

GENERAL PENALTY

39A:44-GP1. Penalty provisions

a. Offenses defined by this code are classified, for the purpose of establishing penalty, into five degrees.

(1) Class A offenses. Offenses in this class shall carry a fine not less than \$1,000 and not more than \$10,000. In addition to the fine, a person may be imprisoned for up to 30 days, or required to perform a community service for up to 90 days, or both.

(2) Class B offenses. Offenses in this class shall carry a fine not less than \$500 and not more than \$1,000. In addition to the fine, a person may be imprisoned for up to 20 days, or required to perform a community service for up to 60 days, or both.

(3) Class C offenses. Offenses in this class shall carry a fine not less than \$100 and not more than \$500. In addition to the fine, a person may be imprisoned for up to 10 days, or required to perform a community service for up to 30 days, or both.

(4) Class D offenses. Offenses in this class shall carry a fine not less than \$50 and not more than \$100. A person shall not be imprisoned or required to perform a community service for violation of a section carrying a class D penalty.

(5) Class E offenses. Offenses in this class shall carry a fine up to \$50. A person shall not be imprisoned or required to perform a community service for violation of a section carrying a class E penalty.

b. Violation of <chapter 4> for which no classification is provided, is a class E offense.

c. Violation of 39:4-80 et seq., 39:4-1-5 et seq., 39:4-123 et seq., and 39:4-140 et seq., for which no classification is provided, is a class C offense.

d. A juvenile under 17 violating any section of Title 39 pertaining to pedestrians and bicycles may be guilty of a class E offense or given a warning by a police officer. No points shall be assessed pursuant to 39:5-30.5 for these violations. A juvenile convicted of a violation of Title 39 pertaining to pedestrians or bicycles may petition the sentencing court for reduction of the sentence in accordance with this subsection. The court shall sentence pursuant to the provisions of this subsection unless, for good cause shown, it determines that the original sentence was proper under the circumstances.

Source: 39:4-203; 39:4-203.3; 39:4-203.4.

COMMENT

Subsection (a) is new. It explains the new classification system for penalties included in the revised Title 39 and specifies the penalties for each class of offenses. Subsections (b), (c), and (d) contain the substance of the original sections, but combine them and classify them according to the new classification system.

In subsection (b) as in other places in the draft, new terminology needs to be incorporated since the old “chapter” is no longer clearly appropriate.

Subsection (d) needs to be reworked and it will be modified as appropriate.

39A:GP-2. Indigency

a. A defendant convicted of a traffic offense or a parking offense, shall, upon a satisfactory showing of a condition of indigency or participation in a government-based income maintenance program, be permitted by the fine in installments. The court shall set the amount and frequency of each installment, except that the final installment shall be due no later than 12 months from the date of conviction.

b. If the defendant fails to comply with any of the terms of an installment order, the court may, in addition to any other penalties it may impose, order the suspension of the defendant's driver's license and notify the Director of the Division of Motor Vehicles of the action.

Source: 39:4-203.1; 39:4-203.2.

COMMENT

This section contains the substance of the original sections, but combines them.