

ANALYSIS OF THE NEW JERSEY BUDGET

THE JUDICIARY

FISCAL YEAR

2005 - 2006

NEW JERSEY STATE LEGISLATURE

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THE JUDICIARY

Budget Pages..... C-14, C-22, C-29, C-31, C-33,
D-459 to D-467, F-2, H-72, H-73

Fiscal Summary (\$000)

	Expended FY 2004	Adjusted Appropriation FY 2005	Recommended FY 2006	Percent Change 2005-06
State Budgeted	\$518,467	\$552,326	\$554,026	0.3%
Federal Funds	70,014	78,558	79,929	1.7%
<u>Other</u>	<u>42,086</u>	<u>39,761</u>	<u>55,792</u>	<u>40.3%</u>
Grand Total	\$630,567	\$670,645	\$689,747	2.8%

Personnel Summary - Positions By Funding Source

	Actual FY 2004	Revised FY 2005	Funded FY 2006	Percent Change 2005-06
State	7,840	7,868	7,899	0.4%
Federal	1,291	1,280	1,291	0.9%
<u>Other</u>	<u>219</u>	<u>222</u>	<u>239</u>	<u>7.7%</u>
Total Positions	9,350	9,370	9,429	0.6%

FY 2004 (as of December) and revised FY 2005 (as of September) personnel data reflect actual payroll counts. FY 2006 data reflect the number of positions funded.

Introduction

The Judiciary includes the State's court system and the Administrative Office of the Courts (AOC), which provides technical and administrative support to the courts. In addition, the Judiciary designs, supervises and operates many court-related programs at the State, county and municipal levels of government.

The New Jersey Supreme Court is responsible for the regulation of attorneys. The Chief Justice of the New Jersey Supreme Court serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system and supervises the AOC.

Key Points

- ! Recommended FY 2006 State funding for the Judiciary is \$554 million, \$1.7 million or 0.3 percent more than the Judiciary's FY 2005 adjusted appropriation of \$552.3 million.
- ! A total of \$28.896 million is recommended for drug courts in FY 2006, \$1.7 million, or 6.3 percent more, than that appropriated during FY 2005. This appropriation is divided into three distinct categories. Drug Court Operations is recommended to receive \$6.78 million and Drug Court Judgeships is recommended to receive \$1.498 million in FY 2006, the same amount as received in FY 2005. Drug Court Treatment/Aftercare is recommended to receive \$20.618 million in FY 2006, \$1.7 million more than the amount received in FY 2005. While the Judiciary would retain the \$8.278 million appropriated for operations and judicial positions, the remaining \$20.618 million would be transferred to the Department of Human Services for treatment and aftercare services. Drug courts provide for intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. In FY 2005, the Judiciary expanded the drug court program to all 15 vicinages.
- ! The Intensive Supervision Program (ISP) is recommended to receive \$11.38 million in FY 2006, the same amount as the FY 2005 adjusted appropriation. The ISP program places State-sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, reserving prison bed spaces for violent offenders. During FY 2005, the program diverted 1,262 adult offenders from the State's prisons. Of these offenders, 470, or 37 percent, were returned to State prison for various infractions of the ISP regulations. The FY 2006 recommended appropriation would support 1,264 program participants.
- ! P.L.2002, c.34 provided for an increase in a number of judicial court fees and provides that revenue derived from fee increases be deposited in a non-lapsing "Court Technology Improvement Fund". The fund was established as a dedicated fund to be used for the development, establishment, operation and maintenance of computerized court information systems in the Judiciary. The budget recommendation estimates that \$12.9 million will be collected for this purpose in FY 2006, \$200,000 more than is anticipated in FY 2005.
- ! The Judiciary anticipates the receipt of \$79.9 million in Federal Funding in FY 2006, an increase of \$1.3 million or 1.7 percent over the FY 2005 adjusted appropriation of \$78.6 million. The increase primarily constitutes growth in Federal matching funds for the Title IV-D Paternity program which supports both the Family and Probation Divisions. Under Title IV-D, the Federal government reimburses the State and counties for 66.7 percent of the cost of conducting child support enforcement activities.
- ! The anticipated revenue for the County Correctional Information System(CCIS) is expected to increase by 70 percent, or \$212,000, from \$304,000 in FY 2005 to \$516,000 in FY 2006. P.L.2004, c.108 increased the bail filing fee to fund the administration, operation and maintenance of the Statewide County Corrections Information System (CCIS). Prior to enactment of this statute, the Statewide CCIS network was funded through temporary mechanisms, including a jail users' fee paid by the individual counties. The Statewide CCIS is a computerized, on-line network that provides automated defendant information to various criminal justice agencies across New Jersey.

