N.J.
 did;

Upon oath says that, to the best of (his) (her) knowledge, information and belief, the named defendant on or about the _____
(MUNICIPAL CODE NO.)

Charge Number 1 N.J.S.	Charge Number 2 N.J.S.	Charge Number 3 N.J.S.
---------------------------	---------------------------	---------------------------

Subscribed and sworn to before me this _____ day of _____, 19____.

Signed _____ Signed _____
(NAME AND TITLE OF PERSON ADMINISTERING OATH) (COMPLAINANT)

To any peace officer or other authorized person: Pursuant to this warrant, you are hereby commanded to arrest the named defendant and bring (him) (her) forthwith before this court to answer the foregoing complaint.

Bail has been fixed by _____ in the amount of \$ _____ or _____
(Specify condition of release, e.g. R.O.R.)

Date Warrant issued _____

Court Appearance Date _____ Time _____ (AM) (PM) _____
SIGNATURE OF JUDGE OR CLERK

DATE OF FIRST APPEARANCE R. 3:4-2														
COURT ACTION (Cases wherein judgment or Conditional Discharge is entered in this court)														
CHARGES	PENALTY	PLEA	DATE OF PLEA	ADJUDICATION OF GUILTY, DISCH.	DATE	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PREPARATION TERM	SUSP.	COND. DISCHARGE TERM
Number 1														
Number 2														
Number 3														
OTHER ACTION BY THIS COURT														
Violent Crimes Penalty, Amt.														
DATE		DEFENDANT DISCHARGED AS TO PROBABLE CAUSE, PROSECUTOR GIVEN PRIOR NOTICE			DEFENDANT HELD FOR GRAND JURY ORIGINAL COMPLAINT, RECORD, BAIL TRANSMITTED			NO ACTION BY THE COURT COMPLAINT REFERRED TO PROSECUTOR			INSTITUTION TO WHICH SENTENCED			
Other (Specify) _____														

BAIL INFORMATION													
DATE	AMOUNT BAIL SET	REL. ON BAIL	R. O. R.	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	PLACE COMMITTED							
SURETY COMPANY -- PERSON POSTING BAIL -- RELEASED IN CUSTODY OF -- ADDRESS													

PROSECUTING ATTORNEY AND DEFENSE COUNSEL INFORMATION													
PROSECUTING ATTORNEY	NONE	STATE	COUNTY	MUNICIPAL	OTHER	DEFENSE COUNSEL	NONE	RETAINED	PUBLIC DEFENDER	ASSIGNED	OTHER		

MISCELLANEOUS INFORMATION													
List Companion CDR numbers (Including Co-defendants).													

JUDGE _____ DATE _____
 ORIGINAL

CO-DEFENDANT(S)

DOCKET No.
DEFENDANT

Municipal Court of _____
County of _____
State of New Jersey

To: _____ Reason _____
To: _____ Reason _____
To: _____ Reason _____
To: _____ Reason _____

ADJOURNMENTS

for DEFENDANT

for STATE

EXHIBITS

for DEFENDANT

for STATE

WITNESSES
NAME AND ADDRESS

Address _____

Name _____

for DEFENDANT

for STATE

COUNSEL

WAIVER OF INDICTMENT BY GRAND JURY AND TRIAL BY JURY

The defendant herein, being advised of the nature of the charge against him and of his rights to indictment by grand jury and trial by jury, hereby waives prosecution by indictment and trial by jury and requests to be tried before this court.

Dated: _____

Signature of Defendant _____

Signed in the presence of:

Approved _____

_____ Judge

CRIMINAL DOCKET "A"

"C" Case No.	Name of Defendant	Address	Offense	Date of Offense	Date of Process	Date Process Served	Name of Complaining Witness	Address
C.								
C.								
C.								
C.								
C.								
C.								
C.								

(Binding Edge)

NOTE: The above is a reduced form of the left-hand page of the Criminal Docket. The actual page size should be 16½" wide (including the binding edge on the right) by 18¼" long. The ruled spaces continue down the length of the page.

Number the first column ("C" Case No.) by hand or numbering machine, beginning with 1 and continuing with consecutive numbering through the volume. When Volume "A" of this Docket is completed, continue on into Volume "B," "C," etc.

"Criminal Docket—A" (B, C, etc. for subsequent volumes) should be stamped on the spine of the volume and on the cover. The name of the court should also appear on the cover.

[illegible]

NOTE: The above is a reduced form for the right-hand page of the Criminal Docket. The actual page size should be 16½" wide (including the binding edge on the left) by 18½" long. The ruled spaces continue down the length of the page.

The "Remarks and Miscellaneous Entries" column may be used to note information that does not fall within the remaining columns.

Traffic Case No.

Municipal Court

Ticket No.

State of New Jersey

vs.

Receipt for Cash Bail, or
Fines, Penalties, Forfeitures
and Costs

Defendant

Received from

Address

the sum of dollars (\$.....)

• for cash bail for the offense as charged of
(Describe

offense)

under

(Cite section and title of ordinance or statute.)

• in satisfaction	{	fine	}	imposed by the
• on account		of the penalty forfeiture		

judgment of conviction herein for
(Offense as charged.)

(Cite section and title of ordinance or statute.)

of dollars

and also the court costs of dollars.

Court appearance

☐ Cash☐ Check☐ Money Order

Dated:

• (LS)

Judge—Clerk

• (Note: Strike out words and phrases not applicable)

(Note: Prepare in triplicate.)

No 103

ADMINISTRATIVE OFFICE OF THE COURTS

State House Annex
Trenton, New Jersey

May 1974

SPECIAL FORM OF COMPLAINT AND SUMMONS PRESCRIBED BY
THE ADMINISTRATIVE DIRECTOR OF THE COURTS PURSUANT
TO RULES 1:32-3, 4:70-3(a) and 7:3-1(b).

Attached is a sample of the special complaint and summons form prescribed by this office pursuant to Rules above. These forms may be ordered and used in accordance with the instructions noted below.

The special ordinance violation complaint and summons form approved July 12, 1963 is superseded but present supplies on hand may be used until exhausted.

GENERAL INSTRUCTIONS

I. PURPOSE AND USE—This special form is intended for the use of enforcement officers in non-indictable offenses when the officer deems it inappropriate or unnecessary to arrest an offender at the scene of the alleged offense. (Detailed instructions are set forth under the item Instructions To Officers.) Special forms previously approved for use in cases involving navigation and fish and game violations may continue to be used but the attached form may be used not only for those violations but also for local ordinance violations, disorderly persons offenses and other non-indictable offenses. Thus, enforcement officers need only carry one book of special forms. The form is intended for use by local, county and State enforcement officers but may also be used for the filing of a complaint by a citizen.

- a. Use by local officers - Each magistrate (or court clerk upon express direction of the magistrate) shall arrange for the requisition and purchase of these forms in accordance with municipal purchasing requirements. To assist the magistrate in determining the quantity of forms to order, the various officials of the municipality responsible for law enforcement should be requested to indicate what use, if any, will be made of the forms in a 12-month period. Delivery of the forms should be to the magistrate (or court clerk) who should: inspect same for correctness; note the date of receipt, the total number of forms received and the first and last form number on the front or back cover of the current criminal docket; and store the forms in a safe place pending distribution. The court is not required to keep a detailed control of each form but may do so if the court wishes. However, the court, upon receiving a written request or requisition from the head of a local enforcement unit, should issue the forms requested and obtain a receipt for same.
- b. Use by County and State officers - With the written approval of the Administrative Director of the Courts the head of any county or State agency having law enforcement responsibilities may arrange for the purchase of these forms in keeping with their purchasing requirements and arrange for their distribution and use by their enforcement officers.

2.

- c. Use by a citizen - These forms may be used when a citizen wishes to file a complaint for a non-indictable offense.

the citizen, or the police officer to whom the facts have been related, may sign the Complaint as the complainant. The persons indicated in N.J.S. 2A:8-27 may administer and take the oath of the complainant. Since a citizen has no authority to issue a Summons in such matters, the Summons must be signed by a police officer or by the persons indicated in N.J.S. 2A:8-27.

II. SPECIFICATIONS AND PRINTING - The forms shall be prenumbered consecutively and shall be in the form as indicated in the attached samples. An Officer's Copy and a Police Copy (or Agency Copy) so labeled shall be included as a part of these forms. Since the forms are subject to change, it is suggested that not more than an anticipated 12 months supply be ordered.

- a. Colors shall be as follows:
Complaint - blue
Officer's Copy - yellow
Police Copy (or Agency Copy) - pink
Summons - buff
- b. The size of the forms shall be the same as the uniform traffic ticket (4" x 8 1/4" plus 1/2" for top binding).
- c. Forms may be in books of ten, or single forms may be used.
- d. Carbon paper or "no carbon required" paper may be used.
- e. A space for Docket # _____ as shown in the sample may be used at the top of the Complaint and similarly the receipt number and amount paid may be shown on the same line as for example:
Docket # _____ Receipt # _____ Amount \$ _____
These spaces may be provided on any or all copies of the form.
- f. For forms to be used by county or State enforcement officers the head of the agency may specify information printed on the back of the Agency Copy which is different from that shown on the attached sample.
- g. For forms to be used by local officers the magistrate may have a list of the most frequent minor offenses and their penalties printed on the back of the Summons just before the item "Payments Through Violations Bureau" provided the court has a paid violations bureau schedule approved by the Assignment Judge pursuant to Rule 7:7-3 which includes such offenses.
- h. For forms to be used by local officers the items "Court Appearance Required", "Payment Through Violations Bureau" and "Appearance, Pled and Waiver" which appear on the back of the sample Summons, should be deleted when the magistrate does not wish to have any of these matters processed as violations bureau matters. The item "Court Appearance Required" on the front of all parts of the form should also be deleted.

3.

- i. The following items must be printed on the outside cover of each book of forms:

INSTRUCTIONS TO OFFICERS

PURPOSE AND USE OF THE SPECIAL FORM FOR NON-INDICTABLE OFFENSES

1. These forms are designed and intended for use in non-indictable offenses when the officer deems it inappropriate or unnecessary to arrest an offender at the scene of the alleged offense. The Complaint must be signed and sworn to by the Complainant before a person empowered by law to take Complaints.
2. These forms may NOT be used:
 - a. Where an indictable offense is involved.
 - b. Where a traffic offense is involved.
3. When the use of these forms is not authorized or is inappropriate, you should file a complaint in the customary form with the court which may then issue a summons or warrant as the circumstances may justify.

In filling out the form use preferably a ball point pen and use a steady pressure so that all copies will be legible.

Print all information so that it is legible.

File the Complaint with the court without delay. (Make sure you properly sign and swear to the Complaint.)

Keep your Officer's Copy in the event that your testimony in court is required.

File the Police Copy (or Agency Copy) in accordance with your departmental regulations.

Service of the Summons

- * A. To an individual Defendant, By delivering the summons to defendant personally, or by leaving it at his usual place of abode with some person of his family over the age of 14 years then residing therein, or by mailing it to defendant's last known address.
- B. To a Corporation, Partnership, or Association.

