

Disorderly Persons Offenses

1. What is a disorderly persons offense?

The most common types of cases that are prosecuted in the Municipal Courts are disorderly persons (DP) offenses and petty DP offenses. A DP offense is a category of an offense that can be related to a small amount of drugs, a simple assault, a petty theft, etc. DP offenses are handled in the Municipal Court in the township wherein the offense occurred. The State must prove all elements of a DP charge beyond a reasonable doubt.

The more serious criminal cases are handled in the County Court. A defendant is not entitled to Grand Jury or a jury trial for a DP charge. All DP cases are tried before a Municipal Court judge. A DP charge is considered to be an "offense," and it is not considered to be a "crime." However, DP conviction will still give a defendant a criminal record.

There are distinct advantages of the crime/offense distinction between a DP and a crime. Moreover, there are certain collateral consequences that are present when a person is convicted of a DP offense. A person does not lose the right to vote for a DP conviction. Moreover, a person is not automatically disqualified from serving on a jury if he is convicted for a DP offense.

2. What is the current law for New Jersey Disorderly Persons Offense?

Disorderly persons offenses are defined in N.J.S.A. 2C:1-4 which states:

N.J.S.A. 2C:1-4. Classes of offenses

a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of six months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

Typically, DP offenses carry a maximum six months in prison, up

to a \$1000 fine, along with a potential community service and probation period. Petty DP carry a possible jail sentence of 30 days, up to \$500 fine, along with potential community service and probation. Therefore, DP offenses and petty DP offenses are not considered crimes in New Jersey and the penalties involve six months or less jail. However, these offenses are still classified as "2C" criminal offenses under New Jersey law, even though they are not considered crimes. Moreover, a DP conviction will still give a defendant a criminal record. Therefore, a defendant will be required to file an expungement application to clear the DP charge from his record.

3. Will I still obtain a criminal record if I am convicted of a DP charge?

A DP charge is handled in the Municipal Court and it is considered to be an offense instead of criminal charge. Nonetheless, as explained above a person convicted of a DP charge still will obtain a criminal record. Moreover, a defendant convicted of a DP charge could still receive a stiff sentence. A Municipal Court judge can impose fines up to \$1000. Moreover, a jail term could be imposed that range from 0 to 6 months. Certain DP offenses also carry with them the mandatory loss of driving privileges, even if the offense had nothing to do with operating a motor vehicle.

4. Can I have my disorderly persons offense expunged?

Yes, a disorderly persons offense can be expunged. However, there is a five year waiting period before any DP conviction can be expunged.

5. What are the possible penalties for a disorderly persons offense?

If you have been arrested for a DP offense then you should not take this charge lightly. DP offenses can be punished by up to six months in jail, fines of \$1,000, restitution, community service, driver's license suspension and probation. Moreover, a defendant can be required to pay court costs of \$33, VCCB fines of \$50, and a SNF fine of \$75. Additionally, the court could impose probation and even suspend or revoke a defendant's driver's license for up to two years

6. What are the collateral consequences of a disorderly persons offense?

There are serious and long-term consequences for a DP conviction and they are:

- a. Immigration issues;

b. State workers, doctors, nurses, attorneys, pharmacists or stockbrokers may lose their jobs and licences; and

c. If you are convicted of a more serious crime in the future, then your sentence could be more severe if you have a DP conviction on your criminal record.