

[Second Reprint]

SENATE, No. 781

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 5, 2004

Sponsored by:

Senator FRED MADDEN

District 4 (Camden and Gloucester)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Assemblywoman JOAN VOSS

District 38 (Bergen)

Assemblyman DAVID R. MAYER

District 4 (Camden and Gloucester)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblywoman Pou, Assemblymen Vas, Bramnick, Assemblywoman Greenstein, Assemblyman Conaway and Senator Allen

SYNOPSIS

Imposes additional penalties on sex offenders; creates the "Sex Crime Victim Treatment Fund" to provide counseling and treatment to sex crime victims and their families.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on December 2, 2004, with amendments.

(Sponsorship Updated As Of: 3/15/2005)

1 AN ACT concerning sex crime victim treatment services, amending
2 N.J.S.2C:46-1, N.J.S.2C:46-2, P.L.1979, c.396, and P.L.1991, c.
3 329 and supplementing Title 2C of the New Jersey Statutes and
4 Title 52 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) a. In addition to any fine, fee, assessment or
10 penalty authorized under the provisions of Title 2C of the New Jersey
11 Statutes, a person convicted of ¹[aggravated sexual assault, sexual
12 assault, aggravated criminal sexual contact, criminal sexual contact,
13 kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a
14 child pursuant to N.J.S.2C:24-4, luring and enticing pursuant to
15 section 1 of P.L.1993, c.291 (C.2C:13-6), or an attempt to commit
16 any such crime] a sex offense, as defined in section 2 of P.L.1994,
17 c.133 (C.2C:7-2),¹ shall be assessed a penalty for each such offense
18 not to exceed:

19 ²[a.] (1)² \$2,000, when the conviction is a crime of the first
20 degree;

21 ²[b.] (2)² \$1,000, when the conviction is a crime of the second
22 degree;

23 ²[c.] (3)² \$750, when the conviction is a crime of the third degree;
24 and

25 ²[d.] (4)² \$500, when the conviction is a crime of the fourth
26 degree.

27 b. All penalties provided for in this section shall be collected as
28 provided for collection of fines and restitutions in section 3 of
29 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
30 Department of the Treasury as provided in subsection c. of this
31 section.

32 c. All moneys collected pursuant to this section shall be forwarded
33 to the Department of the Treasury to be deposited in the "Sex Crime
34 Victim Treatment Fund" established in the State Treasury by section
35 2 of P.L. c. (C.) (now pending before the Legislature as section
36 2 of this bill).

37

38 2. (New section) a. The "Sex Crime Victim Treatment Fund" shall
39 be a separate, nonlapsing, revolving fund and shall be administered by
40 the ¹[Division of Criminal Justice, Department of Law and Public

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted June 17, 2004.

² Assembly ALP committee amendments adopted December 2, 2004.

1 Safety] Victims of Crime Compensation Board established pursuant
2 to section 3 of P.L.1971, c.317 (C.52:4B-3),¹ and all moneys
3 deposited in that fund pursuant to this act shall be used for the
4 provision of counseling and treatment services to victims of specified
5 ¹[sexual] sex¹ offenses as set forth in section 1 of P.L. c. (C.) (now
6 pending before the Legislature as section 1 of this bill) and the families
7 of these victims.

8 b. The development and provision of counseling and treatment
9 services to victims and their families shall be pursuant to rules and
10 regulations promulgated by the ¹[Director of the Division of Criminal
11 Justice. The Director of the Division of Criminal Justice] ²[Chairman
12 of the]² Victims of Crime Compensation Board. The ²[chairman¹
13 board² shall coordinate these counseling and treatment services with
14 other services offered by the State Office of Victim and Witness
15 Advocacy, the 21 county offices of Victim and Witness Advocacy and
16 as otherwise deemed appropriate for the implementation of the
17 Attorney General Standards to Ensure the Rights of Crime Victims.