By service in A (above) as underscored on an officer or a managing or general agent or to a corporation director or trustee or to a partner. (See Rule 4:4-4 for complete details as to service under this category.)

OFFICER'S COMMENTS

(See back of Officer's Copy)

It is very important to fill in the Officer's Comments blank on the back of the Officer's Copy of the form. Use this space to describe briefly the circumstances of the offense and your factual observations. Include every fact which will assist you in testifying in court.

4.

- j. The following items must be printed on the inside flap of each book of forms:

COURT APPEARANCE REQUIRED

Rule 7:7-3 provides that violations may be disposed of by the violations clerk provided the violation(s) are designated by court order approved by the Assignment Judge which order shall specify the penalty for such violations. Courts which have established a violations bureau are required to have a schedule of penalty posted at the location of the violations bureau. In the event you have not been supplied with a list of the violations bureau violations, you should consult the posted schedule and note the listed non-traffic violations so that you may check the box "Court Appearance Required" when you know the particular violation is not listed on the schedule. When you do not know whether the particular violation is listed in the schedule, you should not check the box "Court Appearance Required" in which event the defendant will either appear or make inquiry of the court as to the requirement of a court appearance. Even though the offense is listed on the schedule, the officer may check the box "Court Appearance Required" if he feels that the circumstances require a court appearance.

RESPONSIBILITY FOR FORMS

These special forms are prescribed by the Administrative Director of the Courts pursuant to Supreme Court Rules 1:32-3, 4:70-3(a) and 7:3-1(b). The Complaint and Summons forms are court process which may not be altered or voided by anyone except the judge. If the officer notices that he has made an error in making out the form, he should not cross out or erase any information but make out a new form and file both Complaints clipped together along with a separate signed statement giving the reason why the form should be voided. No person may make any changes whatsoever in the form after the officer has started to fill it out. Amendments to Complaints are within the sole province of the judge acting in appropriate instances in open court. N.J.S. 2A:136-1 makes it a crime for any person to alter, falsify, mutilate or void any court process.

* * * * *

Optional data may be approved by the magistrate or head of the responsible county or State agency for printing on the inside cover of each book of forms. Suggested data might include:

List of Frequent Violations

Calendar

Emergency Telephone Numbers

(Other data helpful to the officer)

COMPLAINT - BACK

ADJOURNMENTS

TO _____ REASON _____

TO _____ REASON _____

(SIGNATURE OF CLERK OR JUDGE)

VIOLETATIONS BUREAU DISPOSITION: DATE _____
FINE \$ _____ COSTS \$ _____ RECEIPT # _____

(SIGNATURE OF CLERK)

COURT ACTION

PLEA _____ FINDING _____
SENTENCE: FINE \$ _____ COSTS \$ _____
JAIL: _____ DAYS IN _____
OTHER: _____

(DATE) _____ (SIGNATURE OF JUDGE) _____

APPEAL: DATE NOTICE FILED _____
DATE PAPERS SENT TO COUNTY CLERK _____
STAY OF SENTENCE GRANTED _____ ON CONDITION _____
(DATE) _____

BAIL PENDING APPEAL - AMOUNT \$ _____

(SIGNATURE OF JUDGE)

PROSECUTING ATTORNEY _____
DEFENDANT'S ATTORNEY _____
(WITNESSES, TESTIMONY, JUDGE'S NOTES, ETC.)

MUNICIPAL COURT ORDER

MUNICIPAL COURT OF _____ COUNTY OF _____

Summons or Complaint No.: _____

Docket No.: _____

vs.

Defendant

Whereas the defendant (plead guilty) (was convicted) on _____ for the offense(s) of _____ contrary to the provisions of N.J.S.A. _____ it is ORDERED that the above named defendant:

_____ Be placed on PROBATION for _____ (months) _____ (years) and comply with the standard conditions of probation pursuant to R. 3:21-7 of the Court Rules Governing Criminal Practice. (See reverse side.)

_____ Be placed on SUPERVISORY TREATMENT for _____ (months) _____ (years) under N.J.S.A. 24:21-27 (Conditional Discharge).

_____ Perform COMMUNITY SERVICE for a period of _____ (days) _____ (hours)

_____ Serve a JAIL sentence of _____. Starting: _____

_____ Complete an in-patient TREATMENT program at _____

_____ Pay a fine of \$ _____; Court costs of \$ _____; VCCB penalty of \$ _____

VCCB Penalty \$ _____ payable at the rate of \$ _____ per _____
Through Probation _____ Direct to Court _____ Paid at Sentencing

Fine \$ _____ payable at the rate of \$ _____ per _____
Through Probation _____ Direct to Court _____ Paid at Sentencing

Restitution \$ _____ payable at the rate of \$ _____ per _____
Through Probation _____ Direct to Court _____ Paid at Sentencing

Restitution Beneficiary: _____
Name

Address

_____ Comply with other conditions of probation: _____

_____ The defendant's driving privileges are revoked for _____ (months) _____ (years).

It is further ordered that this community service is to be performed under the direction and supervision of the _____ County Probation Department.

Failure to comply with this order may be cause for returning this case to court for another disposition that may include sentence to a period of incarceration.

DATED: _____ JUDGE: _____

Defendant's Signature: _____ Date of Birth: _____

Address: _____

Social Security No.: _____ Telephone No.: _____

Driver's License No.: _____ Employer: _____

NOTE: Copy to: Court, Defendant and Probation

AOC, CS-02

Ex. 6

County Probation Department

CONDITIONS FOR ADULTS ON PROBATION

You have been placed on probation by the Court for a period of _____ years. The Court, believing that you are capable of living a useful and law-abiding life in the community, has placed you on probation. Your being placed on probation is subject to your agreeing to comply, and your compliance with the conditions of probation provided below. If there is probable cause to believe that you have committed another offense or if you have been held to answer therefore, the Court may commit you without bail. You are required to notify promptly your probation officer if you are arrested at any time during the period you are on probation.

1. You will obey the law of the United States, and the laws and ordinances of any jurisdiction in which you may be.
2. You will report as directed to the Court or your probation officer.
3. You will permit the officer to visit your home.
4. You will answer promptly, truthfully, and completely all inquiries made by your probation officer and report any address or residence change to the officer.

If the change of address or residence is outside the county in which you are a probationer, you will advise your probation officer at least thirty (30) days in advance of such change.

5. You will cooperate in any medical and/or psychological examinations, tests, and/or counselling your probation officer recommends.
6. You will support your dependents, meet your family responsibilities, continue gainful employment, and promptly notify the officer when you change your place of employment or find yourself out of work.
7. You will not leave the State of New Jersey without permission of your probation officer.
8. You will not have in your possession any firearm or other dangerous weapon.

SEE REVERSE SIDE OF FILE COPY FOR INSTRUCTIONS

R-1422-75

STATE OF NEW JERSEY
CONDITIONAL DISCHARGE FINAL DISPOSITION REPORT

NAME OF DEFENDANT	RACE	SEX	DATE OF BIRTH	SBI NUMBER
				DATE OF ARREST OR SUMMONS
OFFENSE	NEW JERSEY STATUTE NO.	OFFENSE CODE	WARRANT-SUMMONS NUMBER	
			COND. DISCH. TERM	
COUNTY OR MUNICIPAL COURT	COURT CODE	MUNICIPAL COURT DOCKET 1 OR A NUMBER	COND. DISCH. DATE	

THE ABOVE LISTED INDIVIDUAL HAS BEEN PLACED ON CONDITIONAL DISCHARGE. SUBMIT FINAL DISPOSITION TO THE STATE BUREAU OF IDENTIFICATION UPON COMPLETION OF CASE.

COURT ACTION

☐ DISMISSED PURSUANT TO N.J.S.A. 24:21-27, _____ DATE OF DISMISSAL

PLEA	DATE OF PLEA	ADJUDICATION	DATE	JAIL TERM	SUSP.	FINE	SUSP.	COSTS	SUSP.	PROBATION TERM	SUSP.

PROBATION TERM SUPERVISED ☐ YES ☐ NO

INSTITUTION TO WHICH SENTENCED

MISCELLANEOUS INFORMATION

--

JUDGE

DATE

CDR 7 (REV. 9-73)

SBI COPY

Ex. 7



STATE OF NEW JERSEY

CONDITIONAL DISCHARGE FINAL DISPOSITION REPORT

GENERAL INFORMATION

This report is for the purpose of submitting to the SBI, final Court disposition of those individuals placed on Conditional Discharge by the Court.

One form will be initiated by the SBI to the Court for each individual arrested, fingerprinted and placed on Conditional Discharge pursuant to N.J.S.A. 24:21-27.

If case is dismissed, check appropriate block. If the individual has violated the term of supervisory treatment and is sentenced, utilize the instructions in the CDR Manual for completion of the COURT ACTION area of the CDR No. 1 Complaint Summons or CDR No. 2 Complaint Warrant.

SEE REVERSE SIDE OF PROSECUTOR'S COPY FOR INSTRUCTIONS.

COUNTY PROSECUTOR CRIMINAL DISPOSITION REPORT

NAME OF DEFENDANT				SSN NUMBER	
1				2	
RACE	SEX	DATE OF BIRTH	BIRTHPLACE	CONTRIBUTOR'S NUMBER	
2	3	4		5	
DEPARTMENT OR AGENCY INVOLVED				DATE OF ARREST OR SUMMONS	
6				7	
RESIDENCE OF DEFENDANT				INDICTMENT NUMBER	
8				9	
MUNICIPAL COURT		CODE	MUNICIPAL COURT DOCKET NUMBER(S)		
10		11	12		
CHARGE(S)				WARRANT - SUMMONS NUMBER	
13				14	

State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE
RECORDS AND IDENTIFICATION SECTION
BOX 7068
WEST TRENTON, NEW JERSEY 08625

From: The Office of the Prosecutor
County.

CODE

DISPOSITION REPORT

Submit Following Disposition By Grand Jury Or Prosecutor

<input type="checkbox"/> 10	NO BILL OF INDICTMENT RETURNED FOR THIS ARREST	<input type="checkbox"/> 10A	DATE	<input type="checkbox"/> 11	CASE RETURNED TO LOWER COURT	<input type="checkbox"/> 11A	DATE
-----------------------------	---	------------------------------	------	-----------------------------	---------------------------------	------------------------------	------

The following indictments or accusations have been returned against the defendant for this arrest.