Key Points

- ! The anticipated revenue for the Municipal Courts is anticipated to increase from \$9.6 million in FY 2005 to \$23.1 million in FY 2006, a \$13.5 million, or 142 percent increase. This growth reflects increases in motor vehicle fines imposed under P.L.2004, c.62. The increased revenue will be deposited into the new Automated Traffic System Statewide Modernization Fund a dedicated fund for the administration, operation and modernization of the Statewide Automated Traffic System (ATS.) The ATS system records all traffic violation matters in most of the State's municipal courts, and facilitates exchange of information with law enforcement agencies and the Motor Vehicle Commission.

- ! The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2006 recommended budget language would permit the reappropriation of up to \$3 million in unexpended balances from FY 2005 subject to the approval of the Director of the Division of Budget and Accounting.

Program Description and Overview

The Judiciary is responsible for the operation of the State's court system and the regulation of attorneys. The Judiciary is organized into 15 vicinages encompassing the 21 counties in New Jersey. The Administrative Office of the Courts (AOC) provides administrative services to the courts. The Judiciary is organized among the following activities:

SUPREME COURT

The Supreme Court is charged with the responsibility for interpreting the New Jersey and Federal Constitutions, statutes enacted by the State Legislature, regulations adopted by State departments and administrative agencies and common law. The New Jersey Supreme Court is also required to review all death penalty cases and to conduct proportionality reviews to determine whether the sentence of death fits the crime in comparison with other capital cases. The Court is also responsible for regulating attorney conduct.

The Chief Justice of the New Jersey Supreme Court serves as the administrative head of the court system. The Chief Justice directs court policy and appoints special committees to investigate problems and issues concerning the administration of the judicial system and supervises the Administrative Office of the Courts.

SUPERIOR COURT

APPELLATE

The Appellate Division of the Superior Court serves as the State's intermediate appellate court. The Appellate Division considers appeals from the final judgments of the trial divisions of Superior Court and the Tax Court, as well as appeals from the decisions of State administrative agencies.

TRIAL COURTS

The Chief Justice organizes the Superior Court system into four trial level courts: criminal, civil, general equity and family.

Criminal Criminal cases consist of those in which defendants are accused of indictable offenses. Examples include accusations of murder, arson, sexual assault, assault, theft, robbery or fraud.

Civil Most civil cases that are heard in the Superior Court involve disputes in which a plaintiff claims to have been injured in some way by the actions of the defendant and seeks monetary compensation. Examples of such cases are those involving personal injury, medical malpractice and contract disputes.

Civil cases are heard based upon the amount of compensation being sought. Cases in which the monetary damages exceed \$15,000 are heard in the Civil Division of Superior Court.

Program Description and Overview (Cont'd)

Special Civil - cases in which the amounts in controversy do not exceed \$15,000 and landlord/tenant disputes are heard in the Special Civil Part of the Civil Division. Cases involving amounts that are less than \$3,000 are termed Small Claims cases and are also heard in the Special Civil Part.

General Equity

Civil cases in which monetary damages are not being sought are heard in the General Equity Division of Superior Court. General Equity judges handle non-jury cases such as those involving trade secrets, labor matters, foreclosures, probate and other disputes. Equity judges also handle cases in which court relief is sought on an emergency basis.

Family

The Family Division of Superior Court hears family related cases, such as divorce, domestic violence, juvenile delinquency, child support, foster care placements and the termination of parental rights.

TAX COURT

The Tax Court is a court of limited jurisdiction. Tax Court judges hear appeals of tax decisions made by county boards of taxation. They also hear appeals on decisions made by the Director of the Division of Taxation on such matters as state income taxes, sales and business taxes, and homestead rebates and review actions by state, county and municipal officials.

PROBATION SERVICES

Probation Services supervises adult and juvenile offenders who were placed on probation in lieu of incarceration. Probation Services monitors probationer compliance with the rules and conditions imposed by the sentencing court, such as maintaining employment, attending school, remaining drug free, paying assessed fees and fines, and avoiding additional unlawful behavior.

The Probation Services Division is also responsible for administering the State's Title IV-D Child Support and Paternity program along with the Family Division of the trial courts, enforcing child support orders and distributing child support payments to custodial parents.

COURT REPORTING SERVICES

The Division of Court Reporting is responsible for the verbatim recording, either by court reporters or by sound recordings, of court proceedings, as provided by Supreme Court Rules.

MUNICIPAL COURT SERVICES

The Municipal Courts are courts of limited jurisdiction. They are responsible for local matters including motor vehicle and traffic violations; disorderly and petty disorderly persons offenses; municipal and county ordinance violations; penalty enforcement actions; fish and game law violations; specified criminal offenses where indictment and trial by jury are waived by the defendant; boating law violations; enforcement of regulatory provisions and conducting probable cause hearings for indictable offenses.