18

19 3. N.J.S. 2C:46-1 is amended to read as follows:

20 2C:46-1. Time and Method of Payment; Disposition of Funds.

21 a. When a defendant is sentenced to pay an assessment pursuant to
22 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed
23 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
24 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1
25 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
26 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
27 pursuant to section 1 of P.L. c. (C.) (now pending before the
28 Legislature as section 1 of this bill) or to make restitution, the court
29 may grant permission for the payment to be made within a specified
30 period of time or in specified installments. If no such permission is
31 embodied in the sentence, the assessment, fine, penalty, fee or
32 restitution shall be payable forthwith, and the court shall file a copy of
33 the judgment of conviction with the Clerk of the Superior Court who
34 shall enter the following information upon the record of docketed
35 judgments:

36 (1) the name of the convicted person as judgment debtor;

37 (2) the amount of the assessment imposed pursuant to section 2 of
38 P.L.1979, c.396 (C.2C:43-3.1) and the Violent Crimes Compensation
39 Board as a judgment creditor in that amount;

40 (3) the amount of any restitution ordered and the name of any
41 persons entitled to receive payment as judgment creditors in the
42 amount and according to the priority set by the court;

43 (4) the amount of any fine and the governmental entity entitled to
44 receive payment pursuant to [N.J.S.2C:46-4] ²[; Section] section² 3
45 of P.L.1979, c.396 (C.2C:46-4) ²;²

46 (5) the amount of the mandatory Drug Enforcement and Demand

- 1 Reduction penalty imposed;
- 2 (6) the amount of the forensic laboratory fee imposed;
- 3 (7) the amount of the penalty imposed pursuant to section 1 of
- 4 P.L.1999, c.295 (C.2C:43-3.5);
- 5 (8) the date of the order; [and]
- 6 (9) the amount of the penalty imposed pursuant to section 11 of
- 7 P.L.2001, c.81 (C.2C:43-3.6) ²; ² and ²[:]²
- 8 (10) the amount of the penalty imposed pursuant to section 1 of
- 9 P.L. c. (C.) (now pending before the Legislature as section 1 of this
- 10 bill).
- 11 b. (1) When a defendant sentenced to pay an assessment imposed
- 12 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
- 13 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
- 14 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to
- 15 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
- 16 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty
- 17 imposed pursuant to section 1 of P.L. c. (C.) (now pending before
- 18 the Legislature as section 1 of this bill) or to make restitution is also
- 19 sentenced to probation, the court shall make continuing payment of
- 20 installments on the assessment and restitution a condition of probation,
- 21 and may make continuing payment of installments on the fine, the
- 22 mandatory Drug Enforcement and Demand Reduction penalty, the
- 23 mandatory penalty pursuant to section 1 of P.L.1999, c.295
- 24 (C.2C:43-3.5), the penalty pursuant to section 11 of P.L.2001, c.81
- 25 (C.2C:43-3.6), the mandatory penalty pursuant to section 1 of P.L.
- 26 c. (C.) (now pending before the Legislature as section 1 of this bill)
- 27 or the forensic laboratory fee a condition of probation.
- 28 (2) When a defendant sentenced to pay an assessment imposed
- 29 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a
- 30 penalty imposed pursuant to N.J.S.2C:35-15, a forensic laboratory fee
- 31 imposed pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to
- 32 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
- 33 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty
- 34 imposed pursuant to section 1 of P.L. c. (C.) (now pending before
- 35 the Legislature as section 1 of this bill) or to make restitution is also
- 36 sentenced to a custodial term in a State correctional facility, the court
- 37 may require the defendant to pay installments on the assessment,
- 38 penalty, fee, fine and restitution.
- 39 c. The defendant shall pay an assessment imposed pursuant to
- 40 section 2 of P.L.1979, c.396 (C.2C:43-3.1), restitution, penalty, fee or
- 41 fine or any installment thereof to the officer entitled by law to collect
- 42 the payment. In the event of default in payment, such agency shall
- 43 take appropriate action for its collection.
- 44 d. (1) When, in connection with a sentence of probation, a
- 45 defendant is sentenced to pay an assessment imposed pursuant to
- 46 section 2 of P.L.1979, c.396 (C.2C:43-3.1), a fine, a penalty imposed

