

## **RULE 7:14. General Provisions; Administration**

### **7:14-1. Opening Statement**

- **(a) Required Opening Statement.** The judge shall give an opening statement prior to the commencement of the court session concerning court procedures and rights of defendants. This statement shall not, however, be a substitute for the judge advising individual defendants of their rights prior to their respective hearings.
- **(b) Notice to Defendant on Guilty Plea.** Before accepting a plea of guilty to a traffic offense, other than a parking offense, and as part of the opening statement, the court shall inform the defendant that a record of the conviction will be sent to the Director of the Division of Motor Vehicles of this State or the Commissioner of Motor Vehicles of the state issuing defendant's license to drive, to become a part of the defendant's driving record.
- **(c) Notification of Right to Appeal.** Regardless of whether the defendant pleads guilty or is found guilty after a trial, the court, as part of the opening statement, shall advise each defendant of the right to appeal and, if indigent, of the right to appeal as an indigent.

Note: Source-Paragraph (a): R. (1969) 7:4-4(d); paragraph (b): R. (1969) 7:6-7; paragraph (c): R. (1969) 3:21-4(g). Adopted October 6, 1997 to be effective February 1, 1998.

### **7:14-2. Amendment of Process or Pleading**

The court may amend any process or pleading for any omission or defect therein or for any variance between the complaint and the evidence adduced at the trial, but no such amendment shall be permitted which charges a different substantive offense, other than a lesser included offense. If the defendant is surprised as a result of such amendment, the court shall adjourn the hearing to a future date, upon such terms as the court deems appropriate.

Note: Source-R.R. (1969) 7:10-2. Adopted October 6, 1997 to be effective February 1, 1998.

### **7:14-3. Court Calendar**

- **(a) Court Calendar.** At each court session, to the extent possible the court shall give priority to attorney matters that are summary in nature. Other cases should be called in the following order, subject to the court's discretion:
  - **(1)** requests for adjournments;
  - **(2)** guilty pleas and first appearances;
  - **(3)** pretrial conferences;
  - **(4)** uncontested motions;
  - **(5)** contested matters with attorneys;
  - **(6)** noncompliance with time payment issues;
  - **(7)** contested matters without attorneys;
  - **(8)** matters to be placed on the record.
- **(b) Scheduling of Cases.** Courts shall stagger the scheduling of cases, where necessary, in order to limit inconvenience to all parties.

Note: Source-R.R. (1969) 7:10-3. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, paragraph (a) amended, former paragraph (b) deleted, and new paragraph (b) adopted July 21, 2011 to be effective September 1, 2011.

### **7:14-4. Financial Control**

- **(a) Fines and Forfeitures.** Moneys received by a court as fines or forfeitures, together with the financial reports covering such funds, shall be forwarded by the court on or before the fifteenth day of each month as follows:
  - **(1)** To the custodian of the funds of the municipality where such moneys were received in the course of enforcing municipal ordinances or local regulations, if assessed and collected by the municipal court or to the custodian of the funds of the municipality in which the violation occurred, if assessed and collected by the Special Civil Part of the Superior Court.
  - **(2)** To the custodian of the funds of the municipality or of the county, or to such state agency or officer, as the case may be, where the money was collected in the course of enforcing state laws and regulations, as provided by law.
- **(b) Receipts and Disbursements.** The court shall keep an accurate account of all fees, costs and moneys received, as well as of any money disbursed and to whom disbursed. Receipts shall be turned over to the appropriate municipal, county or state finance officer, or deposited as soon after receipt as practical, in a bank or banks authorized to do business in this State. No disbursement shall be made except by check drawn on such bank. The court shall issue or cause to be issued and shall obtain a receipt in the form and manner prescribed by the Administrative Director of the Courts in every instance where money is received or disbursed.
- **(c) Electronic Payments of Court Fees and Financial Obligations.** The various municipal, central and joint municipal courts may accept electronic payments for fees, costs, fines, penalties, service charges or other judicially imposed financial obligations pursuant to conditions and administrative procedures established by the Administrative Director of the Courts.
- **(d) Payment of Moneys Due.** No moneys due the court, its employees, or any persons attending upon it, for salaries, fees, costs or other charges shall be deducted from receipts, but shall be paid only on a voucher submitted by the court to the appropriate finance officer.
- **(e) Docket: Fiscal Forms and Procedures: Record-Keeping.** The court shall maintain such separate dockets in such form as the Administrative Director of the Courts prescribes. All fiscal forms, procedures and record-keeping shall conform to the requirements of the Administrative Director of the Courts.

Note: Source-R.R. (1969) 7:10-4. Adopted October 6, 1997 to be effective February 1, 1998.

### 7:14-5. Oath of Municipal Court Judge

Before entering upon the duties of the office, the oath of office of a municipal court judge shall be taken before a judge of the Superior Court. The original shall be filed with the municipal court administrator and a copy of the original filed with the Administrative Director of the Courts.

Note: Source-R.R. (1969) 7:10-5. Adopted October 6, 1997 to be effective February 1, 1998.