

## Transaction Fee Schedule C Implementation of L. 1992, c.169, In Connection with Sentences of Probation for Offenses Committed On and After February 1, 1993

Directive #2-93  
Issued by:

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Administrative Director

On December 3, 1992, Governor Florio signed L. 1992, c.169 into law. In pertinent part, the provisions of *N.J.S.A. 2C:46-1d(1)* now provide that:

When, in connection with a sentence of probation, a defendant is sentenced to pay an assessment imposed pursuant to section 2 of *L. 1979, c. 396 (N.J.S.A. 2C:43-3.1)*, a fine, a penalty imposed pursuant to *N.J.S.A. 2C:35-15*, a forensic laboratory fee imposed pursuant to *N.J.S.A. 2C:35-20* or to make restitution, the defendant, in addition, shall be sentenced to pay a transaction fee on each occasion that the defendant makes a payment or an installment payment, until the defendant has paid the full amount he is sentenced to pay. The Administrative Office of the Courts shall promulgate a transaction fee schedule for use in connection with installment payments made pursuant to this paragraph; provided, however, the transaction fee on an installment payment shall not exceed \$1.

Please note that VCCB assessments for DWI violations are not subject to transaction fees because they are not assessments imposed pursuant to section 2 of *L. 1979, c.396*.

In addition, *N.J.S.A. 2C:46-1d(2)* also authorizes the Department of Corrections to promulgate a transaction fee schedule for use in connection with installment payments made by those serving custodial sentences in State correctional institutions. The Administrative Office of the Courts and the Department of Corrections have agreed to establish consistent transaction fee schedules to promote uniformity in administering the Act.

Accordingly, the Administrative Office of the Courts has established a Transaction Fee Schedule, in connection with sentences of probation for offenses committed on and after February 1, 1993 when a probationer is sentenced to make payment on any fines, VCCB assessments, DEDR penalties, forensic lab fees or restitution awards covered under the foregoing statutory provision, as follows:

- (a). a transaction fee of \$1 for payments in the amount of \$10 or more;
  - (b). a transaction fee of \$.50 for payments between \$3.01 and \$9.99.
2. No transaction fee is to be imposed for payments or installment payments of \$3 or less.

The following procedures apply only to collections from municipal court defendants who are obligated to pay transaction fees:

1. In those jurisdictions where Probation exercises responsibility for collecting payments, pursuant to *N.J.S.A. 2C:46-4a(2)*, if: (a) the defendant makes full payment to the municipal court administrator of all monetary obligations imposed under the sentence, no transaction fee will be charged; or 9b) the defendant makes partial payment to the municipal court administrator, collection of the transaction fee will be deferred until defendant-s next payment to the Probation Division is due, at which time both the deferred fee and the fee for the second payment will be collected by the Probation Division.
2. In those jurisdictions where the local practice is for the municipal court administrators to collect payments ordered as a condition of probation, pursuant to *N.J.S.A. 2C:46-4a(2)*, the preceding does not apply. Rather, the municipal court administrator will collect the transaction fees appropriate to each payment, based on the transaction fee schedule.

Administrative forms and instructions to implement these policies will be forthcoming.

#### **EDITOR-S NOTE**

No change has been made to the original text. This Directive has been amended by Directive #4-95.

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