INDICTMENT OR ACCUSATION NUMBER	DATE FILED	TOTAL NO. OF COUNTS THIS INDICTMENT	OFFENSE (LIST FIRST COUNT ONLY)	N.J. STATUTE NUMBER	PLEA	DATE OF PLEA
12	12A	12B		13	14	15

BAIL INFORMATION						
CONT'D ON BAIL	TOTAL BAIL	REL. ON BAIL	R. O. R.	COMMITTED DEFAULT	COMMITTED WITHOUT BAIL	OTHER (EXPLAIN IN REMARKS)
1	2	3	4	5	6	7

DEFENSE COUNSEL INFORMATION				
NAME OF COUNSEL AT PLEA	NO COUNSEL	RETAINED	PUBLIC DEFENDER	ASSIGNED
1	2	3	4	5

Remarks
18

PREPARED BY _____ DATE _____

PHONE NUMBER _____ EXTENSION _____

Ex. 8

: Municipal Court of _____

Page _____

TRAFFIC TICKET CONTROL RECORD

1.	2.	3.	4.
Ticket Number	Date Issued to Officer	Name of Officer	Disposition of Ticket Docket # Disposition
2701	7/1/83	John P. Jones	T-405 Pd. 7/2/83
2702			T-406 Pd. 7/2/83
2703			T-409 NG 7/19/83
2704			
2705			T-416
2706			Scolded - Report rec'd 7/10/83
2707			T-420
2708			
2709			
2710			
2711	7/3/83	Peter Bourne	T-407 Pd. 7/3/83
2712			Scolded - Report rec'd 7/6/83
2713			T-411 Pd. 7/6/83
2714			T-412 closed 8/10/83 per Rule 7:6-3
2715			T-413
2716	7/6/83		T-414 NG 7/17/83
2717			T-415
2718			
2719			
2720			
2721	7/7/83	Frank Doe	T-417 Pd. 7/7/83
2722			T-418 NG 7/13/83
2723			T-419 Pd. 7/18/83
2724			Scolded - Report rec'd 7/19/83
2725			T-421
2726			
2727			
2728			
2729			
2730			

(Note - See R. 7:6-1(c). Detailed instructions are available from the Administrative Office of the Courts.)

TRAFFIC DOCKET "A"

T Case No.	Ticket No.	Name of Defendant	Address	Offense	Date of Offense	Date of Process	Date Process Served	Name of Officer or Com- plainant	Address
T.									
T.									
T.									
T.									
T.									
T.									

(Binding Edge)

NOTE: The above is a reduced form of the left-hand page of the Traffic Docket. The actual page size should be 16½" wide (including the binding edge on the right) by 18½" long. The ruled spaces continue down the length of the page.

Number the first column ("T" Case No.) by hand or numbering machine, beginning with 1 and continuing with consecutive numbering through the volume. When Volume "A" of this Docket is completed, continue on into Volume "B," "C," etc.

"Traffic Docket—A" (B, C, etc. for subsequent volumes) should be stamped on the spine of the volume and on the cover. The name of the court should also appear on the cover.

How Defendant Pleads and Date	Attorneys' Appearances	Remarks and Miscellaneous Entries	Trial or Hearing and Date	How Disposed of and Sentence	Fine Paid	Costs Paid

(Binding Edge)

NOTE: The above is a reduced form for the right-hand page of the Traffic Docket. The actual page size should be 16½" wide (including the binding edge on the left) by 18½" long. The ruled spaces continue down the length of the page.

The "Remarks and Miscellaneous Entries" column may be used to note information that does not fall within the remaining columns, such as amount of bail, bondsman, witnesses, etc.

READ INSTRUCTIONS ON REVERSE SIDE N.J. DIVISION OF MOTOR VEHICLES DISPOSITION OF TRAFFIC VIOLATION MF-1 (R12/82)																																																																																																					
DATE AND TIME OF VIOLATION NO. DAY YR. TIME : <input type="checkbox"/> AM <input type="checkbox"/> PM				VIOLATION TITLE NUMBER		MPH MPH ZONE		DATE OF CONVICTION		PLEA <input type="checkbox"/> G <input type="checkbox"/> NG																																																																																											
<input type="checkbox"/> M.V. INSP <input type="checkbox"/> COUNTY POLICE <input type="checkbox"/> OTHER <input type="checkbox"/> STATE POLICE <input type="checkbox"/> LOCAL POLICE				MUNICIPALITY OF VIOLATION				STREET OR ROUTE NUMBER																																																																																													
LICENSE ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO		ACCIDENT DISPOSITION <input type="checkbox"/> NO ACCIDENT <input type="checkbox"/> PROPERTY DAMAGE <input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> FATALITY		DRIVER UNDER INFLUENCE OF: <input type="checkbox"/> ALCOHOL <input type="checkbox"/> DRUG <input type="checkbox"/> NONE				INFLUENCE DETERMINED BY <input type="checkbox"/> OFFICERS OBSERVATION <input type="checkbox"/> CHEMICAL ANALYSIS <input type="checkbox"/> PHYSICIANS EXAMINATION																																																																																													
DISPOSITION <input type="checkbox"/> G <input type="checkbox"/> NG		JAIL TERM IMPOSED		FINE IMPOSED		REVOCATION PERIOD		BLOOD ALCOHOL %																																																																																													
<div style="display: flex; justify-content: space-between;"> <div style="width: 25%;"> M99,7 N99,8 <small>RYOR 0-20755F</small> </div> <table border="1" style="width: 55%; border-collapse: collapse; font-size: 8px;"> <tr> <th colspan="2">DRIVER IDENTIFICATION NO.</th> <th colspan="2">CONTROL NO.</th> <th colspan="2">VIOL. DATE</th> <th colspan="2">MACHINE SERVICE</th> <th colspan="2">AAMVA EXCH. CODE</th> </tr> <tr> <th>RES.</th> <th>VIOL. CODE</th> <th>SPD. CH.</th> <th>SE.</th> <th>PR.</th> <th>MM.</th> <th>DAY - MTH</th> <th>COM.</th> <th>DIS.</th> <th>F.I.</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table> </div>												DRIVER IDENTIFICATION NO.		CONTROL NO.		VIOL. DATE		MACHINE SERVICE		AAMVA EXCH. CODE		RES.	VIOL. CODE	SPD. CH.	SE.	PR.	MM.	DAY - MTH	COM.	DIS.	F.I.																																																																						
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FOR DIVISION OF MOTOR
VEHICLES USE ONLY

DATE OF
RECEIPT

INSTRUCTIONS

1. PLEASE PRINT OR TYPE ALL DATA.
2. STAPLE REVOKED DRIVER LICENSE AND ANY RELATED DOCUMENTS TO MF-2 TRANSMITTAL REPORT.
3. FORWARD THIS REPORT TO THE DIVISION OF MOTOR VEHICLES WITHIN 3 DAYS AFTER DISPOSITION OF CASE (RS 39:5-42).

DO NOT BEND, FOLD OR MUTILATE
THIS REPORT

REMARKS

INSTRUCTIONS:

1. If conviction was for a second or subsequent offense requiring hi-
penalty, note under "REMARKS" 2nd conviction, 3rd conviction etc.
2. If Community Service sentence imposed, note under "REMARKS"
cs ___ days or ___ months.
3. If convicted of different offense than charged under "VIOLATION TITLE
NUMBER," note different offense under "DISPOSITION."

FORM 2-1077123

PRINTED IN U.S.A.

STAPLE REVOKED DRIVER LICENSE AND ANY RELATED DOCUMENTS TO THIS REPORT.

MF-2 (R2/80)

STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY TRANSMITTAL AND RECEIPT FOR COURT REPORTS

Mail to

Date: _____ 19 _____

NAME AND MAILING ADDRESS OF COURT

DIVISION OF MOTOR VEHICLES
Bureau of Court Reports and Fines
25 South Montgomery Street
Trenton, New Jersey 08668

Receipt acknowledged by
Division of Motor Vehicles

COUNTY:

A Court Report must be forwarded to the Division of Motor Vehicles within 3 days of disposition for all non-parking motor vehicle and traffic cases, including violations of non-parking local traffic ordinances. A report must be made regardless of disposition.
(Source R.S. 39:5-42)

SEE REVERSE SIDE FOR INSTRUCTIONS

DATE OF TRIAL OR WAIVER	LAST NAME OF DEFENDANT	DATE OF TRIAL OR WAIVER	LAST NAME OF DEFENDANT	DATE OF TRIAL OR WAIVER	LAST NAME OF DEFENDANT
1		21		41	
2		22		42	
3		23		43	
4		24		44	
5		25		45	
6		26		46	
7		27		47	
8		28		48	
9		29		49	
10		30		50	
11		31		51	
12		32		52	
13		33		53	
14		34		54	
15		35		55	
16		36		56	
17		37		57	
18		38		58	
19		39		59	
20		40		60	

This form is for the benefit and protection of your court in meeting its reporting responsibility to the Director of Motor Vehicles.

INSTRUCTIONS:

- All Court Reports - disposition of traffic violations (Form MF-1) submitted to the Division must be accompanied by this Transmittal form. This is required by the Administrative Office of the Courts and the Division.

- Information appearing on the Transmittal form should be typewritten or printed with a ball point pen.
- This form is to be prepared in triplicate.

Motor Vehicle Copy (GREEN)
Acknowledgment Copy (CANARY)
Court Copy (BLUE)

- The court is to complete the following information:

Name, MAILING ADDRESS and COUNTY of Court
Date of Trial or Waiver, Last Name of Defendant
List all Court Reports in sequence, by earliest disposition date.
Total Number of Reports Enclosed

- Court Reports should be in the same order as they appear on the Transmittal form. The Motor Vehicle copy (GREEN) and the Acknowledgment copy (CANARY) should be wrapped around the report cards, and inserted in the envelope provided. STAPLE REVOKED DRIVER LICENSES AND ANY RELATED DOCUMENTS TO THIS REPORT.
- It is the court's responsibility to provide correct and complete information.
- COURT REPORTS AND TRANSMITTAL FORMS MUST BE FORWARDED TO THE DIVISION WITHIN 3 DAYS FOLLOWING DISPOSITION OF CASE.

DISTRIBUTION

The court copy BLUE is retained by you as a temporary record. The GREEN copy will be retained by the Division. After verification, the CANARY copy will be validated by the Division and returned to you. The court may destroy its temporary record after receiving the validated copy. If the court does not receive a validated copy within 3 weeks after submission, a follow-up inquiry should be made to the Bureau of Court Reports and Fines.

(Yellow)
MOTOR VEHICLE COPY

Adm. Office of the Courts
MC-17 7/85

MUNICIPAL COURT OF _____
Address: _____

Date: _____

TO

COURT CODE		
DOCKET NO.		
SUMMONS NO.		
D.L. NO. & STATE		
REG. NO. & STATE		
REG. EXP. DATE		
DATE OF BIRTH	EYE CODE	SEX
VIOLATION(S) SECTION:		
VIOLATION DATE & TIME		

The records of this court indicate that

a complaint charging you with _____ was filed in this Court
(Violation)
on the Violation Date shown above and a summons was issued for your appearance in this Court
on _____. Since you failed to appear in Court and have not paid the
(Date)
prescribed fine,

YOU ARE ORDERED to appear in this Court on _____ at _____. If
(Date)
you wish to plead not guilty, you must notify this Court at least 3 days prior to the new
court date. If you wish to plead guilty, you must pay a total penalty of \$ _____ before
your new court date. You must sign the back of the summons and return summons with your payment.

TO: DIRECTOR, DIVISION OF MOTOR VEHICLES, TRENTON, N.J.

