

2A:158-10

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(County prosecutors--increase salary)

NJSA: 2A:158-10

LAWS OF: 1996 CHAPTER: 99

BILL NO: S490

SPONSOR(S): Littel and Lynch

DATE INTRODUCED: January 22, 1996

COMMITTEE: ASSEMBLY: Judiciary, Appropriations  
SENATE: Judiciary, Budget

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: July 18, 1996  
SENATE: March 21, 1996

DATE OF APPROVAL: August 12, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 5-1-96 & 6-3-96  
SENATE: Yes 3-1-96 & 3-18-96

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"County prosecutor gets salary increase," 8-13-96, Home News.

KBP:pp

§2 C.2A:158-15.3  
§3 Approp.  
§4 Repealer  
§5 Note to §§ 1-4

P.L. 1996, CHAPTER 99, *approved August 12, 1996*  
Senate No. 490 (*First Reprint*)

1 AN ACT concerning salaries of county prosecutors and assistant  
2 prosecutors <sup>1,1</sup> amending N.J.S.2A:158-10, <sup>1</sup>[P.L.1970, c.6,  
3 N.J.S.2A:158-16] repealing various sections of Title 2A<sup>1</sup> and  
4 making an appropriation.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. N.J.S.2A:158-10 is amended to read as follows:

10 2A:158-10. County prosecutors shall receive annual salaries to be  
11 fixed by the governing body of the county at [not less than  
12 \$100,00.00]\$115,000.00.

13 There shall be appropriated annually to the Department of  
14 Community Affairs for payment to each county for additional salary  
15 costs resulting from the increase in the salary of county prosecutors an  
16 amount equal to the amount by which the annual salary paid to the  
17 county prosecutor under this section exceeds \$100,000.00 <sup>1,1</sup>

18 (cf: P.L.1995, c.424, s.2)

19  
20 <sup>1</sup>[2. Section 4 of P.L.1970, c.6 (C.2A:158-15.2) is amended to  
21 read as follows:

22 4. a. Notwithstanding the provisions of N.J.S.2A:158-16 assistant  
23 prosecutors appointed prior to the effective date of P.L. .c.  
24 (now pending before the Legislature as this bill) and required to  
25 devote their entire time to the duties of their office shall receive annual  
26 salaries, to be fixed by the board of chosen freeholders on  
27 recommendation of the county prosecutor, as follows:

28 **[ a.]** (1) The first assistant prosecutor or the assistant prosecutor  
29 serving as the county prosecutor's principal assistant, not less than  
30 30% nor more than 90% of the amount of the annual salary of the  
31 county prosecutor in effect on the day immediately preceding to the  
32 effective date of P.L. .c. (now pending before the Legislature as

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted March 7, 1996.

1 this bill); and

2 **[ b.] (2)** Other assistant prosecutors, not less than 30% nor more  
3 than 90% of the amount of the annual salary of the county prosecutor  
4 in effect on the day immediately preceding to the effective date of  
5 P.L. c. (now pending before the Legislature as this bill).

6 The annual salary of assistant prosecutors appointed prior to the  
7 effective date of P.L. c. (now pending before the Legislature as  
8 this bill), who, pursuant to this act, devote their entire time to the  
9 duties of such office, shall be based upon the annual salary of county  
10 prosecutors required to devote their entire time to the duties of such  
11 office, whether or not the respective county prosecutor is required to  
12 devote his entire time to the duties of such office.

13 b. Notwithstanding the provisions of N.J.S. 2A:158-16, a first  
14 assistant prosecutor, a county prosecutor's principal assistant or an  
15 assistant prosecutor appointed on or after the effective date of P.L.  
16 c. (now pending before the Legislature as this bill) and required to  
17 devote their entire time to the duties of their office shall receive an  
18 annual salary, to be fixed by the board of chosen freeholders on  
19 recommendation of the county prosecutor. In addition, a first assistant  
20 prosecutor, a county prosecutor's principal assistant or an assistant  
21 prosecutor appointed prior to the effective date of P.L. c. (now  
22 pending before the Legislature as this bill) may be granted an annual  
23 salary by the board of chosen freeholders on recommendation of the  
24 county prosecutor in excess of the maximum limits set in paragraphs  
25 (1) and (2) of subsection a. of this section.