1 pursuant to N.J.S.2C:35-15, a forensic laboratory fee imposed
2 pursuant to N.J.S.2C:35-20, a penalty imposed pursuant to section 1
3 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
4 section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed
5 pursuant to section 1 of P.L. c. (C.) (now pending before the
6 Legislature as section 1 of this bill) or to make restitution, the
7 defendant, in addition, shall be sentenced to pay a transaction fee on
8 each occasion that the defendant makes a payment or an installment
9 payment, until the defendant has paid the full amount he is sentenced
10 to pay. All other individuals making payments on court ordered
11 financial obligations through the probation division shall also pay a
12 transaction fee on each payment or installment payment. The
13 Administrative Office of the Courts shall promulgate a transaction fee
14 schedule for use in connection with installment payments made
15 pursuant to this paragraph; provided, however, the transaction fee on
16 an installment payment shall not exceed \$2.00.

17 (2) When, in connection with a custodial sentence in a State
18 correctional institution, a defendant is sentenced to pay an assessment
19 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
20 fine, a penalty imposed pursuant to N.J.S.2C:35-15, a forensic
21 laboratory fee imposed pursuant to N.J.S.2C:35-20, a penalty imposed
22 pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty
23 imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a
24 penalty imposed pursuant to section 1 of P.L. c. (C.) (now pending
25 before the Legislature as section 1 of this bill) or to make restitution,
26 the defendant, in addition, shall be sentenced to pay a transaction fee
27 on each occasion that the defendant makes a payment or an installment
28 payment until the defendant has paid the full amount he is sentenced
29 to pay. The Department of Corrections shall promulgate a transaction
30 fee schedule for use in connection with installment payments made
31 pursuant to this paragraph; provided, however, the transaction fee on
32 an installment payment shall not exceed \$1.00.

33 (cf: P.L.2001, c.81, s.13)

34

35 4. N.J.S. 2C:46-2 is amended to read as follows:

36 2C:46-2. Consequences of Nonpayment; Summary Collection. a.
37 When a defendant sentenced to pay an assessment imposed pursuant
38 to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed
39 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), a penalty
40 imposed pursuant to section 1 of P.L. c ²[.] ² (C.) (now
41 pending before the Legislature as section 1 of this bill), monthly
42 probation fee, fine, a penalty imposed pursuant to section 1 of
43 P.L.1999, c.295 (C.2C:43-3.5), other court imposed financial penalties
44 or to make restitution defaults in the payment thereof or of any
45 installment, upon the motion of the person authorized by law to collect
46 the payment, the motion of the prosecutor, the motion of the victim

1 entitled to payment of restitution, the motion of the Violent Crimes
2 Compensation Board, the motion of the State or county Office of
3 Victim and Witness Advocacy or upon its own motion, the court shall
4 recall him, or issue a summons or a warrant of arrest for his
5 appearance. The court shall afford the person notice and an
6 opportunity to be heard on the issue of default. Failure to make any
7 payment when due shall be considered a default. The standard of
8 proof shall be by a preponderance of the evidence, and the burden of
9 establishing good cause for a default shall be on the person who has
10 defaulted.

11 (1) If the court finds that the person has defaulted without good
12 cause, the court shall:

13 (a) Order the suspension of the driver's license or the nonresident
14 reciprocity driving privilege of the person; and

15 (b) Prohibit the person from obtaining a driver's license or
16 exercising reciprocity driving privileges until the person has made all
17 past due payments; and

18 (c) Notify the Director of the Division of Motor Vehicles of the
19 action taken; and

20 (d) Take such other actions as may be authorized by law.