Program Description and Overview (Cont'd)

The Judiciary provides support services for the municipal courts. The Presiding Judge - Municipal Courts in a number of vicinages is designated by the Chief Justice from among sitting Municipal Court and Superior Court Judges, to act as a liaison between the vicinage and municipal courts and to coordinate the management, oversight and training of the Municipal Court Judges and support staff. The territorial jurisdiction of municipal courts extends to the boundaries of each municipality unless they are joint municipal courts, in which case it extends to the combined boundaries of their constituent municipalities. Central municipal courts have jurisdiction over cases arising within the territorial boundaries of the county.

PERSONNEL

The Judiciary has a total of 460 judicial positions. Of these 7 are Supreme Court justices, 12 are Tax Court judges, and 441 are Superior Court judges. As of March 21, 2005, 28 of these positions were vacant. It is expected that 16 more judicial vacancies will become available before the end of FY 2006, as a result of pending judicial retirements. Of this total, 6 retirements will occur in FY 2005 and 10 will occur in FY 2006.

Judicial salaries were increased in stages over a three-year period beginning on January 1, 2000 pursuant to P.L. 1999, c. 380. Under the statute, the Chief Justice, Supreme Court Associate Justices, Superior Court Appellate Division Judges, Assignment Judges of the Superior Court, Superior Court Judges and Tax Court Judges all became eligible for increases on an annual basis until January 1, 2002 when they received their most recent increase. Current judicial salaries are as follows:

JUDICIAL SALARIES P.L. 1999 c.380

Judge	Salary
Supreme Court, Chief Justice	\$164,250
Supreme Court, Associate Justice	\$158,500
Superior Court, Appellate Division Judge	\$150,000
Superior Court, Assignment Judge	\$146,750
Superior Court Judge	\$141,000
Tax Court Judge	\$141,000

During FY 2005, the Judiciary maintains 7,868 State funded positions, 1,280 Federally funded positions, and 222 positions funded from other sources such as dedicated funds. The FY 2006 recommendation provides funding for 7,899 State funded positions, 1,291 Federally funded positions, and 239 positions supported from other funds.

ALTERNATIVES TO INCARCERATION

Program Description and Overview (Cont'd)

In an effort to reduce the strain of increasing prison population on the Department of Corrections, and to explore other avenues for detaining and rehabilitating New Jersey's convicted offenders, the New Jersey Judiciary, in concert with the Department of Corrections, has been actively pursuing various alternatives to incarceration strategies over the past several years. These strategies are geared toward rehabilitating offenders, reducing the number of repeat offenders appearing before the courts; reducing the number of individuals remanded to the State's correctional system; and reducing the demand for correctional bed spaces.

Drug Court

The Drug Court program involves the Judiciary, the Departments of Corrections and Health and Senior Services, and the Office of the Public Defender in a cooperative effort to oversee intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. The program attempts to address alcohol and drug addictions in an effort to break the cycle of criminal behavior.

Eligible candidates for the Drug Court program are non-violent substance abusing defendants. Participants include those who would otherwise be prison bound as well as those who are facing probation. Generally, prison bound participants are required to participate in the program for a minimum of five years. Probation level participants spend an average of three years in the program. To be eligible for the program, participants must:

- C Have no history of possessing a firearm during the commission of an offense;
- C Have no previous convictions or pending charges for a serious violent offense;
- C Have no convictions on two or more separate occasions;
- C Present no danger to the community if placed on probation;
- C Possess a drug or alcohol dependence as determined by a diagnostic assessment and;
- C Be likely to benefit from substance abuse treatment and monitoring.

Drug courts require several components for successful operation. Immediately upon arrest, the arresting agency in coordination with addiction specialists and probation officers, identifies addicted individuals who are eligible for drug court. After identification of the problem, the offender immediately enters intensive treatment so as to limit the opportunity for relapse into drug use. Included in this treatment are biological, psychological and social assessments and reports to ensure that the offender receives the correct treatment procedure.

The program itself provides for the integration of treatment with the judicial process. There is an active involvement of the judge with each offender's case to ensure proper placement, monitoring and follow through.

Initially begun as a federally funded pilot program, upon expiration of the federal grants, the Judiciary gradually assumed funding of the program and expanded it to additional vicinages. During FY 2005, the Judiciary completed the expansion of the Drug Court program to all 15 vicinages.

Program Description and Overview (Cont'd)

Intensive Supervision Program

The Intensive Supervision Program (ISP) places State-sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, thus reserving prison bed spaces for violent offenders.