Date _____

Notice is hereby given that the person named herein failed to appear in answer to a summons. It is respectfully request-
ed that proper steps be taken in order that this matter can be adjusted.

WARRANT ISSUED: _____
(RESIDENTS OF NEW JERSEY ONLY) (DATE)

DISPOSITION OF WARRANT: _____
(INDICATE THE RETURN BY OFFICER)

(Judge or Court Clerk)

Office Hours: _____
Telephone: _____

MUNICIPAL COURT OF _____
Address: _____

Date: _____

TO

COURT CODE		
DOCKET NO.		
SUMMONS NO.		
D.L. NO. & STATE		
REG. NO. & STATE		
REG. EXP. DATE		
DATE OF BIRTH	EYE CODE	SEX
VIOLATION(S) SECTION:		
VIOLATION DATE & TIME		

The records of this court indicate that

a complaint charging you with _____ was filed in this Court
(Violation)
on the Violation Date shown above and a summons was issued for your appearance in this Court
on _____. Since you failed to appear in Court and have not paid the
(Date)
prescribed fine,

YOU ARE ORDERED to appear in this Court on _____ at _____. If
(Date)
you wish to plead not guilty, you must notify this Court at least 3 days prior to the new
court date. If you wish to plead guilty, you must pay a total penalty of \$ _____ before
your new court date. You must sign the back of the summons and return summons with your payment

IF YOU FAIL TO APPEAR OR PAY THE PRESCRIBED PENALTY:

RESIDENTS OF NEW JERSEY: (1) A warrant will be issued for your arrest; (2) you may be subject to contempt of court and additional penalties, and (3) you may be subject to possible revocation of your driving privilege by the Director of the Division of Motor Vehicles.

NON-RESIDENT MOTORISTS: (1) Your driving privilege in New Jersey may be revoked, (2) your own Commissioner of Motor Vehicles requested to take action against you, and (3) a warrant may be issued for your arrest should you be found in this State.

PARKING OFFENDERS - RESIDENTS AND NON-RESIDENTS: In addition to the consequences listed above, a civil judgment may be entered against you.

BY ORDER OF THE JUDGE

(Judge or Court Clerk)

Office Hours: _____
Telephone: _____

(Please return this Notice and your Summons when making payment. A receipt will be sent to you only if your payment is accompanied by a self-addressed stamped envelope.)

State of New Jersey

**Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08666
609 292 7500**

DATE OF NOTICE

Driver License Number	DL Expiration Date	Plate Number	Expiration Date			
Date of Birth	Eye Color	Sex	Date of Notice	Effective Suspension Date	Code	Reason
Court Code	Date Issued	Summons Number	A			
			Docket Number			

Scheduled Suspension

Because you failed to answer a summons, the Division of Motor Vehicles has scheduled the suspension of:

☐ your New Jersey driving privilege. ☐ your New Jersey registration privilege.

Your privileges will be suspended on _____
unless you satisfy the summons.

The following summons is not satisfied:

Court Name & Address


To satisfy the summons, contact the violation clerk at this court in order:

1. To plead guilty and pay the fine; or
2. To ask for a court hearing to plead not guilty.

When you go to the court to pay the fine, be sure to take this form with you and get a receipt to prove that you have satisfied the summons.

The receipt must indicate the name of the Court, the summons number, the Court's docket number, the date of the violation and the date the summons was satisfied. If this information is not shown on the receipt, the Division of Motor Vehicles cannot accept the receipt as proof that you paid the summons.

If the summons is not satisfied before the suspension date, you will be required to pay an additional \$30 restoration fee. (Authority N.J.R.S. 39:5-30)


CLIFFORD W. SNEDEKER, Director
DI-34 A (R5/84)

Ex. 15

State of New Jersey

**Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08666
609 292 7500**

DATE OF NOTICE

Driver License Number	DL Expiration Date	Plate Number	Expiration Date
Date of Birth	Eye Color	Sex	Date of Notice
	Effective Suspension Date	Code	Reason
Court Code	Date Issued	Summons Number	Docket Number

**Scheduled Suspension - Failure to Appear
Court Response Form**

Because the above named individual has failed to answer a summons, the Division of Motor Vehicles, at the request of the court, has scheduled the suspension of:

☐ The New Jersey driving privilege. ☐ The New Jersey registration privilege.

The privilege will be suspended on _____
unless the summons is satisfied.

The following summons is not satisfied:

Court Name & Address

Instructions To The Court:

1. When the summons in question is satisfied, please provide the information requested below:

Date Case Settled
Disposition & Amount of Fine
Signature
(JUDGE OR CLERK)

2. Mail the completed form to:

**Division of Motor Vehicles
Bureau of Court Reports and Fines
CN 137
Trenton, New Jersey 08625**


CLIFFORD W. SNEDEKER, Director

Ex. 16

STATE OF NEW JERSEY

Municipal Court of _____ Docket No. _____

County of _____ Ticket No. _____

(address)ORDER
(Suspending Driver's License)_____
(zip)_____
Defendant

State of New Jersey

(address)

v.

(zip)_____
Defendant

Tele. No. () _____

Driver License No. _____ State _____

Date of Birth _____ Eye Code _____ Sex _____

The defendant, _____, more fully described above, having been convicted in this court of a violation of N.J.S.A. 39: _____, a non-parking traffic offense, on _____, 19 _____ and having been sentenced to pay a fine of \$ _____ and \$ _____ costs, and having been ORDERED to pay \$ _____ (weekly) (monthly) to commence _____ on account of said fine and costs, and the defendant having failed to comply with the terms of said installment ORDER,

It is on this _____ day of _____, 19 _____

ORDERED that effective _____, 19 _____ defendant's driver's license shall be suspended unless prior to such time defendant complies with said installment ORDER, and it is

FURTHER ORDERED that on the effective date of this ORDER the clerk forthwith mail the original of this ORDER to the Director of the Division of Motor Vehicles and that said Director enter upon its records the suspension of defendant's driver's license, and it is

FURTHER ORDERED that the clerk of the court give a copy of this ORDER to defendant or mail it to defendant by ordinary mail at his last known address.

Date: _____

Judge

If defendant's driver's license is in possession of the court, attach it to this ORDER.

☒ This box should be checked if defendant's driver's license is attached to this ORDER.

NOTE: Prepare in Triplicate.
1. ORIGINAL-Motor Vehicles
2. Defendant's copy
3. Court's copy

A.C. Form: Approved 4/29/82

STATE OF NEW JERSEY

A-16

Municipal Court of _____
County of _____

Docket No. _____
Ticket No. _____

(address)

ORDER

(Rescinding Order Suspending
Driver's License)

(zip)

Defendant

State of New Jersey

v.

(address)

(zip)

Defendant

Tele. No. () _____

Driver License No. _____ State _____

Date of Birth _____ Eye Code Sex _____

The defendant, _____, more fully described above, having been convicted in this court of a violation of N.J.S.A. 39: _____, a non-parking traffic offense and having had his driver's license suspended by this court for failure to comply with the installment ORDER of this court and the Division of Motor Vehicles having been notified of said suspension, and the defendant having subsequently complied with the installment ORDER of this court,

It is on this _____ day of _____, 19 _____

ORDERED that the ORDER of suspension of defendant's driver's license issued by this court on _____, 19 _____ is hereby rescinded and it is,

FURTHER ORDERED that the clerk of this court forthwith mail the original of this ORDER to the Director of the Division of Motor Vehicles and that the Director restore defendant's driver's license effective _____, 19 _____ provided no reason exists why the Director should not restore it.

Date _____

Judge

(NOTE: A restoration fee of \$30 must be paid by the defendant to the Division of Motor Vehicles)

NOTE: Prepare in Triplicate.

1. ORIGINAL - Motor Vehicles
2. Defendant's copy
3. Court's copy

A.O. Form: Approved 4/29/82

Municipal Court of

County of

State of New Jersey

Docket No.

State of New Jersey

Traffic Ticket No.

v.

ORDER

(Restoring Driver's License)

Defendant

The defendant, _____, having been convicted of a violation of N.J.S.A. _____ in this court on _____ and sentenced to a fine of \$ _____ and \$ _____ costs and revocation of driver's license for a period of _____ years and;

A notice of appeal, pursuant to R.3:23-2; having been filed with this court on _____;

It is ORDERED, pursuant to R.7:8-2, that the Director of the Division of Motor Vehicles, effective _____, restore the driver's license of:

(Name) _____

(Address) _____

License No. _____

Date of Birth _____

Eyes Color Code _____ Sex _____

pending disposition of the appeal.

It is further ORDERED that the clerk of this court forthwith mail a certified copy of this order to the Director of the Division of Motor Vehicles and to the County Clerk.

Date _____

J.M.C.

Subpoena to Testify R. 7:3-3

MUNICIPAL COURT OF

..... COUNTY, NEW JERSEY

State of New Jersey to:

Name

Address

Home Telephone..... Business Telephone.....

You are commanded to appear in the above court at

.....
(address of court - street and municipality)

in.....County, New Jersey, on

the..... day of.....19.....,

at.....
A.M.
P.M. to testify on behalf of the State in the

case of State v.

(Complaint No.). You are commanded to appear without prepayment of witness fee. For failure to obey this subpoena you may be held in criminal contempt and a warrant may be issued for your arrest.

I issued this subpoena and served the same upon the

above named witness on
(date)

.....
Signature and Identification of Officer

(Note — Prepare in triplicate, white, yellow, pink. After service officer should attach copy to complaint and promptly file them with the court. See R.7:3-3.)

CALENDAR DATE OF _____

[illegible]

STATE OF NEW JERSEY

Municipal Court of _____

County of _____

v.

Defendant

CASH BAIL BOND

State of New Jersey

County of _____

} ss.

The above named defendant _____
who resides at _____

(insert defendant's address)

as principal and _____
who resides at _____

(insert surety's address)

as surety, acknowledge themselves to be indebted to the State of New Jersey in the sum of _____
dollars, and to secure payment of the said sum the amount thereof is herewith
deposited with the Court, to be forfeited if default be made in the following condition, to wit:

The condition of this cash bail bond is such that if the defendant shall personally be and appear at all
stages of the proceedings and until final determination of the cause and that the defendant and surety agree to
immediately notify the court of change of address; and if the defendant and surety comply with these conditions,
then this cash bail bond is to be void and said cash deposit shall be returned, otherwise, this cash bail bond
shall remain in full force and effect, and the said cash deposit shall be forfeited.

If defendant is convicted of a disorderly persons offense, this cash bail bond may be continued pending
appeal to the County Court.

Taken and acknowledged
before me this _____ day
of _____ 19____

(Defendant is principal)

L.S.

(Judge-Clerk-Other Authority)

(Surety)

L.S.

(Affidavits of Ownership for use when Surety deposits cash)

STATE OF NEW JERSEY

COUNTY OF _____ } ss.

