

Article I, Paragraph 9 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

(Authorizes the Trial of Civil Causes by a Jury of Not Less than 6 persons.)

New Jersey Constitution: Article I, Paragraph 9

BILL NO: SCR2010

SPONSOR: Bateman, Lazzara, Giuliano, DeRose, Musto

DATE INTRODUCED: February 5, 1973

COMMITTEE: **ASSEMBLY:** ---

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** April 30, 1973

SENATE: April 16, 1973

FILED WITH SECRETARY OF STATE: May 7, 1973

DATE OF ADOPTION: November 6, 1973

EFFECTIVE: December 4, 1973

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

In the Legislature, *Trenton Evening Times*, 23 Feb 1973 18

Two Questions For November Ballot Okayed, *Trenton Evening Times*, 1 May 1973 13

Bladick, Dave, Small Juries, Handicapped Schools on Ballot, *Trenton Evening Times*, 16 Oct 1973 20

.

KA

SENATE CONCURRENT RESOLUTION No. 2010

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1973

By Senators BATEMAN, LAZZARA, GIULIANO and DEROSE

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing an amendment to Article I, paragraph 9 of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the*
2 *General Assembly concurring):*

1 1. The following proposed amendment to the Constitution of the
2 State of New Jersey is hereby agreed to:

3 Amend Article I, paragraph 9 to read as follows:

PROPOSED AMENDMENT

4 9. The right of trial by jury shall remain inviolate; but the
5 Legislature may authorize the trial of civil causes by a jury of
6 six persons [when the matter in dispute does not exceed \$50.00].
7 The Legislature may provide that in any civil cause a verdict may
8 be rendered by not less than five-sixths of the jury. The Legisla-
9 ture may authorize the trial of the issue of mental incompetency
10 without a jury.

1 2. When this proposed amendment to the Constitution is finally
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
3 it shall be submitted to the people at the next general election oc-
4 ccurring more than 3 months after such final agreement and shall
5 be published at least once in at least one newspaper of each county
6 designated by the President of the Senate and the Speaker of the
7 General Assembly and the Secretary of State, not less than 3
8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
2 mitted to the people at said election in the following manner and
3 form:

4 There shall be printed on each official ballot to be used at such
5 general election, the following:

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

- 6 a. In every municipality in which voting machines are not used,
 7 a legend which shall immediately precede the question, as follows:
 8 If you favor the proposition printed below make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes."
 10 If you are opposed thereto make a cross (X), plus (+) or check
 11 (✓) in the square opposite the word "No."
 12 b. In every municipality the following question:

	Yes.	JURY TRIALS Do you approve of the amendment to the Constitution of the State of New Jersey, agreed to by the Legislature, providing that the Legislature may authorize the trial of civil causes by a jury of not less than six persons.
	No.	

STATEMENT

The present New Jersey Constitution (Article I, paragraph 9) specifies the number of jurors to be impaneled in civil cases as six when the matter in dispute does not exceed \$50.00. This bill merely deletes the monetary limitation of \$50.00.

It has been shown that, in practice, the difference in civil cases between the twelve-member and the six-member jury in terms of the cross section of the community requested is negligible. Also, neither currently available evidence nor theory suggests the twelve-member jury is necessarily more advantageous to the defendant than a jury composed of fewer members. The allowance of six-man juries would speed trials and help to lessen the ever-increasing burdens on the State courts while maintaining high standards of justice.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE CONCURRENT RESOLUTION No. 2010
—•—
STATE OF NEW JERSEY
—•—

DATED: MARCH 19, 1973

This concurrent resolution would place on the ballot at the next general election a constitutional amendment to permit the Legislature to authorize juries of six members for civil trials.

At present, the Constitution allows the Legislature to authorize six-member juries in civil cases where the amount involved does not exceed \$50.00. This amendment would delete that \$50.00 limitation. This amendment would apply to civil cases only and would not affect the right to a jury trial by twelve persons in criminal cases.