

RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY
RULE 7:9. SENTENCE AND JUDGMENT

7:9-1. Sentence

(a) Imposition of Sentence; Bail; Conditions of Release. If the defendant has been convicted of or pleaded guilty to a non-indictable offense, sentence shall be imposed immediately, unless the court postpones sentencing in order to obtain a presentence report or for other good cause. Pending sentence, the court may commit the defendant, or establish, continue, or modify monetary bail, or continue or modify conditions of release as appropriate. Before imposing sentence the court shall afford the defendant and defense counsel an opportunity to make a statement on defendant's behalf and to present any information in mitigation of punishment. Where a sentence has been opened and vacated, the defendant shall be resentenced immediately, except where a new trial is granted.

(b) Statement of Reasons – Criminal Code Cases. In disorderly and petty disorderly cases and indictable fourth degree cases within the jurisdiction of the municipal court, at the time sentence is imposed the court shall state its reasons for imposing the sentence, including its findings respecting the criteria prescribed by N.J.S.A. 2C:44-1 to 2C:44-3 for withholding or imposing imprisonment, fines or restitution and pursuant to N.J.S.A. 2C:51-2 for ordering or denying forfeiture of public office, position, or employment. The court shall also state its factual basis for its finding of particular aggravating or mitigating factors affecting sentence.

(c) Statement of Reasons – Non-Criminal Code Cases. In non-criminal code cases involving a consequence of magnitude, at the time the sentence is imposed the court shall state its reasons for imposing sentence, including the findings for withholding or imposing imprisonment, driver's license suspension, fines, or restitution.

(d) Probation. The court, at the time of sentencing, shall inform a defendant sentenced to probation of the penalties that may be imposed upon revocation of probation for failure to adhere to the conditions of probation.

(e) Probation and Suspended Sentence. After conviction, unless otherwise provided by law, the court may suspend the imposition of a sentence or place the defendant on probation. The order shall require the defendant to comply with standard conditions of probation adopted by the court and filed with the municipal court administrator, as well as such special conditions, including a term of imprisonment pursuant to N.J.S.A. 2C:45-1(c), as the court imposes. As a condition of probation the court may also impose a term of community-related service to be performed by the defendant under such terms and conditions as the court may determine. A copy of the order, together with the standard and special conditions, shall be furnished to the defendant and read and explained to the defendant by the probation officer. The defendant and the probation officer shall sign a joint statement, to be filed with the municipal court administrator, as to the officer's compliance with the reading and

explanation requirements of this rule. If the defendant refuses to sign the statement, the defendant shall be resentenced. At any time before termination of the period of suspension or probation, the court may revoke a suspension or probation pursuant to N.J.S.A. 2C:45-3.

Note: Source-Paragraph (a): R. (1969) 7:4-6(a); paragraph (b): R. (1969) 7:4-6(c); paragraph (c): R. (1969) 3:21-4(c); paragraph (d): R. (1969) 7:4-6(e) and R. (1969) 3:21-7. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (b) caption and text amended, new paragraph (c) adopted, former paragraphs (c) and (d) redesignated as paragraphs (d) and (e) July 21, 2011 to be effective September 1, 2011; paragraph (a) caption and text amended August 30, 2016 to be effective January 1, 2017.

7:9-2. Judgment

(a) Generally. A judgment of conviction shall set forth the complaint, the plea, the findings, the adjudication and the sentence. It shall cite with specificity the statute or ordinance section to which the conviction relates or a short description of the statute or ordinance, the names and addresses of the witnesses sworn, and a list of exhibits produced at the trial. If the defendant is found not guilty or for any other reason is entitled to be discharged, a judgment shall be entered accordingly. The judgment shall be signed by the court and entered by the municipal court administrator. If at the time of hearing, judgment was reserved, the court upon the entry of judgment of acquittal shall immediately mail a copy of the judgment to the defendant by ordinary mail; if convicted, however, the defendant shall be notified to appear in court for entry of judgment and sentencing.

(b) Conviction of a Corporation. If a corporation is convicted of an offense, the court shall give judgment on the conviction and shall cause the judgment to be enforced in the same manner as a judgment in a civil action.

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

7:9-3. Credit for Confinement Pending Sentence

The defendant shall receive credit on the term of custodial sentence for any time served in custody, either in jail or in a state hospital, between the arrest and the imposition of a sentence.

Note: Source-R. (1969) 7:4-6(f), 3:21-8. Adopted October 6, 1997 to be effective February 1, 1998.

7:9-4. Reduction or Change of Sentence

(a) Time. The court, in its discretion, may reduce or change a sentence, either on its own motion or on the motion of defendant, which may be either oral or written, at any time during which the court retains jurisdiction over the matter.

(b) Procedure. All changes of sentence shall be made in open court upon notice to the defendant and the prosecuting attorney. An appropriate order setting forth the revised sentence and specifying the change made and the reasons for the change shall be entered on the record.

Note: Source-R. (1969) 7:4-6(g), 3:21-10(a),(c). Adopted October 6, 1997 to be effective February 1, 1998.