I, _____ the above-named defendant, being duly sworn upon my oath, according to law, depose and say
that the \$_____ deposited in the above entitled case in lieu of bail and recognizance was deposited in my
behalf by the above named surety, who is entitled to the return of the cash deposit on the discharge thereof.

Subscribed and sworn to before
me this _____ day of _____, 19____.

(Name and Title of Person Administering Oath)

(Defendant)

STATE OF NEW JERSEY

COUNTY OF _____ } ss.

I, the above named Surety, being duly sworn upon my oath, according to law, depose and say that I am the
owner of \$_____ this day deposited in the above entitled case as cash money in lieu of bail and
recognizance and, subject to a forfeiture, claim such deposit by reason of such ownership.

Subscribed and sworn to before
me this _____ day of _____, 19____.

(Name and Title of Person Administering Oath)

(Surety)

GENERAL CASH BOOK

Instructions for use

LOCAL CRIMINAL COURT

[illegible]

Instructions for Use of General Cash Book—See separate pag.

• Figures with asterisks are intended for use of red ink.

INSTRUCTIONS FOR USE OF GENERAL CASH BOOK

1. The opening balance will be brought down in the Total Received column. This balance will be distributed under State, County, Municipality, and Bail and Miscellaneous, as the case may be.
2. Postings will be made in the manner illustrated and as required from time to time. When checks are drawn to the State, County and Municipality, and any necessary accompanying fiscal reports prepared, the individual payments will be posted in the Amount Paid column and cleared in the Distribution of Receipts column by *red ink entries*.
3. Bail moneys, when paid by check, will be posted in the Amount Paid column with a complementary red ink entry in the Bail and Miscellaneous column.
4. Where it is found necessary to return a portion of the bail money with the balance retained by the court to cover a fine and costs, two checks should be drawn. The check representing the amount to be retained by the court must be endorsed back to the court.
5. All payments by the court should be by check.
6. At the close of each month the only amounts brought down will be the total in the receipts columns and the total in the Distribution of Receipts columns. The detail in the "Receipts" columns relating to "Fines" and "Costs" is closed out monthly and not accumulated. Likewise the total of deposits and total payments are not brought forward.

IMPORTANT: This General Cash Book has been approved by the Administrative Director for use in all municipal courts and county district courts. It will require a printed, columnar sheet, the pages to be numbered consecutively. This book should be closed out monthly.

In large cities, where cash bail volume is heavy, it might be considered advisable to have a separate Cash Bail book and a separate cash bail deposit account.

Where traffic case volume is heavy, a separate Traffic Cash Book may be kept. Total fines and costs will then be posted daily to the General Cash book as a single line item titled "Posted from Traffic Cash book (page.....)," with the date, under the column "Traffic Docket."

"General Cash Book A" (B, C, etc., for subsequent volumes) should be stamped on the spine of the volume, and on the cover. The name of the Court should also appear on the cover.

Where the court serves more than one Municipality, additional columns entitled "Municipal Treasurer" should be added.

NOTE: The pages of this book should be of good rag content ledger paper, and be permanently bound. The pages should be consecutively numbered by hand or numbering machine. All entries must be in ink.

STATE OF NEW JERSEY

(Front)

Municipal Court of

County of

Docket No.

Recognizance

(R. 1:13-3 (b), R. 3:26-4 (a), R. 3:26-5)

☐ Bond ☐ Own ☐ Real Prop.
 (Check Applicable)

 Defendant.

State of New Jersey

County of _____

We, the undersigned, jointly and severally acknowledge ourselves to be indebted to the State of New Jersey in the

 sum of _____ Dollars (\$ _____).
 to be made and levied of our and each of our goods, moneys, chattels and real estate if default be made in the following Con-
 ditions, to wit:

The Conditions of this Recognizance are that the Defendant shall personally be and appear at all stages of the proceedings and until the final determination of the cause and that the Defendant and Surety agree to immediately notify the Court of change of address; and if the Defendant and Surety comply with these Conditions, then this Recognizance is to be void.

If defendant is convicted of a disorderly persons offense, this Recognizance may be continued pending appeal to the County Court.

We, the undersigned, principals and sureties, do hereby acknowledge that by entering into this Recognizance that they submit themselves to the jurisdiction of this Court; that they irrevocably appoint the Clerk of the Court having jurisdiction of this cause as his agent upon whom papers affecting each of their liability on the Recognizance may be served; that each of them waive a Jury Trial; that the liability of the Surety may be enforced by Motion in this action, if one is pending, without the necessity of an independent action; and that the Motion may be served on the Surety by mailing it by ordinary mail to the Clerk of the Court, who shall forthwith mail a copy thereof by ordinary mail to the Surety at the address stated herein.

The said Principal and Surety further acknowledge that Execution may issue thereon or payment secured as provided by the Rules Governing the Courts of the State of New Jersey or by other laws of the State of New Jersey.

This Recognizance is signed, sealed and delivered this _____ day of _____ 19____

 _____ (L.S.)
 Defendant, as Principal

(Address of Defendant)

 _____ (L.S.)
 Surety

(Address of Surety)

 If Corporate Surety affix Corporate Seal
 and Power of Attorney.

APPROVED AND ADMITTED TO BAIL:

 By _____
 (Authorized Agent)

 (Judge) (Clerk) (Other Authority)

STATE OF NEW JERSEY }
COUNTY OF }

AFFIDAVIT OF SURETY

Be it remembered that on this _____ day of _____ 19____
personally appeared before me _____

who being by me duly sworn according to law, on his oath deposes and says that he resides at _____
in the City of _____
or Township of _____ in the County of _____ State of New Jersey.

Deponent further says that he is a Freeholder in the County of _____ State of New Jersey, and the sole
owner in his own right and title of premises No. _____
the assessed value of which is \$ _____ and only encumbered
by one mortgage to the amount of _____ that all taxes
and assessments have been paid and that all interest due on said mortgage has been paid, that the said mortgage
is not under foreclosure and that he is worth over and above all liabilities of any kind the sum of _____
Dollars.

Other pending bail bonds \$ _____

Deponent further states that he has never been convicted of a crime.

Deponent further states that this affidavit is made to induce the State of New Jersey to accept the said
deponent as surety on the annexed recognizance.

Subscribed and sworn to before me, at _____ this _____
_____ day of _____
_____ 19____

(Title of Person Taking Jurat)

Shacket No.	MUNICIPAL COURT of	County	Defendant	RECOGNIZANCE	Witness (to be filled in by County Clerk's Office)	For County Clerk's Use
-------------	-----------------------	--------	-----------	--------------	--	------------------------

RECORDING LOG

COURT _____
Tape No. _____ Log Page No. _____ Court Convened at _____ M.
Date _____ Room No. _____
PRESENT: Judge _____ Recorded by _____

LOCATION OF MICROPHONES: 1.Judge 2.Witness 3.Pros.(Pltf) 4.Defendant

LEGEND: J - Judge D - Defendant WI - Witness #1, #2, etc.
P - Plaintiff DA- Def's Atty DEX- Direct Exam
C - Clerk PA- Pl's Atty XEX- Cross Exam

TYPE OF RECORDER _____ SPEED _____

[illegible]

RECORDING LOG - Continuation Sheet

Page No. _____

Recorded By _____

CASE TITLE: _____ vs. _____

Case No. _____

[illegible]

PLEASE PRINT

APPLICATION TO ESTABLISH INDIGENCY (FORM 3A)
CHECK APPROPRIATE BOX

A-12
PLEASE PRINT

☒ PUBLIC DEFENDER ☐ ASSIGNMENT OF COUNSEL ☐ PAY FINE IN INSTALLMENTS

COURT _____ COUNTY _____

NAME (Please Print) _____

CHARGES _____ IND.#/COMP.# _____ TRAF.TIC.# _____

HAVE YOU EVER BEFORE BEEN KNOWN BY, ARRESTED UNDER OR USED ANY OTHER NAME? SPECIFY _____

ADDRESS _____ APT./FLOOR _____ PHONE _____
(Street)

(Municipality) (State) (Zip) JAIL _____ BAIL (amt. posted) _____

HEIGHT _____ WEIGHT _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____ SOCIAL SECURITY # _____

MARRIED _____ SPOUSE'S NAME _____ NUMBER OF CHILDREN _____

ARRESTING AGENCY _____ WHERE ARRESTED _____ DATE OF ARREST _____

NAMES OF PERSONS ARRESTED WITH YOU _____

DO YOU HAVE ANY OTHER PENDING CHARGES IN ANY JURISDICTION? (Specify) _____

ARE YOU PRESENTLY EMPLOYED? _____

PRESENT JOB OR LAST EMPLOYER _____
(Name & Address)

MONTHLY EMPLOYMENT EARNINGS _____ DO YOU RECEIVE CHILD SUPPORT? _____ OR ALIMONY? _____

IS THE CHILD SUPPORT BY COURT ORDER? _____ AMOUNT OF SUPPORT OR ALIMONY _____

IS SPOUSE AND/OR CHILDREN EMPLOYED? _____ WHERE _____

SALARY _____

OTHER INCOME (Welfare, Soc. Sec. VA, Unemp. Ins., Disability, Work. Comp., Stocks, Bonds, etc)
Specify Type & Value: _____

DO YOU OWN PERSONAL PROPERTY (Auto, jewelry, furs, motorcycles, trucks, etc.) Specify type & value: _____

DO YOU OWN A HOUSE OR LAND? _____ DO YOU RENT? _____

ADDRESS _____ VALUE (if you own) _____ MONTHLY RENT OR MORT. _____

MAJOR DEBTS, LOANS, BILLS _____

NAME(S) OF BANKS WHERE YOU HAVE ACCOUNT(S): _____

AMOUNT _____ CASH ON HAND _____

HAVE YOU EVER BEFORE BEEN REPRESENTED BY AN ATTORNEY? _____ IF SO NAME _____

DATE OF REPRESENTATION _____

CERTIFICATION R. 1:4-4(b)

I certify that the foregoing statements made by me are true. I am aware that
if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

DATE _____

DEFENDANT'S SIGNATURE _____

If defendant is charged with a non-indictable offense(s) only, the judge is to make the determination as to indigency. However, if the defendant is charged with an indictable offense, have him check the Public Defender box, complete the application, and then refer it to the Office of the Public Defender.

5/10/83

Municipal Court of _____
 County of _____

 (address)

 (zip)

State of New Jersey
 v.

Docket No. _____
 Ticket No. _____

ORDER
 Payment of Fines and Costs
 under N.J.S.A. 39:4-203.1 et seq.

Defendant

The defendant, _____, more fully described below, having been charged with a violation of N.J.S.A. 39: _____, a non-parking traffic offense, on _____, 19 _____, and having been convicted on _____, 19 _____ and sentenced to pay a fine of \$ _____ and \$ _____ costs and it appearing that the defendant presently is unable to pay the fine and costs in full,

It is ORDERED that the defendant pay \$ _____ (weekly) (monthly) commencing _____ 19 _____ (or in accordance with the following schedule: _____)

on account of said fine and costs and in any event to complete payment no later than _____ 19 _____.