Juvenile Intensive Supervision Program

The Juvenile Intensive Supervision Program (JISP) is structured to provide Family Court judges with an alternative to incarceration for selected juvenile offenders. Juveniles who qualify for the program must present an individualized case plan which outlines their community supervision and gives full assurance that their supervision in the community will result in positive social adjustments and not jeopardize the public's safety.

Juveniles admitted into the program are required to have a Community Mentor and a Core Community Team. The Core Community Team consists of seven to ten volunteers, preferably neighborhood citizens, who meet at least two times per month for review of the juvenile's program compliance. The Community Mentor works closely with JISP staff, the juvenile, the family and the Core Community Team in the rehabilitative effort. Volunteers that participate in this program are required to receive program-specific training.

INFORMATION TECHNOLOGY UPGRADE

The Judiciary emphasizes its reliance on its information systems for basic operations. Most of the transactions made and records filed each day are recorded and saved via information technology. In response to a question posed by the Office of Legislative Services concerning the Judiciary's information technology program during the FY 2003 budget process the Judiciary stated:

New Jersey's court information systems are vital to the operations of the Judiciary and various State and local agencies as well. The Judiciary uses Statewide automated systems for all cases, from parking tickets in each municipality to appeals to the Supreme Court. There are 20,000 users and more than 3 million computerized transactions per day. The systems automate management of cases, including docketing, scheduling, noticing, and recordation of payments. They are the official court record of each case. The courts are completely dependent on these systems.

The Judiciary notes that its information system is operating on antiquated technology in almost all of its key systems. As a result, program expansion and enhancements are difficult, if not impossible to implement. In response to this, the Judiciary has developed a strategic plan that would address these needs and update the system to accommodate continued operation and future expansion. P.L.2002, c.34, which raised fees and deposited the revenue from these fee increases into a Court Technology Improvement Fund, has provided the funding to allow the Judiciary to begin this upgrade.

Program Description and Overview (Cont'd)

RECENT ENACTMENTS

Automated Traffic System Statewide Modernization Fund

P.L.2004, c.62 increases the fine for violations of Title 39 (the motor vehicle code) and of traffic ordinances at the discretion of the court, from \$30 to \$33. This \$3 increase is deposited into the new Automated Traffic System Statewide Modernization Fund and dedicated for the administration, operation and modernization of the Statewide Automated Traffic System (ATS.) The Judiciary also was granted an allocation of \$10 million to upgrade the ATS from the proceeds of a \$160 million New Jersey Economic Development Authority bond sale authorized by the Motor Vehicle Security and Customer Service Act (P.L.2003, c.13)(N.J.S.A.39:2A-1 et.seq.).

The ATS, along with the Automated Complaint System, is a Statewide case record and financial management computer system used by all 536 municipal courts to process more than 6 million traffic and quasi-criminal actions each year. The system is responsible for the collection and disbursement of \$352 million for State, county and local government. It is an information link between the courts, motor vehicle commission and law enforcement. The system is managed by the Administrative Office of the Courts.

County Corrections Information System (CCIS)

P.L.2004, c.108 increased the bail filing fee to fund the administration, operation and maintenance of the Statewide County Corrections Information System (CCIS). Prior to enactment of this statute, the Statewide CCIS network was funded through temporary mechanisms, including a jail users' fee paid by the individual counties.

The Statewide CCIS is a computerized, on-line network that provides automated defendant information to various criminal justice agencies across New Jersey. Throughout the State, over 20,000 users have security access to CCIS, among them State, county and local law enforcement agencies, including local police, county prosecutors and sheriffs. State corrections officials, both central office and parole personnel, county corrections personnel and the Judiciary are provided with access as well as criminal, family and municipal courts, probation officers, and county boards of social services.

The statewide CCIS network provides online access to 1.4 million inmate statewide commitments and provides electronic information sharing for a variety of law enforcement, correctional, judicial and other purposes. Detailed inmate-management information is available through the CCIS, enabling State and local officials to maintain and check inmate data, including personal history, bail and charge status, court events, State and county sentences, detainer status and victim and discharge information. The statewide CCIS is used for tracking parole violators, including identifying Megan's Law offenders returned to jail for parole violations, classifying offenders for corrections purposes such as designating minimum custody inmates and verification of release dates, tracking reimbursement information, calculating jail time credits, obtaining information about perpetrators that may be provided to victims and their families, and facilitating statewide fugitive searches.

Program Description and Overview (Cont'd)

Increased Filing Fees

P.L.2002, c.34 provides for an increase in a number of court fees and provides that revenue derived from fee increases be deposited in a non-lapsing "Court Technology Improvement Fund." The fund was established as a dedicated fund to be used for the development, establishment, operation and maintenance of computerized court information systems in the Judiciary.

