

# Criminal Law

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Fines for Criminal Charges in New Jersey

Kenneth Vercammen's Law office represents individuals charged with criminal and serious traffic violations throughout New Jersey. The following are potential fines if found guilty in New Jersey

2C:43-3. Fines and Restitutions. A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:

- a. (1) \$200,000.00 when the conviction is of a crime of the first degree;
- (2) \$150,000.00 when the conviction is of a crime of the second degree;
- b. (1) \$15,000.00 when the conviction is of a crime of the third degree;
- (2) \$10,000.00 when the conviction is of a crime of the fourth degree;

c. \$1,000.00, when the conviction is of a disorderly persons offense;

d. \$500.00, when the conviction is of a petty disorderly persons offense;

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the term "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim or the amount of any payment owed to the victim and avoided or evaded and includes any reasonable and necessary expense incurred by the owner in recovering or replacing lost, stolen or damaged property, or recovering any payment avoided or evaded, and, with respect to property of a research facility, includes the cost of repeating an interrupted or invalidated experiment or loss of profits. The term "victim" shall mean a person who suffers a personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or in the case of a homicide, the nearest relative of the victim. The terms "gain" and "loss" shall also mean, where appropriate, the amount of any tax, fee, penalty and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of;

f. Any higher amount specifically authorized by another section of this code or any other statute;

g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code;

h. In the case of violations of chapter 35, any higher amount equal to three times the street value

of the controlled dangerous substance or controlled substance analog. The street value for purposes of this section shall be determined pursuant to subsection e. of N.J.S. 2C:44-2.

The restitution ordered paid to the victim shall not exceed the victim's loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

Amended 1979, c.178, s.83; 1981, c.290, s.37; 1987, c.76, s.34; 1987, c.106, s.10; 1991, c.329, s.2; 1995, c.20, s.6; 1995, c.417, s.2; 1997, c.181, s.12.

2C:43-3.1. Victim, witness, criminal disposition, and collection funds 2. a. (1) In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of a crime of violence, theft of an automobile pursuant to N.J.S. 2C:20-2, eluding a law enforcement officer pursuant to subsection b. of N.J.S. 2C:29-2 or unlawful taking of a motor vehicle pursuant to subsection b., c. or d. of N.J.S. 2C:20-10 shall be assessed at least \$100.00, but not to exceed \$10,000.00 for each such crime for which he was convicted which resulted in the injury or death of another person. In imposing this assessment, the court shall consider factors such as the severity of the crime, the defendant's criminal record, defendant's ability to pay and the economic impact of the assessment on the defendant's dependents.

(2) (a) In addition to any other disposition made pursuant to the provisions of N.J.S. 2C:43-2 or any other statute imposing sentences for crimes, any person convicted of any disorderly persons offense, any petty disorderly persons offense, or any crime not resulting in the injury or death of any other person shall be assessed \$50.00 for each such offense or crime for which he was

convicted.

(b) In addition to any other disposition made pursuant to the provisions of section 24 of P.L. 1982, c.77 (C. 2A: 4A-43) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent, according to the definition of "delinquency" established in section 4 of P.L. 1982, c.77 (C. 2A: 4A-23), shall be assessed at least \$30.00 for each such adjudication, but not to exceed the amount which could be assessed pursuant to paragraph (1) or paragraph (2) (a) of subsection a. of this section if the offense was committed by an adult.

(c) In addition to any other assessment imposed pursuant to the provisions of R.S. 39:4-50, the provisions of section 12 of P.L. 1990, c.103 (C.39:3-10.20) relating to a violation of section 5 of P.L. 1990, c.103 (C.39:3-10.13), the provisions of section 19 of P.L. 1954, c.236 (C.12:7-34.19) or the provisions of section 3 of P.L. 1952, c.157 (C.12:7-46), any person convicted of operating a motor vehicle, commercial motor vehicle or vessel while under the influence of liquor or drugs shall be assessed \$50.00.

