A N N O U N C E M E N T S

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1.   INCARCERATION OF INDIGENTS FOR FAILURE TO PAY FINES IS
PROHIBITED---On April 8 the New Jersey Supreme Court handed down its
decision in State v. DeBonis. As previously noted in 25 State
Clearing House Report 2 (December, 1970), that case contested the
incarceration of an indigent who was unable to pay a fine imposed by
the New Brunswick Municipal Court. The case also contested the
imposition of a greater sentence by the Middlesex County Court on
the defendant's appeal to that court. Peter Siegel, Middlesex
County Legal Services, represented the defendant; James J. Ciancia
of the State Office of Legal Services appeared and filed a brief as
amicus curiae.

     In the decision, Chief Justice Joseph Weintraub, speaking for
the court, held that (1) "...as a matter of policy and apart from
constitutional compulsion, a defendant who appeals from a municipal
court should not risk a greater sentence," and (2)"...a defendant
may not be jailed merely because he cannot pay a fine in full at
once." The Chief Justice set forth the following procedure
regarding the payment of fines in installments:

> If a defendant is unable to pay a fine at once, he
> shall, upon a showing of that inability, be afforded
> an opportunity to pay the fine in reasonable
> in-stallments consistent with the objective of
> achieving the punishment the fine is intended to
> inflict. The installment payments may be collected
> as an incident of probation, but if probation is not
> otherwise warranted, the payments shall be made
> directly to the clerk of the court. If a defendant
> fails to meet the installments, he shall be recalled
> for reconsideration of his sentence. The court may
> re-duce the fine, or suspend it, or modify the
> in-stallment plan, or, if none of those alternatives
> is warranted, the court may impose a jail term to
> achieve the needed penological objective. If a
> jail sentence is thus substituted for the fine, the
> sentencing judge shall not be obliged to equate a day
> in jail with a statutorily stated dollar amount.