Increased Juror Compensation

P.L. 2001, c.38 increased the amount of compensation paid to jurors. Prior to the enactment of P.L. 2001, c.38, all individuals called to perform jury duty service were compensated at a rate of \$5 per day. Under the statute, for each consecutive day of attendance in excess of three days, jurors would receive an additional \$35 per day (i.e., for a total per diem reimbursement on those days of \$40). The term "consecutive" day excludes Saturdays, Sundays, State holidays or days when a trial is in recess. Public employees, who are entitled to their usual compensation while on jury duty, are not eligible for the increase in compensation.

Kinship Legal Guardianship Program

P.L.2001, c.250 established the Kinship Legal Guardianship program. The program, which took effect on January 1, 2002, provides for the needs of children who cannot reside with parents due to their parents' incapacity or inability to care for them, but does not entirely sever parental contact or responsibilities. The program designates care givers who have a biological, legal, extended or committed emotional or psychological relationship with a child, and who are willing to assume care of the child with the intent to raise the child to adulthood, as kinship legal guardians. A kinship legal guardian is responsible for the care and protection of the child and for providing for the child's health, education and maintenance, while the child's parents retain the right to visitation and the right to consent to adoption. Parents are also obligated to pay child support. The program created seven additional judgeships to oversee the program.

Drug Offender Restraining Order

P.L. 2001, c.365 revised the "Drug Offender Restraining Order Act of 1999" to permit rather than require courts to issue restraining orders prohibiting certain offenders from entering premises, locations or areas where the offense occurred.

Drug Court

P.L. 2001, c.243 provided for the expansion of the drug court pilot program into a Statewide program, created six additional judgeships, and appropriated \$4 million to the Judiciary for this purpose. The pilot, which had begun in FY 1998 and had been supported in five vicinages by federal funding, provides for court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration. In Fiscal Years 1998 through 2004, the drug court program was gradually expanded with additional State appropriations.

Program Description and Overview (Cont'd)

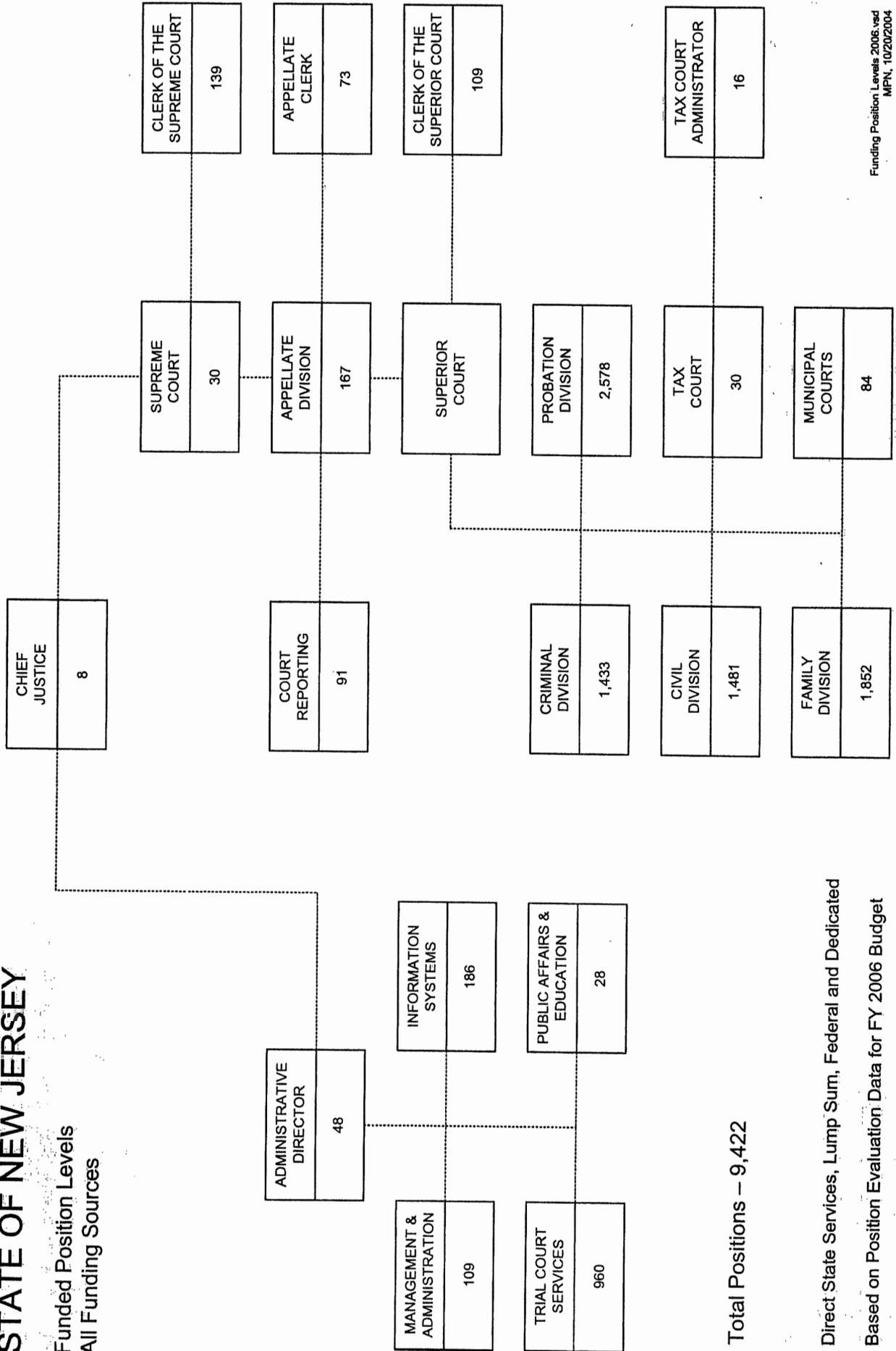
During FY 2005 the Judiciary completed the expansion of the Drug Court program to all 15 vicinages. The judgeships, which were created by P.L. 2001, c.243, and had been assigned to general court responsibilities pending the full expansion of the program, were transferred to full time drug court responsibilities at this time.