21 (2) If the court finds that the person defaulted on payment of a
22 court imposed financial obligation without good cause and finds that
23 the default was willful, the court may, in addition to the action
24 required by paragraph (1) of this subsection a., impose a term of
25 imprisonment or participation in a labor assistance program or
26 enforced community service to achieve the objective of the court
27 imposed financial obligation. These options shall not reduce the
28 amount owed by the person in default. The term of imprisonment or
29 enforced community service or participation in a labor assistance
30 program in such case shall be specified in the order of commitment. It
31 need not be equated with any particular dollar amount but, in the case
32 of a fine it shall not exceed one day for each \$20.00 of the fine nor 40
33 days if the fine was imposed upon conviction of a disorderly persons
34 offense nor 25 days for a petty disorderly persons offense nor one year
35 in any other case, whichever is the shorter period. In no case shall the
36 total period of imprisonment in the case of a disorderly persons
37 offense for both the sentence of imprisonment and for failure to pay a
38 fine exceed six months.

39 (3) Except where incarceration is ordered pursuant to paragraph (2)
40 of this subsection a., if the court finds that the person has defaulted the
41 court shall take appropriate action to modify or establish a reasonable
42 schedule for payment, and, in the case of a fine, if the court finds that
43 the circumstances that warranted the fine have changed or that it
44 would be unjust to require payment, the court may revoke or suspend
45 the fine or the unpaid portion of the fine.

46 (4) When failure to pay an assessment imposed pursuant to section

1 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly probation fee,
2 restitution, a penalty imposed pursuant to section 1 of P.L.1999, c.295
3 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of P.L.2001,
4 c.81 (C.2C:43-3.6), a penalty imposed pursuant to section 1 of
5 P.L. c 2[.] 2 (C.) (now pending before the Legislature as section
6 1 of this bill), or other financial penalties or to perform enforced
7 community service or to participate in a labor assistance program is
8 determined to be willful, the failure to do so shall be considered to be
9 contumacious.

10 (5) When a fine, assessment imposed pursuant to section 2 of
11 P.L.1979, c.396 (C.2C:43-3.1), other financial penalty or restitution
12 is imposed on a corporation, it is the duty of the person or persons
13 authorized to make disbursements from the assets of the corporation
14 or association to pay it from such assets and their failure so to do may
15 be held to be contumacious.

16 b. Upon any default in the payment of a fine, assessment imposed
17 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), monthly
18 probation fee, a penalty imposed pursuant to section 1 of P.L.1999,
19 c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 11 of
20 P.L.2001, c.81 (C.2C:43-3.6), a penalty imposed pursuant to section
21 1 of P.L. c 2[.] 2 (C.) (now pending before the Legislature as
22 section 1 of this bill), other financial penalties, restitution, or any
23 installment thereof, execution may be levied and such other measures
24 may be taken for collection of it or the unpaid balance thereof as are
25 authorized for the collection of an unpaid civil judgment entered
26 against the defendant in an action on a debt.

27 c. Upon any default in the payment of restitution or any installment
28 thereof, the victim entitled to the payment may institute summary
29 collection proceedings authorized by subsection b. of this section.

30 d. Upon any default in the payment of an assessment imposed
31 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or any
32 installment thereof, the Violent Crimes Compensation Board or the
33 party responsible for collection may institute summary collection
34 proceedings authorized by subsection b. of this section.

35 e. When a defendant sentenced to make restitution to a public
36 entity other than the Violent Crimes Compensation Board, defaults in
37 the payment thereof or any installment, the court may, in lieu of other
38 modification of the sentence, order the defendant to perform work in
39 a labor assistance program or enforced community service program.

40 f. If a defendant ordered to participate in a labor assistance
41 program or enforced community service program fails to report for
42 work or to perform the assigned work, the comprehensive enforcement
43 hearing officer may revoke the work order and impose any sentence
44 permitted as a consequence of the original conviction.

