

Reforms to Criminal Fines and Fees

Case Study: New Jersey

These case studies highlight innovative and promising court practices related to Fines, Fees, and Pre-Trial Practices and were developed with the support of the State Justice Institute and the [CCJ/COSCA Fines, Fees, and Pre-Trial Practices 2.0 Task Force](#). The best practices highlighted in these Case Study Briefs are based on the [Task Force's Principles](#). These case studies spotlight examples from diverse jurisdictions across the U.S. and are designed to provide jurisdictions with a sample of approaches and options.

Fines and Fees

Criminal fines and fees¹ (also called court imposed financial obligations or legal financial obligations) cause significant barriers for people experiencing poverty. The Department of Justice, in April 2023, urged courts to look carefully at situations in which fines and fees are imposed and to think about other ways to collect revenue that do not rely on fines and fees.²

This case study looks at reforms that **New Jersey** has undertaken related to criminal fines and fees in a variety of case types.

Dismissal of Cases, Fines, Fees, and Warrants

The New Jersey [Supreme Court Committee on Municipal Court Operations, Fines, and Fees](#) recommended a number of reforms related to fines and fees, which the New Jersey Supreme Court adopted in 2018. These reforms include dismissing old, minor municipal court matters to eliminate outstanding fines, fees, and warrants in cases that are at least 15 years old and involve offenses that are eligible for dismissal. As of March 2024, the court has dismissed approximately 877,000 old, minor municipal court cases.

On [April 20, 2023](#), the Supreme Court dismissed more than \$7 million in unpaid probation supervision fees for people who were no longer on probation supervision.

¹ Fines are typically tied to a particular offense and are imposed upon conviction. Fees are often automatically imposed and not related to a particular offense. *See e.g.*, Matthew Menendez and Lauren Brooke-Eisen, The Steep Costs of Criminal Justice Fees and Fines, November 21, 2019, *available at* <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines?limit=all> (last visited February 20, 2024).

² U.S. Dep't. of Justice, Dear Colleague Letter, April 20, 2023, *available at* <https://www.justice.gov/media/1288301/dl> (last visited February 20, 2024).

On [October 20, 2020](#), the Supreme Court vacated all outstanding discretionary juvenile fines and failure to appear warrants that were issued more than five years prior for non-violent 4th degree or lesser charges. New Jersey eliminated the imposition of discretionary juvenile fines as of July 1, 2020 with the [repeal of N.J.S.A. 2A:4A-43\(b\)\(8\)](#).

Payment and Resolution without Court Appearance

New Jersey's [Municipal Case Resolution](#) system allows court users to reach out to prosecutors and resolve some traffic offenses without a court appearance. The Statewide [Violations Bureau Schedule](#) also allows defendants to plead guilty in a number of case types without requiring a court appearance.

New Jersey also has an [online payment system](#), where court users can pay fines and fees online, including payment installments for people who are using a payment plan.

Payment Plans and Payment Alternatives

[New Jersey Supreme Court Directive #12-21](#) created standardized requirements and guidance about how courts should address non-payment and when and how to develop payment plans for municipal court defendants. This includes clarifying that payment plans can be available at the outset of a case, giving guidance on the term of payment plans depending on the amount of the financial sanction, and encouraging judges to work liberally with defendants to create payment plans or alternatives to financial sanctions.

Eliminating Fines, Fees, and Warrants for Public Defender Services

In June 2023, [A5587 / S3771](#) eliminated fees, liens, and warrants issued for public defender services in New Jersey and related outstanding balances were vacated. Further, warrants based on alleged failure to pay the related fees or appear to court dates set for the purpose of payment are recalled and vacated.

Best Practices

New Jersey's work reflects a number of best practices identified by the Fines, Fees, and Pre-Trial Practices Task Force.

Transparency and Fairness

[Principle 1.1 Purpose of the Courts](#)

New Jersey's dismissal of old outstanding fines, fees, and warrants and elimination of legal financial obligations in juvenile cases ensures that the focus of the courts is on adjudicating current disputes and creating fair resolutions, not on collecting old payments. This both creates the perception of the courts as a forum for dispute resolution and frees up court resources to focus on current cases rather than collecting outstanding debts.