FY 2006

THE JUDICIARY STATE OF NEW JERSEY

Funded Position Levels
All Funding Sources

Organization Chart



Total Positions – 9,422

Direct State Services, Lump Sum, Federal and Dedicated

Based on Position Evaluation Data for FY 2006 Budget

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2004	Adj. Approp. FY 2005	Recom. FY 2006	Percent Change	
				2004-06	2005-06
General Fund					
Direct State Services	\$518,167	\$552,326	\$554,026	6.9%	0.3%
Grants-In-Aid	300	0	0	(100.0)%	0.0%
State Aid	0	0	0	0.0%	0.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
Sub-Total	\$518,467	\$552,326	\$554,026	6.9%	0.3%
Property Tax Relief Fund					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
Casino Revenue Fund	\$0	\$0	\$0	0.0%	0.0%
Casino Control Fund	\$0	\$0	\$0	0.0%	0.0%
State Total	\$518,467	\$552,326	\$554,026	6.9%	0.3%
Federal Funds	\$70,014	\$78,558	\$79,929	14.2%	1.7%
Other Funds	\$42,086	\$39,761	\$55,792	32.6%	40.3%
Grand Total	\$630,567	\$670,645	\$689,747	9.4%	2.8%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2004	Revised FY 2005	Funded FY 2006	Percent Change	
				2004-06	2005-06
State	7,840	7,868	7,899	0.8%	0.4%
Federal	1,291	1,280	1,291	0.0%	0.9%
All Other	219	222	239	9.1%	7.7%
Total Positions	9,350	9,370	9,429	0.8%	0.6%

FY 2004 (as of December) and revised FY 2005 (as of September) personnel data reflect actual payroll counts. FY 2006 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

Total Minority Percent	36.0%	36.0%	36.0%	---	---
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Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2005</u>	<u>Recomm.</u> <u>FY 2006</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
DIRECT STATE SERVICES CRIMINAL COURTS					
Drug Court					
Treatment/Aftercare	\$18,918	\$20,618	\$1,700	9.0%	D-465
Drug Court Operations	\$6,780	\$6,780	\$0	0.0%	D-465
Drug Court Judgeships	\$1,498	\$1,498	\$0	0.0%	D-465
Total	\$27,196	\$28,896	\$1,700	6.3%	

The FY 2006 recommendation for drug courts would provide an additional \$1.7 million for treatment services. Recommended language(budget page D-466) would provide that the Treatment/Aftercare funding be transferred to the Department of Human Services to provide treatment services to drug court participants. During FY 2005 the Judiciary expanded the drug court operation Statewide to all 15 vicinages. The Drug Court Program diverts certain drug offenders from the State prison system into treatment programs, thereby reducing the demand for State prison bed spaces.

FEDERAL FUNDS

Family Courts	\$22,063	\$19,084	(\$2,979)	(13.5)%	D-466
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The FY 2006 recommendation for Federal funding for the Family Courts consists primarily of a reduction in funding for the Title IV-D Child Support and Paternity program and vicinage drug court programs. The Title IV-D Child Support and Paternity program is recommended to decrease from \$19.785 million in FY 2005 to \$18.249 million in FY 2006, a reduction of \$1.536 million.

