

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

November 25, 2015

BAIL REFORM AND SPEEDY TRIAL

The tables and footnotes below summarize the projected costs to implement bail reform and the new speedy trial law beginning in March of 2016 in Camden, Morris, Passaic, and Sussex counties as pilots with implementation for the remaining counties scheduled for 2017.

TABLE 1: ASSIGNMENT JUDGES

| COUNTY | ASSIGNMENT JUDGE ¹ | NEW STAFF ² | NEW STAFF COSTS ³ | CAPITAL PROJECTS ⁴ | CAPITAL COSTS ⁵ |
|----------------------|-------------------------------|------------------------|------------------------------|-------------------------------|----------------------------|
| Camden ⁶ | Yes | No New County Staff | Not Applicable | See Footnote 6 | \$150,000 |
| Morris ⁷ | Yes | No New County Staff | Not Applicable | See Footnote 7 | \$3.2 Million |
| Passaic ⁸ | Yes | No New County Staff | Not Applicable | Retrofit of Law Library | See Footnote 8 |
| Sussex ⁹ | See Footnote 9 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |

1. Column 1 summarizes whether a county has met with its assignment judge to discuss bail reform and the new speedy trial law.
2. Column 2 summarizes whether a county's assignment judge has requested additional staff, other than new judges and judiciary staff to be paid for by the State, to implement bail reform and the new speedy trial law.
3. Column 3 summarizes the approximate costs to a county to hire new staff as requested by its assignment judge.
4. Column 4 summarizes whether a county's assignment judge has requested renovating, refurbishing, reconstructing, or constructing court or ancillary court facilities to implement bail reform and the new speedy trial law.
5. Column 5 summarizes the approximate costs to a county to implement the capital improvements as requested by its assignment judge.

6. Camden County noted that its assignment judge has requested additional space for approximately 7-13 probation officers to conduct interview.
7. Morris County noted that its assignment judge has requested: additional courtrooms; upgrades to the grand jury room, expansion of the jury assembly room, new office space for a pre-trial services unit; and a video conferencing room with an adjacent room for interviews as the county jail. Please note that these improvements and the \$3.2 million in capital costs include bail reform and the new speedy trial law.
8. Passaic County noted that its assignment judge has requested to retrofit the law library. The County plans to use in-house labor and State funds to pay for upgrade.
9. Sussex County noted that the governing body is meeting with its assignment judge on November 11th to discuss bail reform and the new speedy trial law, and will share additional details at that time.

TABLE 2: COUNTY PROSECUTORS

| COUNTY | COUNTY PROSECUTOR ¹ | NEW STAFF ² | NEW STAFF COSTS ³ | CAPITAL PROJECTS ⁴ | CAPITAL COSTS ⁵ |
|---------------------|--------------------------------|------------------------|------------------------------|-------------------------------|----------------------------|
| Camden ⁶ | Yes | 14 New Employees | \$680,000 | No | Not Applicable |
| Morris ⁷ | Yes | 15 New Employees | \$1.5 Million | See Footnote 7 | See Footnote 7 |
| Passaic | Yes | Not At This Time | Not Applicable | No | Not Applicable |
| Sussex | Yes | 5 New Employees | To Be Determined | To Be Determined | To Be Determined |

1. Column 1 summarizes whether a county has met with its county prosecutor to discuss bail reform and the new speedy trial law.
2. Column 2 summarizes whether a county's prosecutor has requested additional staff to implement bail reform and the new speedy trial law.
3. Column 3 summarizes the approximate costs to a county to hire new staff members as requested by its prosecutor.
4. Column 4 summarizes whether a county's prosecutor has requested renovating, refurbishing, reconstructing, or constructing prosecutorial or ancillary prosecutorial facilities to implement bail reform and the new speedy trial law.
5. Column 5 summarizes the approximate costs to a county to implement the capital improvements as requested by its prosecutor.
6. Camden County noted that to implement the new speedy trial law its prosecutor has recommended hiring 1-2 new assistant prosecutors, 1-2 new detectives, approximately 6 agents, and 3-4 clerical staff. Please also

note that \$680,000 in new staff costs does not include fringe benefits such as pension and health benefits.