(d) In addition to any term or condition that may be included in an agreement for supervisory treatment pursuant to N.J.S. 2C:43-13 or imposed as a term or condition of conditional discharge pursuant to N.J.S. 2C: 36A-1, a participant in either program shall be required to pay an assessment of \$50.00.

(3) All assessments provided for in this section shall be collected as provided in section 3 of P.L. 1979, c.396 (C. 2C:46-4) and the court shall so order at the time of sentencing. When a defendant who is sentenced to incarceration in a State correctional facility has not, at the time of sentencing, paid an assessment for the crime for which he is being sentenced or an assessment imposed for a previous crime, the court shall specifically order the Department of Corrections to collect the assessment during the period of incarceration and to deduct the assessment from any

income the inmate receives as a result of labor performed at the institution or on any work release program or from any personal account established in the institution for the benefit of the inmate. All moneys collected, whether in part or in full payment of any assessment imposed pursuant to this section, shall be forwarded monthly by the parties responsible for collection, together with a monthly accounting on forms prescribed by the Victims of Crime Compensation Board pursuant to section 19 of P.L. 1991, c.329 (C. 52:4B-8.1), to the Victims of Crime Compensation Board.

(4) The Victims of Crime Compensation Board shall forward monthly all moneys received from assessments collected pursuant to this section to the State Treasury for deposit as follows:

(a) Of moneys collected on assessments imposed pursuant to paragraph a. (1):

(i) the first \$72.00 collected for deposit in the Victims of Crime Compensation Board Account,

(ii) the next \$3.00 collected for deposit in the Criminal Disposition and Revenue Collection Fund,

(iii) the next \$25.00 collected for deposit in the Victim Witness Advocacy Fund, and

(iv) moneys collected in excess of \$100.00 for deposit in the Victims of Crime Compensation Board Account;

(b) Of moneys collected on assessments imposed pursuant to paragraph a. (2) (a), (c) or (d):

(i) the first \$39.00 collected for deposit in the Victims of Crime Compensation Board Account,

(ii) the next \$3.00 collected for deposit in the Criminal Disposition and Revenue Collection Fund, and

(iii) the next \$8.00 collected for deposit in the Victim and Witness Advocacy Fund;

(c) Of moneys collected on assessments imposed pursuant to paragraph a. (2) (b):

(i) the first \$17.00 for deposit in the Victims of Crime Compensation Board Account, and

(ii) the next \$3.00 collected for deposit in the Criminal Disposition and Revenue Collection Fund, and

(iii) the next \$10.00 for deposit in the Victim and Witness Advocacy Fund, and

(iv) moneys collected in excess of \$30.00 for deposit in the Victims of Crime Compensation Board Account.

(5) The Victims of Crime Compensation Board shall provide the Attorney General with a monthly accounting of moneys received, deposited and identified as receivable, on forms prescribed pursuant to section 19 of P.L. 1991, c.329 (C. 52:4B-8.1).

(6) (a) The Victims of Crime Compensation Board Account shall be a separate, non lapsing, revolving account that shall be administered by the Victims of Crime Compensation Board. All moneys deposited in that Account shall be used in satisfying claims pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P.L. 1971, c.317 (C. 52:4B-1 et seq.) and for related administrative costs.

(b) The Criminal Disposition and Revenue Collection Fund shall be a separate, non lapsing, revolving account that shall be administered by the Victims of Crime Compensation Board. All moneys deposited in that Fund shall be used as provided in section 19 of P.L. 1991, c.329 (C. 52:4B-8.1).

(c) The Victim and Witness Advocacy Fund shall be a separate, non lapsing, revolving fund and

shall be administered by the Division of Criminal Justice, Department of Law and Public Safety and all moneys deposited in that Fund pursuant to this section shall be used for the benefit of victims and witnesses of crime as provided in section 20 of P.L. 1991, c.329 (C. 52:4B-43.1) and for related administrative costs.

b. (Deleted by amendment, P.L. 1991, c.329).

c. (Deleted by amendment, P.L. 1991, c.329).

d. (Deleted by amendment, P.L. 1991, c.329).