45 g. If a defendant ordered to participate in a labor assistance
46 program or an enforced community service program pays all

1 outstanding assessments, the comprehensive enforcement hearing
2 officer may review the work order, and modify the same to reflect the
3 objective of the sentence.

4 h. As used in this section:

5 (1) "Comprehensive enforcement program" means the program
6 established pursuant to the "Comprehensive Enforcement Program
7 Fund Act," P.L.1995, c.9 (C.2B:19-1 et seq.).

8 (2) The terms "labor assistance program" and "enforced community
9 service" have the same meaning as those terms are defined in section
10 5 of the "Comprehensive Enforcement Program Fund Act," P.L.1995,
11 c.9 (C.2B:19-5).

12 (3) "Public entity" means the State, any county, municipality,
13 district, public authority, public agency and any other political
14 subdivision or public body in the State.

15 (cf: P.L.2001, c.81, s.14)

16

17 5. Section 3 of P.L.1979, c. 396 (C. 2C:46-4) is amended to read
18 as follows:

19 3. a. All fines, assessments imposed pursuant to section 2 of
20 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
21 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
22 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
23 imposed pursuant to section 1 of P.L. c 2[.] .2 (C.) (now
24 pending before the Legislature as section 1 of this bill) and restitution
25 shall be collected as follows:

26 (1) All fines, assessments imposed pursuant to section 2 of
27 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
28 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
29 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
30 imposed pursuant to section 1 of P.L. c 2[.] .2 (C.) (now
31 pending before the Legislature as section 1 of this bill) and restitution
32 imposed by the Superior Court or otherwise imposed at the county
33 level, shall be collected by the county probation division except when
34 such fine, assessment or restitution is imposed in conjunction with a
35 custodial sentence to a State correctional facility or in conjunction
36 with a term of incarceration imposed pursuant to section 25 of
37 P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment or
38 restitution shall be collected by the Department of Corrections or the
39 Juvenile Justice Commission established pursuant to section 2 of
40 P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
41 correctional institution or a juvenile serving a term of incarceration
42 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who
43 has not paid an assessment imposed pursuant to section 2 of P.L.1979,
44 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of
45 P.L.1999, c.295 (C.2C:43-3.5) a penalty imposed pursuant to section
46 1 of P.L. c 2[.] .2 (C.) (now pending before the Legislature as

1 section 1 of this bill) or restitution shall have the assessment, penalty,
2 fine or restitution deducted from any income the inmate receives as a
3 result of labor performed at the institution or on any type of work
4 release program or, pursuant to regulations promulgated by the
5 Commissioner of the Department of Corrections or the Juvenile Justice
6 Commission, from any personal account established in the institution
7 for the benefit of the inmate.

8 (2) All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by
11 a municipal court shall be collected by the municipal court
12 administrator except if such fine, assessments imposed pursuant to
13 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
14 as a condition of probation in which event it shall be collected by the
15 county probation division.

16 b. Except as provided in subsection c. with respect to fines
17 imposed on appeals following convictions in municipal courts and
18 except as provided in subsection i. with respect to restitution imposed
19 under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines
20 imposed by the Superior Court or otherwise imposed at the county
21 level, shall be paid over by the officer entitled to collect same to:

22 (1) The county treasurer with respect to fines imposed on
23 defendants who are sentenced to and serve a custodial term, including
24 a term as a condition of probation, in the county jail, workhouse or
25 penitentiary except where such county sentence is served concurrently
26 with a sentence to a State institution; or

27 (2) The State Treasurer with respect to all other fines.

28 c. All fines imposed by municipal courts, except a central municipal
29 court established pursuant to N.J.S.2B:12-1 on defendants convicted
30 of crimes, disorderly persons offenses and petty disorderly persons
31 offenses, and all fines imposed following conviction on appeal
32 therefrom, and all forfeitures of bail shall be paid over by the officer
33 entitled to collect same to the treasury of the municipality wherein the
34 municipal court is located.