- Morris County noted that its county prosecutor may need additional office space to accommodate new staff and the County may have to expand its jail to implement bail reform and the new speedy trial law. Please note that that \$1.5 million in staff costs are to implement bail reform and the new speedy trial law.

TABLE 3: COUNTY SHERIFFS

| COUNTY | COUNTY SHERIFF ¹ | NEW STAFF ² | NEW STAFF COSTS ³ | CAPITAL PROJECTS ⁴ | CAPITAL COSTS ⁵ |
|---------------------|-----------------------------|------------------------|------------------------------|-------------------------------|----------------------------|
| Camden | No | To Be Determined | To Be Determined | To Be Determined | To Be Determined |
| Morris | No | To Be Determined | To Be Determined | To Be Determined | To Be Determined |
| Passaic | Yes | 5 New Employees | \$200,000 | No | Not Applicable |
| Sussex ⁶ | Yes | To Be Determined | To Be Determined | To Be Determined | To Be Determined |

- Column 1 summarizes whether a county has met with its county sheriff to discuss bail reform and the new speedy trial law.
- Column 2 summarizes whether a county's sheriff has requested additional staff, to implement bail reform and the new speedy trial law.
- Column 3 summarizes the approximate costs to a county to hire new staff members as requested by its sheriff.
- Column 4 summarizes whether a county's sheriff has requested renovating, refurbishing, reconstructing, or constructing court or ancillary court facilities to implement bail reform and the new speedy trial law. Column 4 also summarizes whether a county's sheriff has requested new security equipment.
- Column 5 summarizes the approximate costs to a county to implement the capital and operational improvements as requested by its sheriff.
- Sussex County noted that its sheriff is in the process of evaluating resources and plans to make a recommendation shortly,

NJAC plans to meet with legislative leadership over the next several weeks to discuss possible solutions that will address these unanticipated costs as county governments across the State continue to struggle with a 2% property tax cap levy, a stagnant ratable base, and unfunded State mandates that exhaust local property taxpayer dollars.

GOVERNMENT RECORDS

On November 16th, the Senate State Government, Wagering, Tourism, and Historic Preservation Committee amended and favorably reported **SENATE, NO. 167** (*Turner D-15/Whelan D-37*), which would make certain government records available on the Internet.

In summary, this legislation would require that if a government record is readily available on a public agency's website, a custodian of records must advise the requester to that effect, and provide the requester with the specific uniform resource locator (URL) or equally useful and direct means of locating the material for each page of the website on which the requested information appears. However, if the requester does not have access to a computer or would like the custodian to fulfill the request, the request would be required to be processed and fulfilled pursuant to the Open Public Records Act (OPRA).

This legislation would also provide that in addition to any other responsibility under OPRA, a custodian must make the following government records available to the public for inspection, examination, copying, and printing at no charge by posting the government record on a searchable website, maintained by, or made available to a custodian: meeting minutes, agendas, budgets, employee salary, employment contracts, collective bargaining agreements, resolutions, and ordinances. The bill would also permit a custodian to make available other government records on the searchable website. A government record required to be posted pursuant to the substitute which is created after the bill's effective date must be posted not later than 30 days after its creation. Once a government record is posted on the website, it must remain posted for at least five years following the initial posting. Importantly, the measure would be prospective in its application.

As introduced, this legislation would have required a custodian of records to post online all government records under OPRA dating back indefinitely. NJAC would like to thank senators Whelan and Turner taking the time to address our initial concerns with the bill, which were shared by our partners in the New Jersey State League of Municipalities and the New Jersey School Boards Association. NJAC would also like to thank our county counsels and county clerks of the board for making several recommendations that were adopted and led to a sensible piece of legislation. S-167 is in the Senate Budget and Appropriations Committee awaiting consideration; and, its counterpart **ASSEMBLY NO. 3685** (*Mazzeo D-2/Lagana D-38*) is currently in the Assembly State and Local Government Committee.