Five vicinages: Atlantic /Cape May (\$450,000); Camden(\$199,000); Mercer(\$195,000); Morris/Sussex (\$450,000)and Passaic(\$184,000), received federal funding totaling \$1.478 million in FY 2005 for juvenile drug court programs. Funding was not continued in FY 2006.

The New Jersey State Court Improvement Grant and the State Access and Visitation Program both will receive modest increases in FY 2006. The New Jersey State Court Improvement grant is intended to help State courts perform their role in the continuum of care provided for families and children at risk. The FY 2006 recommendation of \$475,000 represents an increase of \$25,000 or 5.6 percent over the FY 2005 appropriation of \$450,000. The State Access and Visitation Program began in FY 1997. The program enables states to establish and administer programs to support and facilitate non-custodial parents' access to and visitation of their children. The program is recommended to receive \$360,000 in FY 2006, a \$10,000 or 2 percent increase over the FY 2005 adjusted appropriation of \$350,000.

Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp. FY 2004</u>	<u>Recomm. FY 2005</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Probation Services	\$56,295	\$60,645	\$4,350	7.7%	D-466

The FY 2006 recommendation for federal funding for Probation Services includes an increase of \$4.35 million for the Title IV-D Child Support and Paternity program allocated to salary and fringe benefit costs.

OTHER FUNDS

Supreme Court	\$12,025	\$13,665	\$1,640	13.6%	D-466
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The Supreme Court oversees operation of several self-funded activities. The Bar Admissions Financial Committee is funded through a fee charged to all applicants to the New Jersey Bar and revenues reflect the number of applicants to the New Jersey Bar. The Judiciary anticipates FY 2006 collections of \$2.975 million for this program, a \$564,000, or 23.4 percent increase over the FY 2005 collection level of \$2.411 million.

The Board on Attorney Certification is self-funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law in New Jersey. The FY 2006 income for this program is expected to increase from the FY 2005 level of \$251,000 to \$287,000, a \$36,000 or 14.3 percent increase.

The Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection are funded through assessments charged to all practicing attorneys. The Ethics Financial Committee is expected to increase collections by \$870,000, from \$7.945 million in FY 2005 to \$8.815 million in FY 2006, an 11 percent increase. The New Jersey Lawyers Fund for Client Protection is projected to collect \$1.588 million in FY 2006, a 12 percent increase over the FY 2005 collections of \$1.418 million.

Civil Courts	\$1,802	\$1,990	\$188	10.4%	D-466
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The FY 2006 budget estimates that the Superior Court Trust Fund will collect \$540,000 in FY 2006, an increase of \$78,000 over the FY 2005 adjusted appropriation. The Superior Court Trust Fund, consisting of deposits made into court as a result of various actions such as foreclosures, condemnations, liquidations, dissolutions, good faith deposits by insurers, sales of infants' lands, insolvencies, receiverships and interpleaders.

The Special Civil Part, Certified Mailers fund is estimated to collect \$1.45 million in FY 2006, an increase of \$110,000 over the FY 2005 collections of \$1.34 million. The fund provides for reimbursement to the trial courts for postage and printing costs incurred in sending out Special Civil Part service of process via certified mailers.

Municipal Courts	\$9,564	\$23,113	\$13,549	141.7%	D-466
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Language Provisions

The recommended increase reflects the impact of a 10 percent hike in the fine for violations of Title 39 (the motor vehicle code) and of traffic ordinances at the discretion of the court, from \$30 to \$33. (P.L.2004, c.62). This \$3 increase will be deposited into the new Automated Traffic System Statewide Modernization Fund and dedicated for the administration, operation and modernization of the Statewide Automated Traffic System (ATS.) The ATS system records all traffic violation matters in most of the State's municipal courts, and facilitates exchange of information with law enforcement agencies and the Motor Vehicle Commission.

Probation Services	\$2,558	\$2,800	\$242	9.5%	D-466
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The recommended increase reflects an increase in collections for the Comprehensive Enforcement Program. The program is anticipated to increase collections by \$296,000 in FY 2006 from \$2.004 million to \$2.3 million. The remaining portion of this recommendation reflects the Court Computerized Collection Fund which is anticipated to collect the same amount of revenue in FY 2004 as it had in FY 2005. The Miscellaneous Grant Fund which received \$54,000 in FY 2005 for the Mercer Welfare Fraud grant is not anticipated to receive funding in FY 2006.

Information Services	\$13,412	\$13,824	\$412	3.1%	D-466
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The FY 2006 recommendation includes receipts for the Electronic Access to Court Records, the County Correctional Information System, and the Court Technology Improvement Fund.