L.1979, c.396, s.2; amended 1982, c.164, s.1; 1985, c.251, s.1; 1985,c.406; 1987, c.106, s.11; 1990, c.64, s.1; 1991, c.329, s.3; 1995, c.135, s.1.

2C:43-3.2. Assessments for Safe Neighborhoods Services 11. a. (1) In addition to any other fine, fee or assessment imposed, any person convicted of a crime, disorderly or petty disorderly persons offense or violation of R.S. 39:4-50 shall be assessed \$75 for each conviction.

(2) In addition to any term or condition that may be included in an agreement for supervisory treatment pursuant to N.J.S. 2C:43-13 or imposed as a term or condition of conditional discharge pursuant to section 3 of P.L. 1987, c.106 (C. 2C: 36A-1), a participant in either program shall be required to pay an assessment of \$75.

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

c. All money collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited into the Safe Neighborhoods Services Fund created by section 5 of this

act.

L.1993, c.220, s.11.

2C:43-3.3. Additional penalties for persons convicted of crime deposited in "Law Enforcement Officers Training and Equipment Fund" 9. a. In addition to any disposition made pursuant to the provisions of Title 2C of the New Jersey Statutes, any person convicted of a crime shall be assessed a penalty of \$30.

b. In addition to any other disposition made pursuant to the provisions of section 24 of P.L. 1982, c.77 (C. 2A:4A-43) or any other statute indicating the dispositions that may be ordered for adjudications of delinquency, a juvenile adjudicated delinquent for an offense which if committed by an adult would be a crime shall be assessed a penalty of \$15.

c. The penalties assessed under subsections a. and b. of this section shall be collected as provided for the collection of fines and restitution in section 3 of P.L. 1979, c.396 (C. 2C:46-4) and forwarded to the State Treasury for deposit in a separate account to be known as the "Law Enforcement Officers Training and Equipment Fund." The penalty assessed in this section shall be collected only after a penalty assessed in section 2 of P.L. 1979, c.396 (C. 2C:43-3.1) and any restitution ordered is collected.

The fund shall be used to support the development and provision of basic and in-service training courses for law enforcement officers by police training schools approved pursuant to P.L. 1961, c.56 (C. 52:17B-66 et seq.). In addition, the fund shall also be used to enable police training schools to purchase equipment needed for the training of law enforcement officers. Distributions from the fund shall only be made directly to such approved schools.

d. The Police Training Commission in the Department of Law and Public Safety shall be



responsible for the administration and distribution of the fund pursuant to its authority under section 6 of P.L. 1961, c.56 (C. 52:17B-71).

e. An adult prisoner of a State correctional institution who does not pay the penalty imposed pursuant to this section shall have the penalty deducted from any income the inmate receives as a result of labor performed at the institution or any type of work release program. If any person, including an inmate, fails to pay the penalty imposed pursuant to this section, the court may order the suspension of the person's driver's license or nonresident reciprocity privilege, or prohibit the person from receiving or obtaining a license until the assessment is paid. The court shall notify the Director of the Division of Motor Vehicles of such an action. Prior to any action being taken pursuant to this subsection, the person shall be given notice and a hearing before the court to contest the charge of the failure to pay the assessment.

L.1996, c.115, s.9.

2C:43-3.4 Restitution for extradition costs.

4. In addition to any fine or restitution authorized by N.J.S. 2C:43-3, the court may sentence a defendant to make restitution for costs incurred by any law enforcement entity in extraditing the defendant from another jurisdiction if the court finds that, at the time of the extradition, the defendant was located in the other jurisdiction in order to avoid prosecution for a crime committed in this State or service of a criminal sentence imposed by a court of this State.

L.1997, c.253, s.4.

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