35 In the case of an intermunicipal court, fines shall be paid into the
36 municipal treasury of the municipality in which the offense was
37 committed, and costs, fees, and forfeitures of bail shall be apportioned
38 among the several municipalities to which the court's jurisdiction
39 extends according to the ratios of the municipalities' contributions to
40 the total expense of maintaining the court.

41 In the case of a central municipal court, established by a county
42 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail
43 shall be paid into the county treasury of the county where the central
44 municipal court is located.

45 d. All assessments imposed pursuant to section 2 of P.L.1979,
46 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in

1 that section.

2 e. All mandatory Drug Enforcement and Demand Reduction
3 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and
4 deposited as provided for in that section.

5 f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20
6 shall be forwarded and deposited as provided for in that section.

7 g. All restitution ordered to be paid to the Victims of Crime
8 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to
9 the board for deposit in the Victims of Crime Compensation Board
10 Account.

11 h. All assessments imposed pursuant to section 11 of P.L.1993,
12 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in
13 that section.

14 i. All restitution imposed on defendants under the provisions of
15 P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
16 enforcement entity in extraditing the defendant from another
17 jurisdiction shall be paid over by the officer entitled to collect same to
18 the law enforcement entities which participated in the extradition of
19 the defendant.

20 j. All penalties imposed pursuant to section 1 of P.L.1999, c.295
21 (C.2C:43-3.5) shall be forwarded and deposited as provided in that
22 section.

23 k. All penalties imposed pursuant to section 11 of P.L.2001, c.81
24 (C.2C:43-3.6) shall be forwarded and deposited as provided in that
25 section.

26 l. All mandatory penalties imposed pursuant to section 1 of
27 P.L. c. (C.) (now pending before the Legislature as section 1 of
28 this bill) shall be forwarded and deposited as provided in that section.
29 (cf: P.L.2001, c.81, s.15)

30

31 6. Section 13 of P.L.1991, c. 329 (C. 2C:46-4.1) is amended to
32 read as follows:

33 13. Moneys that are collected in satisfaction of any assessment
34 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
35 in satisfaction of restitution or fines imposed in accordance with the
36 provisions of Title 2C of the New Jersey Statutes or with the
37 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
38 applied in the following order:

39 a. first, in satisfaction of all assessments imposed pursuant to
40 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

41 b. second, except as provided in subsection f. of this section, in
42 satisfaction of any restitution ordered;

43 c. third, in satisfaction of all assessments imposed pursuant to
44 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

45 d. fourth, in satisfaction of any forensic laboratory fee assessed
46 pursuant to N.J.S.2C:35-20;

- 1 e. fifth, in satisfaction of any mandatory Drug Enforcement and
2 Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;
3 f. sixth, in satisfaction of any anti-drug profiteering penalty
4 imposed pursuant to [section 2 of P.L.1997, c.187 (N.J.S.2C:35A-1
5 et seq.)] N.J.S.2C:35A-1 et seq.;
6 g. seventh, in satisfaction of any anti-money laundering profiteering
7 penalty imposed pursuant to section 9 of P.L.1999, c.25;
8 h. eighth, in satisfaction of restitution for any extradition costs
9 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
10 i. ninth, in satisfaction of any penalty imposed pursuant to section
11 1 of P.L.1999, c.295 (C.2C:43-3.5);
12 j. tenth, in satisfaction of any penalty imposed pursuant to section
13 11 of P.L.2001, c.81 (C.2C:43-3.6); [and]
14 k. eleventh, in satisfaction of the mandatory penalty imposed
15 pursuant to section 1 of P.L. c. (C.) (now pending before the
16 Legislature as section 1 of this bill); and
17 l. twelfth, in satisfaction of any fine.
18 (cf: P.L.2001, c.81, s.16)
19
20 7. This act shall take effect immediately.