Payment shall be made in cash to the clerk of the court or by mailing check or money order made payable to this COURT properly identified with the Docket number and Ticket number thereon as shown above.

If subsequent to the entry of this ORDER, the defendant is unable to make payment as ORDERED, the defendant shall immediately advise the COURT why payment cannot be made on time.

For failure to comply with this ORDER, a warrant may be issued for the arrest of the defendant charging the defendant with contempt of court (N.J.S.A. 2A:10-1c) AND DEFENDANT'S DRIVER'S LICENSE MAY BE SUSPENDED BY THIS COURT (N.J.S.A. 39:4-203.1 et seq.).

FURTHER ORDERED that defendant notify this COURT in writing within three (3) days of any change of address.

Date: _____

Judge

I certify the following information is correct and acknowledge receipt of a copy of and understand this ORDER. I also understand that if my driver's license is suspended for failure to make payments, I must pay the Division of Motor Vehicles a \$30 restoration fee.

Defendant

(address)

(zip)

Tele. No. ()

Driver License No.

State

Date of Birth

Eye Code

Sex

NOTE: Defendant should be given a copy of this ORDER. The COURT should keep the original.

A.C. Form: Approved 4/29/82

State of New Jersey

**Division of Motor Vehicles
25 South Montgomery Street
Trenton, New Jersey 08666
609 292 7500**

INITIAL NOTICE DATE

THIS NOTICE DATE

Driver License Number	DL Expiration Date	Plate Number	Expiration Date
Date of Birth	Eye Color	Sex	Date of Notice
	Effective Suspension Date	Code	Reason
		A99	799
Court Code	Date Issued	Summons Number	Docket Number

Order of Suspension

Because you failed to answer a summons, the Division of Motor Vehicles has suspended:

☐ Your New Jersey driving privilege. ☐ Your New Jersey registration privilege.

Your privileges were suspended on _____.


The following summons is not satisfied:

Court Name & Address

When you received your Scheduled Suspension, you were warned that you had 60 days to satisfy your summons. We have not received notice from the court that you satisfied your summons. Since the summons has not been satisfied, your privilege is suspended until you:

1. Contact the violations clerk of the court to satisfy the summons AND
2. Pay a \$30 restoration fee. Return your check or money order (made out to N.J. Division of Motor Vehicles) with the Restoration Fee forms.

Your are not allowed to drive until you receive a written notice from the Director.


CLIFFORD W. SNEDEKER, Director

Municipal Court _____
Address _____

Phone: _____

Date: _____

NAME: _____

Docket No. _____

ADDRESS: _____

RE: RETURNED CHECK

Dear

This Office is in receipt of your check # _____
in the amount of \$ _____ which was returned
by the bank due to

Payment of \$ _____ must be received in this
Office in the form of CASH, CERTIFIED CHECK OR MONEY
ORDER, within ten (10) days to avoid a complaint being
signed against you for violation of N.J.S. 2C:21-5
issuing worthless check and a warrant may be issued
for your arrest.

Very truly yours,

Judge/Clerk

cc: Court File

DI-116 (R4/82)		PERMIT NO.	
		No 18005	
NEW JERSEY DIVISION OF MOTOR VEHICLES TEMPORARY DRIVING PERMIT			
NAME			
STREET ADDRESS			
CITY		STATE	
N.J. DRIVER LICENSE NUMBER		DATE OF BIRTH	
WEIGHT	EYES	HEIGHT	SEX
DRIVER'S SIGNATURE X			
THIS PERMIT IS NOT VALID AFTER			
AM PM			
DATE			
HEARING - Division of Motor Vehicles 25 South Montgomery Street Trenton, New Jersey 08666			
THIS TEMPORARY PERMIT IS ISSUED TO THE ABOVE NAMED INDIVIDUAL ONLY FOR THE PURPOSE OF ALLOWING HIM TO REACH HIS HOME FROM HIS APPEARANCE IN THE ABOVE MATTER. THIS PERMIT IS VALID FOR THE OPERATION OF A PROPERLY REGISTERED VEHICLE UP TO BUT NOT AFTER THE ABOVE TIME AND DATE.			
DIRECTOR, DIVISION OF MOTOR VEHICLES			
COUNTERSIGNED:			
AM PM			
DATE OF ISSUE		HEARING OFFICER	

TEMPORARY DRIVING PERMIT

(Special driving authorizations for defendants whose licenses have been suspended by the judge in court, and who, therefore, cannot drive their vehicles home.)

INSTRUCTIONS

1. The driver information necessary to complete the permit should be obtained from the suspended license.
2. The period of validity should not cover more than six hours.
3. The day of the month with respect to the period of validity should be written in both letters and numbers, e.g. nineteenth, (19th), to avoid possible extension by the defendant.
4. The permit can be signed by the judge only.
5. The permit number should be noted on the back of the traffic complaint and in the "Remarks" column of the Traffic Docket.

MUNICIPAL COURT OF _____
DATE _____

TRANSMITTAL LETTER ON APPEAL

TO: COUNTY CLERK

RE: CASE OF _____ vs. _____

In accordance with R. 3:23-4(a) & 3:23-8(a) the following documents are forwarded for filing.

- ☐ Original Complaint
- ☐ Judgement of Conviction
- ☐ Transcript of Docket
- ☐ Exhibits
- ☐ Recognizance
- ☐ Cash Bail

Transcript of Proceedings:

- ☐ Original - County Clerk
- ☐ Copy - Prosecutor
- ☐ Copy - Defendant
- ☐ Transcript paid in full
- ☐ Transcript not forwarded to Defendant
Balance Due \$ _____

Copies of covering letter to:

- ☐ County Prosecutor.
- ☐ Defendant (or Def't Attorney)
- ☐ Court file

The above form letter may be printed in tablet form on NCR paper which will provide the necessary distribution copies.

COUNTY OF

STATE OF NEW JERSEY

TRANSCRIPT OF DOCKET

C

T

Stayed

D.L. fwd to M.V.

Paid

Costs

(If Not Retained by Municipal Court - Name to Whom Returned)

Date:

Ex. 31

TRANSCRIPTS FOR APPEAL FROM SOUND RECORDING

Court from which appeal is taken _____ County _____

Title of Case _____
(Defendant(s) Name)

Docket Number(s) _____

Dates(s) Heard _____

Date Notice of Appeal Filed _____

Date Transcript Ordered & Deposit Received _____ (Amt. of Deposit _____)

Date Tape & Log Sheet sent to _____
(Name of Transcriber)

TRANSCRIPT IS DUE 20 DAYS AFTER FILING OF NOTICE OF APPEAL.

Person Ordering Transcript:

NAME

Retained Counsel ☐

Public Defender ☐

Court Appointed ☐

Pro Se ☐

TO BE MAILED PROMPTLY AFTER RECEIVING THE NOTICE OF APPEAL

cc: County Clerk

RS-16 Rev. 7/82

Municipal Court of the

_____ of _____, County of _____.

State of New Jersey

NOTICE IN LIEU OF COMPLAINT. Rule 7:3-2

TO _____

OF _____

_____, N. J.

Please take notice that you have been informally charged by

_____ of _____

_____, N. J., with the commission

of a • {neighborhood
domestic dispute, to wit:

You are therefore hereby notified to appear before me at the _____

_____, in said municipality at _____ m.,

on the _____ day of _____, 19 _____, so that it may be

determined whether or not a complaint should issue.

Dated: _____

Judge

*Indicate which. Note: Issue in triplicate and send a copy to the person making the charge.



MUNICIPAL COURT REPORT

Municipality of: _____
 County of: _____
 Month ending: _____, 198__

NOTE: The questions which follow must ALL be answered. Use zero "0" or "none" where applicable. DO NOT LEAVE BLANK SPACES.

A. TOTAL DEFENDANTS PENDING AT BEGINNING OF MONTH:

B. DEFENDANTS ADDED:

- a. Defendants charged in this Municipal Court
- b. Defendants remanded by County Prosecutor
- c. Defendants received from J&DR or other courts
- d. Defendants reinstated (e.g. PTI/CD failures)

e. TOTAL ADDED: Sum of Items B.a. through B.d.

C. DEFENDANTS DISPOSED:

NON-TRAFFIC ONLY		
AA	BB	CC
indict- able of- fenses	dis- orderly/ petty dis- orderly of- fenses	all other non- traffic

a. Defendants disposed OUT OF COURT:

- (1) Defendants referred to County Prosecutor
- (2) Defendants referred to J&DR Court
- (3) Defendants through Violations Bureau R. 7:7
- (4) Defendants disposed out of court, other
- (5) Total disposed out of court
(sum of items a.(1) through a.(4))

b. Defendants disposed IN OPEN COURT:

- (1) Defendants sentenced to jail
- (2) Defendants granted Conditional Discharges
- (3) Defendants M.V. licenses revoked/suspended
- (4) Defendants placed on probation, R. 3:21-7
- (5) Defendants sentenced to community service
- (6) Defendants fined
- (7) Defendants given suspended sentences
- (8) Defendants granted Pre-Trial Intervention
- (9) Defendants dismissed
- (10) Defendants disposed in open court, other
- (11) Defendants found not guilty
- (12) Total disposed in open court
(sum of items b.(1) through b.(11))

c. TOTAL DISPOSED: SUM of Items C.a(5) + C.b(12)

D. DEFENDANTS PENDING AT END OF MONTH: (By age from date of complaint)

a. Pending for 0 to 60 days:

- (1) Open, active (non-fugitive)
- (2) Open, warrant issued (fugitive)

b. Pending for more than 61 days:

- (1) Open, active (non-fugitive)
- (2) Open, warrant issued (fugitive)

c. TOTAL DEFENDANTS PENDING AT END OF MONTH:
Sum of items A. plus B.e. minus C.c.

MUNICIPAL COURT REPORT

NOTE: The questions which follow must ALL be answered. Use zero "0" or "none" where applicable. DO NOT LEAVE BLANK SPACES.