OUT OF NETWORK HEALTH BENEFITS

On November 23rd, the Assembly Financial Institutions and Insurance Committee amended and favorably reported **ASSEMBLY, NO. 4444** (*Coughlin D-19/Schaer D-36*), which would establish the “Out-of-Network Consumer Protection, Transparency, Cost Containment, and Accountability Act.” In summary, the intent of this sweeping legislation is to reform various aspects of the health care delivery system by enhancing consumer protections and controlling rising costs associated with out-of-network healthcare services.

NJAC is in the process of reviewing the committee amendments, which in part, would remove the requirement to establish a Healthcare Price Index and annual surcharge on all health plans that would fund the Index. Despite the fact that most of the feedback NJAC received from county officials was positive in that the legislation would enhance employee rights and protections as patients, NJAC was concerned that the annual surcharge would have initially increased the costs of health benefit plans and recommended two possible solutions at a stakeholders meeting back in May: 1) use an existing federal database on medical care to eliminate the need for a New Jersey specific HPI and corresponding surcharge; or, 2) establish a New Jersey specific HPI as called for under the bill, but eliminate the surcharge, allocate a one-time State appropriation to establish the Health Price Index Fund, and dedicate monies collected from violations of the Act to the Fund for operation and administrative expenses. It appears that the sponsors will consider enacting the Health Price Index in a separate piece of legislation as several stakeholders shared our concerns with the Index and surcharge. The Senate companion version **SENATE, NO. 20** (*Vitale D-20/Weinberg*) is currently in the Senate Commerce Committee awaiting consideration.

ELECTRONIC FUND TRANSFERS

As a means to modernize the manner in which county governments pay their bills, NJAC supports as one of its top legislative priorities **ASSEMBLY, NO. 2925** (*Lagana D-38/O’Scanlon R-13*), which would authorize all local governing bodies to use electronic fund transfer technologies as the standardized form of payment to individuals and businesses.

In summary, this legislation would authorize local governing bodies to use electronic fund technologies such as wire transfers, electronic fund transfers (EFT), prepaid debit cards, and Automated Clearing House (ACH) payments. ACH and EFT are electronic networks for financial transactions that effectively process large volumes of credit and debit transactions. As has been well documented, the benefits of using these technologies include: reduced printing

and processing costs, enhanced security, increased productivity, and improved cash management. Under current law, counties, municipalities, and other local units must make payments by issuing antiquated paper checks or electronic direct deposits under certain circumstances, but lack the authority to use more modern payment options. NJAC supports this important and timely initiative as it will provide county governments with a wide range of contemporary payment alternatives that will streamline the bill paying process and save valuable taxpayer dollars. A-2925 passed the General Assembly by a vote of 71-5 on December 15th; and, NJAC is optimistic that the Senate Budget and Appropriations Committee will consider the Senate companion version **SENATE, NO. 1033** (*Weinberg D-38*) at one of its December meetings.

UPCOMING NJAC EVENTS

NJAC is pleased to announce that the State's Attorney General John Jay Hoffman will provide the keynote remarks at NJAC's December 18th Summit on Bail Reform and Prisoner Re-entry. The State's top law enforcement officer will follow an informative and timely panel discussion on Prisoner Re-entry featuring the Chairman of the State's Parole Board, James T. Plousis, and the Administrative Office of the Courts comprehensive overview on bail reform and the new speedy trial law. Please visit our website at www.njac.org for additional details and take a moment to review the agenda snapshot below.

SUMMIT ON BAIL REFORM AND PRISONER RE-ENTRY AGENDA SNAPSHOT *December 18th at the Trenton Country Club in Trenton*

- 9:00 a.m. NJAC Board of Directors Meeting
- 10:00 a.m. Opening Remarks
- 10:15 a.m. Bail Reform and Speedy Trial by the AOC
- 11:30 a.m. Successful Prisoner Re-entry Programs
- 12:30 p.m. Luncheon
- 1:00 p.m. Attorney General John Jay Hoffman as Keynote Speaker

STATE HOUSE TRIVIA

Did you know that three towns in the United States take their name from the traditional Thanksgiving bird including Turkey in Texas, Turkey Creek in Louisiana, and a Turkey in North Carolina?

"Thanksgiving is an emotional holiday as people travel thousands of miles to be with loved ones they only see once a year only to discover that once a year is far too often." Johnny Carson