

2A:73A-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:73A-2

Laws of 1972 Chapter 178, Sec. 1

Bill No. S 910

Sponsor(s) Woodcock & 6 others.

Date Introduced April 17, 1972

Committee: Assembly \_\_\_\_\_

Senate Judiciary

Amended during passage Yes  Original bill and amendment enclosed.

Date of passage: Assembly Nov. 29, 1972

Senate May 11, 1972

Date of approval Dec. 1, 1972

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly  No

Senate  No

Fiscal Note  No

Veto message  No

Message on signing Yes

Following were printed:

Reports  No

Hearings  No

Recommended in:

974.901 Gov. Cahill's Second Annual Message, January 11, 1972.

G52 Page 41 - copy enclosed.

VF--NJ--Grand Jury

Bill sets full-time state Grand Jury. Jersey J. 4/14/72

Jury Regularity. Bergen Record 5/12/72

State Grand Jury will be permanent. Bergen Record 11/30/72

Permanent jury bill passed. Asbury Park Press 11/30/72

Permanent state grand jury OK'D. Trenton Eve. Times 12/3/72

10/4/76

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**SENATE, No. 910**

**STATE OF NEW JERSEY**

INTRODUCED APRIL 17, 1972

By Senators WOODCOCK, PARKER, THOMAS, CAFIERO,  
DeROSE, LAZZARA and BATE

Referred to Committee on Judiciary

AN ACT to amend the "State Grand Jury Act," approved December  
16, 1968 (P. L. 1968, c. 361) and making an appropriation.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. Section 2 of P. L. 1968, c. 361 (C. 2A:73A-2) is amended to  
2 read as follows:

3 2. *There shall be at least one grand jury which shall have juris-*  
4 *diction extending throughout the State serving at all times. Such*  
5 *State grand jury shall be impaneled by an assignment judge of the*  
6 *superior court designated for this purpose by the Chief Justice.*

7 Whenever the Attorney General or the Director of the Division of  
8 Criminal Justice deems it to be in the public interest to convene **[a]**  
9 one or more additional State grand **[jury]** juries **[which shall have**  
10 jurisdiction extending beyond the boundaries of any single county],  
11 he may **[petition an]** *apply in writing to the aforementioned assign-*  
12 *ment judge [of the superior court designated for such purpose by*  
13 *the Chief Justice] for an order in accordance with provisions of*  
14 *this act. Said assignment judge [may, for good cause shown,]*  
15 *\*[shall]\* \*may, for good cause shown,\* order the impaneling of*  
16 **[a]** *such additional State grand [jury] juries in accordance with*  
17 *said application, in which event each said grand jury shall have*  
18 *Statewide jurisdiction. [In making his determination as to the*  
19 *need for impaneling a State grand jury, the judge shall require,*  
20 *among other things, a showing that the matter cannot be effectively*  
21 *handled by a county grand jury.]*

1 2. Section 9 of P. L. 1968, c. 361 (C. 2A:73A-9) is amended to  
2 read as follows:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

3 9. A. The costs and expenses of impaneling a State grand jury  
4 and for the performing of its functions and duties shall be paid by  
5 the State out of funds appropriated *for this purpose* to the  
6 **【Judiciary】** *Department of Law and Public Safety, Division of*  
7 *Criminal Justice.*

8 B. *All costs and expenses incurred by a county arising out of the*  
9 *prosecution and trial of State grand jury indictments shall, upon*  
10 *application by the county treasurer to the assignment judge of said*  
11 *county who shall certify and fix the amount of same, be paid by the*  
12 *State out of funds appropriated for this purpose to the Department*  
13 *of Law and Public Safety, Division of Criminal Justice.*

1 3. There is hereby appropriated to the Department of Law and  
2 Public Safety, Division of Criminal Justice for the purpose of this  
3 act the sum of \$500,000.00 for the period ending June 30, 1972. Any  
4 unexpended portion of the foregoing appropriation as of June 30,  
5 1972 is hereby reappropriated until June 30, 1973.

1 4. This act shall take effect immediately.