NON-TRAFFIC ONLY

AA	BB	CC
indict- able of- fenses	dis- orderly/ petty dis- orderly of fenses	all other non- traffic

E. COMPLAINTS AND NOTICES FILED:

- a. Number of complaint/summonses (CDR 1) filed _____
- b. Number of complaint/warrants (CDR 2) filed _____
- c. Notices issued in lieu of complaints _____
- d. Municipal Ordinance complaints filed _____
- e. Complaints filed to enforce statutory penalties (Example: Fish and Game, Navigation, etc.) _____

f. TOTAL COMPLAINTS AND NOTICES FILED: Sum of items E.a. through E.e. _____

F. STATUS AT TIME OF DISPOSITION, OPEN COURT:

- a. Defendants released on own recognizance/ROC _____
- b. Defendants released on bail, full cash _____
- c. Defendants released on bail, 10% _____
- d. Defendants released on bail, other than a, b, or c above _____
- e. Defendants INCARCERATED at time of disposition _____
- f. All others _____

g. TOTAL STATUS AT TIME OF DISPOSITION, OPEN COURT: Sum of items F.a. through F.f. _____

G. REPRESENTATION AT TIME OF DISPOSITION, OPEN COURT:

- a. Defendants assigned Counsel _____
- b. Defendants represented by Public Defender _____
- c. Defendants with private counsel _____
- d. Defendants unrepresented (Pro Se) _____

e. TOTAL REPRESENTATION AT TIME OF DISPOSITION: Sum of items G.a. through G.d. _____

H. MONIES ASSESSED OR FORFEITED (Violations Bureau and open court):

- a. Total fines imposed EXCLUDING VCCB penalties \$ _____ \$ _____ \$ _____
- b. Total VCCB penalties assessed \$ _____ \$ _____ \$ _____
- c. Total court costs imposed \$ _____ \$ _____ \$ _____
- d. Total cash bail forfeitures \$ _____ \$ _____ \$ _____

e. TOTAL MONIES ASSESSED OR FORFEITED: Sum of items H.a. through H.d. \$ _____ \$ _____ \$ _____

I. NON-TRAFFIC CASE-RELATED JUDICIAL TIME (to nearest 1/4 hour):

- a. Total non-traffic hours on bench _____ <<<*****
- b. Total non-traffic case related non-bench time _____ <<<*****

c. TOTAL NON-TRAFFIC JUDICIAL TIME: Sum of items I.a. and I.b. _____

MUNICIPAL COURT REPORT

Municipality of: _____
 County of: _____
 Month ending: _____, 198__

NOTE: The questions which follow must ALL be answered. Use zero "0" or "none" where applicable. DO NOT LEAVE BLANK SPACES.

TRAFFIC AND PARKING

DD	EE	FF
driving	non-	
while	parking	
under	non-DWI	
influ-	cases	parking/
ence	only	only

J. DEFENDANTS PENDING AT BEGINNING OF MONTH:K. DEFENDANTS ADDED:

- Defendants charged in this Municipal Court
- Defendants remanded by County Prosecutor
- Defendants received from J&DR or other courts
- Defendants reinstated (previously disposed)

K. TOTAL ADDED: Sum of items K.a through K.dL. DEFENDANTS DISPOSED:ONE DISPOSITION PER DEFENDANTa. Defendants disposed OUT OF COURT:

- Defendants referred to County Prosecutor
- Defendants referred to J&DR Court
- Defendants through Violations Bureau R. 7:7
- Defendants through R. 7:6-3 (FTA)
- Defendants disposed out of court, other
- Total disposed out of court [sum of items L.a.(1) through L.a.(5)]

b. Defendants disposed IN OPEN COURT:ONE DISPOSITION PER DEFENDANT

- Defendants sentenced to jail
- Defendants M.V. licenses revoked/suspended
- Defendants placed on probation, R. 3:21-7
- Defendants sentenced to community service
- Defendants fined
- Defendants given suspended sentences
- Defendants dismissed
- Defendants disposed in open court, other
- Defendants found not guilty
- Total disposed in open court [sum b(1)-(9)]

c. TOTAL DISPOSED: Sum of items L.a.(6) + L.b.(10)M. DEFENDANTS PENDING AT END OF MONTH: (By age from date of complaint)a. Pending for 0 to 60 days:

- Open, active (warrant not issued)
- Warrant issued

b. Pending for more than 61 days:

- Open, active (warrant not issued)
- Warrant issued

c. TOTAL DEFENDANTS PENDING AT END OF MONTH: Sum of items J. plus K.e. minus L.c.

(Do not list County or Municipal
fines on this form)

**STATE OF NEW JERSEY
DIVISION OF MOTOR VEHICLES
CONTINUATION SHEET
OF
MONTHLY FINANCIAL REPORT**

PAGE	OF
MONTH	YEAR

MUNICIPAL COURT OF	COUNTY
--------------------	--------

[illegible]

VIOLENT CRIMES COMPENSATION BOARD (VCCB)

SUMMARY MUNICIPAL COURT REPORT
(N.J.S.A. 2C:43-3.1 Chap. 396 Laws 1979
as amended by Chap. 164, Laws of 1982)

Municipal Court of _____, 19 ____
(Month ending)

County of _____

Prepare in Original and Three Copies.

Original to be forwarded by 10th of following month WITH COURT CHECK, made payable to STATE TREASURER, to:

Violent Crimes Compensation Board
60 Park Place - Suite 1013
Newark, NJ 07102

Send copies attached to Monthly Statistical Report (ST-33) as follows:

1. Trial Court Administrator for your county.
2. Administrative Office of the Courts, Statistical Services Unit,
Richard J. Hughes Justice Complex, CN-037, Trenton, NJ 08625.
3. Keep one copy for court files.

ELIGIBLE CASES AND DISPOSITION OF ELIGIBLE CASES (THIS MONTH)

A. Eligible Cases - This Month:

1. Number of Disorderly and Petty Disorderly Persons
Convictions (including pleas of "guilty"). _____
2. Number of Convictions (including pleas of "guilty")
on Waived Indictable Offenses. _____
3. TOTAL NUMBER of Eligible Cases.
(Total of Items A.1 and A.2) _____

B. Disposition of Eligible Cases - This month:

1. Number of VCCB Penalties Imposed for Disorderly and
Petty Disorderly Persons Convictions. _____
2. Number of VCCB Penalties Imposed on Waived
Indictable Offenses. _____
3. TOTAL NUMBER of VCCB Penalties Imposed.
(Total of Items B.1 and B.2) _____

NOTE: Include violations of the Controlled Dangerous Substance Act
which are disorderly persons offenses.

PAYMENTS (THIS MONTH)

C. Payments of Mandatory VCCB Penalties - This Month:

1. Number of Payments-in-Full received this month. _____
2. TOTAL Dollar Amount of Payments-in-Full received this month. \$ _____
3. Number of Time Payments Received this month. _____
4. TOTAL Dollar Amount of Time Payments received This Month. \$ _____
5. TOTAL Dollar Amount forwarded to VCCB this Month. \$ _____

* NOTE: Item A.3 should equal Item B.3; if not, identify each case
and explain why penalty not imposed. (If insufficient
space, continue on back of this form.)

DATE _____ (Presiding Judge's Signature)

(Signature and Title of Person Preparing Report)

PLEASE COMPLETE ALL ITEMS. DO NOT LEAVE BLANK SPACES. USE "NONE" OR "0" WHERE
APPROPRIATE. IF THERE IS NO ACTIVITY FOR ALL THE ITEMS "NONE" MAY BE WRITTEN
VERTICAL IN SECTIONS A., B., AND C.)

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

These instructions are issued for your guidance in the preparation of the above mentioned form. Before preparing the form please read the instructions carefully.

PURPOSE: Form ED-6, provides a procedure, approved by the State Records Committee, by which state, county and municipal officials may:

1. Request authorization for the destruction of records in accordance with Chapter 410 of the Laws of 1953.
2. Obtain permission from the Bureau of Archives and History for the destruction of records listed on an approved records retention schedule.

PREPARATION: This form is to be prepared in quadruplicate, however, agencies are advised to prepare and retain a duplicate copy until the approved agency copy is returned. Forward all four copies of the completed form to the Bureau of Archives and History. Upon approval, the Bureau will return the follow-up copy, the agency copy, and the auditor's copy (when audited locally) to the requesting agency. When destruction is complete, destruction information is to be inserted in space #10 and the follow-up copy is to be returned to the Bureau of Archives and History.

DETAILED INSTRUCTIONS:

Request Number: Each agency shall assign its own number to each request and the date on which it is submitted.

Authorization Number: No entry shall be made in this section except by the Bureau of Archives and History. The Bureau will insert an authorization number and date of approval.

From: Name and address of requesting agency.

Item No. 1: In this column insert the item number of the record as it appears on the approved records retention schedule.

Item No. 2: In this column insert the title of the record as it appears on the approved records retention schedule.

Item No. 3: In this column write the inclusive dates of the record, by year, and month.

Item No. 4: Volume should be measured in cubic feet. Bear in mind that 1 file drawer, either letter or legal size is equal to 2 cubic feet. Fractions of less than 1 cubic foot should be rounded to the nearest full cubic foot.

Item No. 5: The retention period must be the same as that contained in an established records retention schedule. In cases where an item does not appear on the schedule the requesting official should contact the Bureau of Archives and History.

Item No. 6: Signature and title of official primarily concerned with the record(s).

Item No. 7: Signature and title of officer approving the request. This should be the head of the agency or one officially designated by him. (May not be the same as Item No. 6)

Item No. 8: For fiscal records: date of most recent audit and signature of auditor verifying that the records listed above are not required for future audit.

Item No. 9: Formal approval by the Bureau of Archives and History.

Item No. 10: The disposition action should give the date, method of disposal and signature of the approving officer.

EXAMPLE (Guide for preparing the top portion, Form ED-6):

REQUEST NUMBER <div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	REQUEST and AUTHORIZATION FOR RECORDS DISPOSAL BY STATE, COUNTY or MUNICIPAL AGENCIES		AUTHORIZATION NUMBER <div style="border: 1px solid black; height: 20px;"></div>
DATE OF REQUEST <div style="border: 1px solid black; padding: 2px;">October 6, 1977</div>			DATE OF AUTHORIZATION <div style="border: 1px solid black; height: 20px;"></div>
TO: HEAD, BUREAU OF ARCHIVES AND HISTORY DIVISION OF STATE LIBRARY ARCHIVES AND HISTORY DEPARTMENT OF EDUCATION TRENTON, N. J. 08625		FROM:	

Authorization is hereby requested for the disposal of the following records under the provisions contained in Chapter 410 of the New Jersey Laws of 1953.

1 ITEM	2 RECORDS TITLE AND DESCRIPTION	3 INCLUSIVE DATES	4 VOLUME	5 RETENTION PERIOD
5	Applications and Permits-Building	1943-70	50c.f.	6years
<div style="border: 1px solid black; padding: 5px; font-size: x-small;"> Number as it appears on the retention schedule </div>	<div style="border: 1px solid black; padding: 5px; font-size: x-small;"> Official title of the record as on the schedule. </div>	<div style="border: 1px solid black; padding: 5px; font-size: x-small;"> Beginning and ending dates of the records to be destroyed. they should not exceed the retention period. </div>	<div style="border: 1px solid black; padding: 5px; font-size: x-small;"> Volume of records in cubic feet or another acceptable measurement. </div>	<div style="border: 1px solid black; padding: 5px; font-size: x-small;"> Retention Period as set down in the approved schedule. </div>

Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

1. AGENCY NO.	2. DEPARTMENT Judiciary	3. DIVISION Administrative Office of Courts	4. BUREAU/OFFICE, ETC. Municipal Courts
5. AGENCY REPRESENTATIVE Robert D. Lipscher	6. TITLE Administrative Director of the Courts		7. TELEPHONE NO. 984-0275

8. SCHEDULE APPROVAL

THE RECORDS COVERED BY THIS SCHEDULE, UPON EXPIRATION OF THE RETENTION PERIODS, SHALL BE DEEMED TO HAVE NO CONTINUING VALUE TO THE STATE OF NEW JERSEY AND WILL BE DISPOSED OF AS INDICATED IN ACCORDANCE WITH THE LAW AND REGULATIONS OF THE STATE RECORDS COMMITTEE. THIS SCHEDULE SHALL BECOME EFFECTIVE ON THE DATE APPROVED BY THE STATE RECORDS COMMITTEE.