The electronic Access to Court Records appropriation is recommended to remain the same at \$408,000. P.L. 1994, c.54, authorized the Administrative Office of the Courts to develop and operate a computer system which allows electronic access to court information and allows the public to file court documents electronically. The Court Records Inquiry System makes available through electronic access, case and judgment information on the Civil Automated Case Management System. The system charges a user fee and is self supporting.

The County Correctional Information System is anticipated to increase revenue by 70 percent, or \$212,000, from \$304,000 in FY 2005 to \$516,000 in FY 2006. P.L.2004, c.108 increased the bail filing fee to fund the administration, operation and maintenance of the Statewide County Corrections Information System (CCIS). Prior to enactment of this statute, the Statewide CCIS network was funded through temporary mechanisms, including a jail users' fee paid by the individual counties.

The Court Technology Improvement Fund, is anticipated to increase collections from \$12.7 million to \$12.9 million. The revenues reflect court fee increases enacted by P.L.2002, c.34 and earmarked for the Judiciary's computerized court information systems.

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Language Provisions

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The amounts appropriated hereinabove in the Drug Courts Treatment and Aftercare account shall be transferred to the Department of **Health and Senior Services or a successor agency** to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.

2006 Budget Recommendations

The amounts appropriated hereinabove in the Drug Courts Treatment and Aftercare account shall be transferred to the Department of **Human Services** to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The responsibility for treatment and aftercare for the drug court program has been shifted from the Department of Health and Senior Services to the Department of Human Services. The recommended language reflects that shift.

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The unexpended balances as of June 30, 2004 not to exceed \$3,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting **provided that \$1,000,000 is allocated for Drug Court Operations.**

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The unexpended balances at the end of the preceding fiscal year not to exceed \$3,000,000 in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The FY 2006 language recommendation deletes the requirement that \$1 million of carry forward funding be allocated toward drug court operations. The FY 2006 budget recommends that drug courts receive an additional \$1.7 million (Budget page D-465).

Discussion Points

1. According to the New Jersey Law Journal, the State's practice of confining sexually violent predators who have served their sentences but who are considered to remain a danger to the public has had major repercussions on the court system in terms of commitment hearings and in appeals.

! Question: How has this program affected the operations of the Judiciary? What is the estimated cost to the Judiciary for conducting the various commitment hearings and appeals?

2. A Legislative audit of the Judiciary's Bail Fund issued in April, 2004, indicated that the procedures for the collection of forfeited bail from sureties and individuals are not adequate. In response to this, the Judiciary undertook a revision of the forms and procedures governing bail and bail forfeitures.

! Question: Please highlight the revisions undertaken. Have these new procedures been fully implemented? How have the revised procedures affected the Judiciary's bail collections?

3. In FY 2005, the Judiciary received enough funding to expand drug courts to all 15 vicinages.

! Question: How many offenders have been diverted from prison incarceration to drug court treatment? Please comment on the effectiveness of the drug court program. How does the Judiciary measure the success of this program?

4. A recent shooting by and escape of a prisoner in Atlanta highlights the need for adequate security within the court house when dealing with criminal defendants.

! Question: What procedures does the Judiciary follow to maintain security within the court houses both from defendants and from outside attack? Are the security measures uniform among vicinages? What plans, if any, exist to upgrade court house security? Has the Judiciary investigated the possibility of obtaining anti-terrorism funding available for this purpose?

5. In light of the recent budget crisis, all State departments and agencies have been subject to efforts to conduct operations more efficiently and to identify savings from within their budgets.

! Question: What steps has the Judiciary taken to reduce expenditures and to maximize operational efficiency of the courts? What savings have been generated through these efforts?

6. Over the past several years the Judiciary has received funding from several sources to upgrade its data processing system in order to provide better service to the public.

! Question: What is the status of the information processing upgrade? How have these improvements affected the court's ability to provide services to the public and respond to inquiries from the Legislature? How have the improvements affected the Judiciary's ability to obtain and provide information about court usage and activities?

OFFICE OF LEGISLATIVE SERVICES

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The Office of Legislative Services Central Staff provides a variety of legal, fiscal, research and administrative services to individual legislators, legislative officers, legislative committees and commissions, and partisan staff. The central staff is organized under the Central Staff Management Unit into ten subject area sections. Each section, under a section chief, includes legal, fiscal, and research staff for the standing reference committees of the Legislature and, upon request, to special commissions created by the Legislature. The central staff assists the Legislative Budget and Finance Officer in providing services to the Appropriations Committees during the budget review process.

Individuals wishing information and committee schedules on the FY 2006 budget are encouraged to contact:

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