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7 Whenever the Attorney General or the Director of the Division of  
8 *Criminal Justice* deems it to be in the public interest to convene [a]  
9 *one or more additional State grand [jury] juries [which shall have*  
10 *jurisdiction extending beyond the boundaries of any single county],*  
11 *extending beyond the boundaries of any single county], he may*  
12 *[petition an] apply in writing to the aforementioned assignment*  
13 *judge [of the superior court designated for such purpose by the*  
14 *Chief Justice] for an order in accordance with provisions of this*  
15 *act. Said assignment judge [may, for good cause shown,] shall*  
16 *order the impaneling of [a] such additional State grand [jury]*  
17 *juries in accordance with said application, in which event each said*  
18 *grand jury shall have Statewide jurisdiction. [In making his de-*  
19 *termination as to the need for impaneling a State grand jury, the*  
20 *judge shall require, among other things, a showing that the matter*  
21 *cannot be effectively handled by a county grand jury.]*

1 2. Section 9 of P. L. 1968, c. 361 (C. 2A:73A-9) is amended to  
2 read as follows:

3 9. (a) The costs and expenses of impaneling a State grand jury  
4 and for the performing of its functions and duties shall be paid by  
5 the State out of funds appropriated for the purpose to the

Every provision of this bill which is not enclosed in brackets is intended to be enacted as law.

6 **[Judiciary]** *Department of Law and Public Safety, Division of*  
7 *Criminal Justice.*

8 *B. All costs and expenses incurred by a county arising out of the*  
9 *prosecution and trial of State grand jury indictments shall, upon*  
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#### STATEMENT

This bill establishes the State grand jury as a permanent institution with at least one panel sitting at all times, and simplifies procedures for impaneling additional grand juries as deemed in the public interest. Since the Division of Criminal Justice presents matters to the State grand jury, the director of the division is authorized, along with the Attorney General, to request impaneling of additional juries.

The experience of the last 2 years demonstrates that there is a sufficient volume of matters including organized crime and misconduct in office to require at least one continuous State grand jury without establishing this need anew in each application. State grand juries are imperative for successful handling of matters which extend beyond individual county lines, have Statewide significance and impact or should, in the judgment of the Attorney General or the director, be dealt with at the State level.

This bill also provides that costs and expenses arising out of the operation of State grand juries and the prosecution and trial of their indictments be paid by the State.

Under the existing statute, costly trials and appeals arising out of State grand jury indictments have placed a substantial burden on the several counties. Since the purpose of State grand juries is to improve the effectiveness of prosecutions in matters of Statewide significance, the State should assume the costs of both prosecution and trial of these cases. This bill authorizes reimbursement of costs incurred by prosecutors' offices and by the county judicial system, and is designed to relieve burdens already placed on several counties by State grand jury cases.

SENATE COMMITTEE AMENDMENT TO  
SENATE, No. 910

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STATE OF NEW JERSEY

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ADOPTED MAY 4, 1972

Amend page 1, section 1, line 15, omit "shall", and insert "may, for good cause shown,".

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 4, 1972

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill has signed into law a bill establishing permanent State grand juries with at least one panel sitting at all times.

Senate Bill 910, sponsored by Senator Joseph C. Woodcock (R., Bergen), also permits the Director of the Division of Criminal Justice and the Attorney General to request impaneling additional juries.

The State grand juries handle criminal matters which extend beyond individual county lines, have statewide significance and impact or should, in the judgment of the Attorney General, be dealt with at the State level.

Also signed into law were:

Senate Bill 353, sponsored by Senator Peter W. Thomas (R., Morris), authorizes the Division of Investment to increase from ten per cent to 60 per cent the portion of certain funds which may be invested in common stocks. The funds are the 1837 Surplus Revenue Fund, the Trustees for the Support of Public Schools and the major pension system funds.

Senate Bill 845, sponsored by Senator William J. Bate (D., Passaic), maintains the number of district court judges in Passaic County consistent with the change in population as a result of the 1970 census.

Senate Bill 1072, sponsored by Senator Michael A. Giuliano (R., Essex), amends the Essex County Retirement System Act to restore language inadvertently omitted in a recent amendment of the law, which language provided for a special computation of benefits for persons who were members of this system prior to 1943. The bill will insure that these long-time members of this pension system receive the benefits to which they are entitled.

Gov. WILLIAM T. CAHILL  
SECOND ANNUAL MESSAGE. JAN. 11, 1972

involved with the renewal and rehabilitation of the so-called "Morris and Essex" lines of that railroad would seem to be solved and thus permit active advancement of that project.

On the Penn Central, 70 additional cars for commuter service are now on order. Construction of a new Trenton Station is finally underway to provide a replacement for that antiquated facility. And this year, station improvements are slated for Metuchen, Rahway and Elizabeth.