9. SIGNATURE OF AGENCY REPRESENTATIVE <i>Robert D. Lipscher</i>	10. SIGNATURE OF SECRETARY, STATE RECORDS COMMITTEE <i>William C. Wright</i>	DATE APPROVED 6/16/57
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11. ITEM NO.	12. RECORD TITLE AND DESCRIPTION	13. AGENCY (X)	14. RETAIN IN AGENCY	15. DISPOSITION (DESTROY/ ARCHIVE)
1-00.	Arrest Sheets, Criminal Copy of police arrest sheet, containing police case number, corresponding court docket number, details of arrest and on defendant, bail information, and disposition. Used for internal reference purposes.		6 yrs. after case has been disposed of or dismissed by the court.	Destroy
2 -00.	Bail Bonds and Recognizances	X	6 yrs. after discharge and posting (NJSA 47:3-9)	Destroy
3-00.	Bank Statements	X	See footnote 2 6 yrs.	Destroy
4 -00.	Budget and Appropriation Request		3 yrs.	Destroy
5 -00.	Bulletins, copies Issued by Supreme Court, Director of Administrative Office of the Courts and other state offices.		Periodic Review	Destroy
6 -00.	Card Files, relating to case files		Periodic Review	Destroy
7 -00.	Cash Book and Cash Bail Book	X	6 yrs. after final entry	Destroy

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Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

11. AGENCY NO.	12. ITEM NO.	3. DIVISION		13. AUD (X)	14. RETAIN IN		15. DISPOSITION (DESTROY/ ARCHIVES)
		2. DEPARTMENT	Administrative Office of the Court		AGENCY	RECORDS CENTER	
		Judiciary	Municipal Court				
8-00.		Cash Reconciliation Listing with Statistical Summary Monthly computer print-out of case dispositions including complaint number, violation date, registration number, state or municipal code, statute, penalty code, manner of disposition, bail posted, fines paid, and transaction number.		X	6 yrs.		Destroy
9-00.		Checking Account and Savings Account Books		X	6 yrs.		Destroy
10-00.		Checks Cancelled		X	6 yrs.		Destroy
11-00.		Commitments to County Jail			6 yrs. after release		Destroy
12-00.		Complaints					
12-01.		Criminal (non-traffic)			6 yrs. after filing and disposal*		Destroy
12-02.		Traffic (excluding Drunk Driving)			3 yrs. after filing and disposal*		Destroy
12-03.		Drunk Driving			15 yrs.		Destroy
13-00.		Court Calendars			Current yr. plus 2 yrs.		Destroy

RM 2A

Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

11. AGENCY NO.	12. DEPARTMENT Judiciary	13. DIVISION Administrative Office of the Court	4. BUREAU, OFFICE, ETC. Municipal Court		
			14. RETAIN IN	15. DISPOSITION (DESTROY/ ARCHIVES)	
ITEM NO.	RECORD TITLE AND DESCRIPTION	13. AUDIT (X)	14. AGENCY	RECORDS CENTER	
14-00.	Deposit Slips				
14-01.	Originals	X	6 yrs.		Destroy
14-02.	Duplicates	X	3 yrs.		Destroy
15-00.	Designations of Acting Judges		Term plus 3 yrs.		Destroy
16-00.	Designations of time and place of court sessions		Use plus 1 yr.		Destroy
17-00.	Designations of Violations Clerks		Term plus 3 yrs.		Destroy
18-00.	Directives and Procedures authorized or required by Administrative Director of Supreme Court		As Updated		Destroy
19-00.	Docket Books				
19-01.	Criminal (non-traffic)		Permanent		
19-02.	Traffic		15 years		Destroy
20-00.	Financial Reports Reports submitted by municipal courts to state, county, and municipal offices.	X	6 yrs.		Destroy

Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

1. AGENCY NO.	2. DEPARTMENT Judiciary	3. DIVISION Administrative Office of the Courts	4. BUREAU, OFFICE, ETC. Municipal Court	
			14. RETAIN IN	15. DISPOSITION (DESTROY/ ARCHIVES)
11. ITEM NO.	12. RECORD TITLE AND DESCRIPTION	13. AUD (X)	AGENCY	RECORDS CENTER
21-00.	Installment Payment Schedules Schedules for payment of fines imposed by Court	X	6 yrs. after total payment of fine	Destroy
22-00.	Notices and correspondence regarding specific cases (including all documents or exhibits relating thereto)		Same as complaints	Destroy
23-00.	Notices and correspondence with municipal, county or state officials or agencies		3 yrs.	Destroy
24-00.	Notices in Lieu of Complaints		2 yrs.	Destroy
25-00.	Oaths of Judges, including Acting Judges		5 yrs. after termination of office (NJSA 47:3-9)	Destroy
26-00.	Prison Records		5 yrs.	Destroy
27-00.	Probation Reports		Use plus 1 yr.	Destroy
28-00.	Receipts (issued or received)	X	2 yrs.	Destroy
29-00.	Releases from commitment to County Jail		6 yrs.	Destroy
30-00.	Reports and correspondence on audit reports		6 yrs.	Destroy
31-00.	Reports required by Administrative Director of the Courts			
31-01.	Monthly Statistical Reports		3 yrs.	Destroy

FM 2A

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Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

1. AGENCY NO.		2. DEPARTMENT	3. DIVISION	4. BUREAU, OFFICE, ETC.	
11.		Judiciary	Administrative Office of the Courts	Municipal Court	
ITEM NO.	12.	RECORD TITLE AND DESCRIPTION		13. AUD (X)	15. DISPOSITION (DESTROY/ARCHIVES)
				14. RETAIN IN	
				AGENCY	RECORDS CENTER
31-01.	Monthly Violent Crimes Compensation Board (VCCB) Summary Reports			3 yrs.	Destroy
31-03.	Monthly Reports on Requests for Orders and Orders Entered Under the Prevention of Domestic Violence Act			3 yrs.	Destroy
32-00.	Scofflaw List Print-out of all parking tickets by registration number sequence on which defendants have failed to appear or respond. It is used to generate arrest warrants.			3 yrs.-See footnote 1 below	Destroy
33-00.	Separate Judgments of Convictions			6yrs.	Destroy
34-00.	Sound Recording Log Listing counter numbers for speakers			3 yrs. after last entry	Destroy
35-00.	Sound Recording Tapes			3 yrs. after final action R.7:4-5(a)	Erase
36-00.	Subpoenas, copies			2 yrs.	Destroy
37-00.	Summonses			3 yrs.	Destroy
38-00.	Traffic Ticket Control Record			6 yrs.	Destroy
39-00.	Traffic Ticket Control Record Receipts			6 yrs.	Destroy
40-00.	Transcripts of all Appeals, duplicates			Upon disposition of appeal (NJSA 2A:11-53.3)	Destroy

Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

1. AGENCY NO.		2. DEPARTMENT Judiciary	3. DIVISION Administrative Office of the Courts		4. BUREAU, OFFICE, ETC. Municipal Court	
11. ITEM NO.	12. RECORD TITLE AND DESCRIPTION	13. AUD (X)	14. RETAIN IN		15. DISPOSITION (DESTROY/ ARCHIVES)	
			AGENCY	RECORDS CENTER		
41-00.	Transmittal and Receipt for Court Reports (MF-2 Form)		3 yrs.		Destroy	
42-00.	Violations Bureau Schedules Uniform Statewide Violations Bureau Schedule and local supplemental schedule listing the violations payable through the Violations Bureau.	X	Use plus 3 yrs.		Destroy	
43-00.	Warrants		6 yrs. after case has been disposed of		Destroy	
43-02.	Criminal		3 yrs. after case has been disposed of		Destroy	
43-02.	Traffic				Destroy	

Bureau of Archives and History
Records Management Section

REQUEST FOR APPROVAL OF RECORDS RETENTION SCHEDULE

1. AGENCY NO.	2. DEPARTMENT	3. DIVISION	4. BUREAU, OFFICE, ETC.
	Judiciary	Administrative Office of the Courts	Municipal Court
11. ITEM NO.	12. RECORD TITLE AND DESCRIPTION	13. AUD (X)	14. RETAIN IN AGENCY RECORDS CENTER 15. DISPOSITION (DESTROY/ARCHIVES)
	<p align="center"><u>FOOTNOTES</u></p> <p>*1. <u>Complaints - Criminal (non-traffic)</u> may be destroyed 6 years after filing if the case has been disposed of or if dismissed by the court. <u>Complaints - Traffic</u> may be destroyed 3 years after filing if case has been disposed of. Closed cases (moving) may be destroyed only if subsequently reopened and disposed of. Closed cases (parking) should be retained permanently only where 5 or more unanswered complaints have accumulated against a defendant within a 3 year period. Five or more closed parking cases may be destroyed only if subsequently reopened and disposed of.</p> <p>2. Bonds-Recognizances-no destruction on pending cases or uncollected forfeiture except by order of court.</p> <p>With respect to the destruction of Complaints in Criminal and Traffic matters it should be observed that while the date of filing of the complaint is the basic date, the added conditions contained in Footnotes 1 and 2 must be observed. In this regard it should be noted that all complaints filed with the court must be entered in the proper docket promptly after filing. The practice of first entering cases in the dockets only after the return date or after the case has been heard or disposed of is improper.</p> <p>NOTE: It must also be noted that no item required for auditing may be destroyed even though the retention period has expired unless the audit has been completed and no investigation is in progress with respect thereto.</p>		

☐ Assignment Judge

Please Return To:

A-2

☐ Court Copy

ADMINISTRATIVE OFFICE OF THE COURTS
CN-037
TRENTON, NEW JERSEY 08625
ATT: MUNICIPAL COURT SERVICES

Municipal Court of _____ County of _____

MUNICIPAL COURT PERSONNEL CERTIFICATION OF COMPLIANCE WITH R.1:17-1(h)

This is to certify, pursuant to R.1:17-1(h), that I am employed or
serve _____ as _____

(Full-time or Part-time) (Position with Court)

in the above Municipal Court. I hold no elective public office nor am I a
candidate therefor, nor do I engage in political activity and I understand
that I may not become a candidate for any elective public office and may
not engage in any political activity while serving the municipal court.

I hold no other PUBLIC office, position or employment except * _____

NOTE - (See R.1:17-4 regarding PRIVATE employment.)

(Date)

(Signature)

Approved by: _____
(Date)

(Signature of Presiding Judge)

Forward a copy to the Assignment Judge and retain a copy in the Court files.
A certification should be completed by each person employed or serving the
municipal court.

* Put N.A. if not applicable or "none", otherwise indicate the public
office(s), position(s) or employment held, giving the title, name of the
public employer, description of duties performed and salary.

11/82

Ex. 40