Allowing court users to resolve cases and make payments online without a court appearance also increases procedural fairness and enhances public perception of courts. These alternative resolution options help reduce costs and financial sanctions associated with missed court appearances. Court appearances can create a number of barriers for court users, who must take off work or school, find transportation to a courthouse, and arrange for childcare, and missing a court appearance can lead to further barriers such as fees, fines, or warrants. New Jersey's online resolution options help reduce these barriers and ensure that the court process is fair for all users, including those who cannot easily come to court. It also increases the perception of the court as fair and user friendly.

Ability to Pay Determinations

[Principle 2.3 Statewide Ability to Pay Policies](#)

[Principle 3.3. Schedule for Legal Financial Obligations](#)

New Jersey's statewide guidance about payment plans and steps a court must take when a person is unable to pay ensures that people will not be unfairly burdened with fines

Principle 1.1 Purpose of Courts

The purpose of courts is to be a forum for the fair and just resolution of disputes, and in doing so to preserve the rule of law and protect individual rights and liberties. States and political subdivisions should establish courts as part of the judiciary and the judicial branch shall be an impartial, independent, and coequal branch of government. It should be made explicit in authority providing for courts at all levels that, while they have authority to impose Legal Financial Obligations and collect the revenues derived from them, they are not established to be a revenue-generating arm of any branch of government -- executive, legislative, or judicial.

Principle 2.3 Statewide Ability to Pay Policies

States should have statewide policies that set standards and provide for processes courts must follow when doing the following: assessing a person's ability to pay; granting a waiver or reduction of payment amounts; authorizing the use of a payment plan; and using alternatives to payment or incarceration.

Principle 3.3. Schedule for Legal Financial Obligations.

The amounts, source of authority, and authorized and actual use of Legal Financial Obligations should be compiled and maintained in such a way as to promote transparency and ease of comprehension. Such a listing should also include instructions about how an individual can be heard if they are unable to pay.

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and fees, and that practices and procedures will be the same across the state for all people who cannot pay. Likewise, the use of online payment options and schedules gives transparency about fines and fees and how to pay, while also ensuring consistency across the state.

Alternative Sanctions

[Principle 6.2. Judicial Discretion with Respect to Legal Financial Obligations.](#)

Guidance to work liberally with defendants to identify alternatives to financial sanctions will help courts create resolutions and sanctions that address the issues that brought defendants into the court system, rather than creating additional financial burdens on defendants. This guidance also reinforces the availability and importance of judicial discretion when assessing fines and fees.

Eliminating Cost of Counsel

[Principle 4.4. Cost of Counsel for Indigent People.](#)

By eliminating fees, liens, and warrants issued for public defender services, New Jersey has implemented this principle, ensuring that representation is free of charge to indigent defendants.

Principle 6.2. Judicial Discretion with Respect to Legal Financial Obligations.

State law and court rule should provide for judicial discretion in the imposition of Legal Financial Obligations. State courts should avoid adopting mandatory Legal Financial Obligations for misdemeanors and traffic-related and other low-level offenses and infractions. Judges should have authority and discretion to (1) waive or decline to assess fees or surcharges; (2) impose Legal Financial Obligations based on an individual's income and ability to pay; (3) modify sanctions after sentencing if an individual's circumstances change and his or her ability to comply with a Legal Financial Obligation becomes a hardship; and (4) impose modified sanctions (e.g., reduced or eliminated interest charges, reduced or eliminated fees, reduced fines) or alternative sanctions (e.g., community service, successful completion of an online or in-person driving class for moving violations and other non-parking, ticket-related offenses) for individuals whose financial circumstances warrant it.

Principle 4.4. Cost of Counsel for Indigent People.

Representation by court-appointed counsel should be free of charge to indigent defendants, and the fact that such representation will be free should be clearly and timely communicated in order to prevent eligible individuals from missing an opportunity to obtain counsel. No effort should be made to recoup the costs of court-appointed counsel from indigent defendants unless there is a finding that the defendant committed fraud in obtaining a determination of indigency.