As for the Central Railroad of New Jersey, or Jersey Central, a new and aggressive management is making tremendous efforts to extricate itself from a precarious financial situation. Our Department of Transportation is working closely with the Jersey Central's new team to accomplish the economies essential to continue operation and insure rail service vital to the commuters and industries along its tracks.

Once financial stability has been restored, we can move forward with the long-talked-about and often-postponed plans for electrification of the Jersey Central and the New York and Long Branch commuter operations.

An idea of the importance of continued rail commuter operations is conveyed by the results of rough calculations of the impact upon our highway system if the present 177,000 daily rail trips were suddenly shifted to autos. At least 40 additional lanes of free-way capacity would have to be provided -- and all of them in what is already one of the most densely developed areas of the Nation -- Northern New Jersey's Bergen, Hudson, Essex, Union and Middlesex Counties.

I am confident that the members of the Legislature in both parties and in both houses, supported by one of the best informed and most sophisticated electorates in the Nation, will act positively and decisively in 1972 to provide funds that will permit us in this State to improve all aspects of our transportation network.

#### LAW ENFORCEMENT AND JUSTICE

To no other single area can the citizens of New Jersey point with greater pride than our dramatically successful commitment to search out and destroy organized crime and the corrupted and corrupters in public life.



No longer does the remainder of the country view New Jersey with scorn and ridicule as the State in which crime dominated both the public and private sectors. New Jersey is emerging as a model of what an aroused citizenry and tough, honest law enforcement on all governmental levels can accomplish.

A close relationship and strong cooperation among State, federal, and local law enforcement agencies in New Jersey have produced an unrelenting drive against crime and official corruption. This teamwork will continue and will become stronger as we work together for an even higher quality of law enforcement.

On the State level, the Division of Criminal Justice in the Department of Law and Public Safety will be given greater tools and resources to continue the excellent record it achieved in its first full year in 1971. That record was highlighted by indictments of 225 individuals.

During the coming year, we will increase the staff of 32 lawyers now working for the Attorney General's Division of Criminal Justice. A criminal anti-trust bureau will become operational in 1972 to provide even stronger enforcement of the Anti-Trust Act recognized as one of the best State laws in the Nation.

A special municipal corruption unit has been created consisting of the Division lawyers and State Police investigators. Increased personnel and resources will be assigned to combat labor racketeering and the more traditional types of organized crime such as extortion and loansharking.

In cooperation with this increased activity, we plan to make more extensive use of the State Grand Jury system that has proven to be so effective. The Grand Jury, which has met on the average of once a week, will meet two full days each week.

Additionally, legislation will be presented to you to make the State Grand Jury a continuing institution rather than one which now is impaneled only on the approval by the court at the request of the Attorney General.

We also will seek the cooperation of this Legislature in another important area in which our war against crime has been handicapped by a lack of stronger legal tools. I intend to resubmit legislation, unfortunately blocked in the last session, to give the Bi-State Water-

front Commission tough new security powers to protect pier cargo from the growing menace of pilferage tied to organized crime.

If our waterfront is to continue to prosper and if the consumer is to be protected from higher costs passed on because of cargo thefts, this legislation is essential.

I also will solicit your help in a renewed effort for federal legislation to extend the jurisdiction of the Waterfront Commission to the crime-plagued metropolitan area airports. Together, we can apply bi-partisan pressure on Congress to enact the long-delayed bill.

The Legislatures of both New Jersey and New York passed the required State legislation, and it was signed into law nearly two years ago on May 20, 1970, in Trenton and Albany. The failure of Congress to give consent to the expressed will of the people of two sovereign States is inexcusable.

As New Jersey is emerging as a leader in quality law enforcement, our State is properly proud of its pioneer position in making the constitutional promise of justice and equal opportunity a reality for all its citizens.

As part of that continuing commitment, I have taken steps to assist members of minority groups to achieve one of the most critical of all civil rights -- the right to make the fullest use of one's talents and abilities in a job with decent pay and working conditions.

To that end, we are implementing an "affirmative action" program for State projects designed to require equal employment opportunities in the construction trades. It is widely recognized that exclusionary practices and discrimination have hampered training and recruitment efforts in this area of employment.

To overcome this problem on public works projects directly funded or financially assisted by the State, it is mandatory that an "affirmative action" employment guarantee be included in the contracts for such projects.

Working together, we can and must marshal the vast powers of the State to seek out and punish the wrongdoers, while at the same time always striving to guarantee for all our citizens the promise of the Declaration of Independence that "all men are created equal...."