26 (cf: P.L.1979, c. 355, s. 1)]<sup>1</sup>

27

28 <sup>1</sup>[3. N.J.S.2A:158-16 is amended to read as follows:

29 2A:158-16. a. Assistant prosecutors appointed under authority of  
30 **[section]** N.J.S. 2A:158-15 prior to the effective date of P.L. c.  
31 (now pending before the Legislature as this bill) shall receive annual  
32 salaries, to be fixed by resolution of the board of chosen freeholders  
33 on recommendation of the county prosecutor, as follows:

34 **[ a. ](1)** The first assistant prosecutor or the assistant prosecutor,  
35 serving as the county prosecutor's principal assistant, not less than  
36 60% nor more than 90% of the amount of the annual salary of the  
37 county prosecutor in effect on the day immediately preceding the  
38 effective date of P.L. c. (now pending before the Legislature as this  
39 bill), but this provision shall not authorize a reduction in the annual  
40 salary of any first assistant prosecutor or assistant prosecutor serving  
41 as the county prosecutor's principal assistant now in office.

42 **[b.] (2)** All other assistant prosecutors, not less than 50% nor more  
43 than 80% of the amount of the annual salary of the county prosecutor  
44 in effect on the day immediately preceding the effective date of P.L.  
45 c. (now pending before the Legislature as this bill) but this provision  
46 shall not authorize the reduction in the annual salary of any assistant

1 prosecutor now in office.

2 b. A first assistant prosecutor, a county prosecutor's principal  
3 assistant or an assistant prosecutor appointed on or after the effective  
4 date of P.L. , c. (now pending before the Legislature as this bill)  
5 shall receive an annual salary, to be fixed by the board of chosen  
6 freeholders on recommendation of the county prosecutor. In addition,  
7 a first assistant prosecutor, a county prosecutor's principal assistant  
8 or an assistant prosecutor appointed prior to the effective date of P.L.  
9 c. (now pending before the Legislature as this bill) may be granted  
10 an annual salary by the board of chosen freeholders on  
11 recommendation of the county prosecutor in excess of the maximum  
12 limits set in paragraphs (1) and (2) of subsection a. of this section.

13 c. In each county the salaries of the assistant prosecutors shall  
14 be paid at the same times and in the same manner as other county  
15 salaries are paid, and shall be in lieu of all fees and other compensation  
16 or allowances whatever.

17 All fees allowed by law to assistant prosecutors shall be paid into  
18 the treasury of the respective counties for the use thereof.  
19 (cf: P.L. 1961, c. 41, s. 3)]<sup>1</sup>

20  
21 <sup>1</sup>2. (New section) a. The annual salary of a first assistant  
22 prosecutor, a county prosecutor's principal assistant or an assistant  
23 prosecutor shall be determined by the board of chosen freeholders on  
24 recommendation of the county prosecutor.

25 b. The salary of any person serving as a first assistant prosecutor,  
26 a county prosecutor's principal assistant or an assistant prosecutor  
27 prior to the effective date of P.L. , c. (C. ) (now pending  
28 before the Legislature as this bill) may not be reduced pursuant to the  
29 provisions of subsection a. of this section.<sup>1</sup>

30  
31 <sup>1</sup>[4.] 3.<sup>1</sup> (New section) There is appropriated \$157,500.00 to the  
32 Department of Community Affairs to reimburse counties for additional  
33 salary costs through June 30, 1996, resulting from the increase in the  
34 salary of the county prosecutor pursuant to P.L. c. (now pending  
35 before the Legislature as this bill).

36  
37 <sup>1</sup>4. Section 4 of P.L. 1970, c. 6 (C. 2A:158-15.2), N.J.S. 2A:158-  
38 16 and section 1 of P.L. 1957, c. 128 (C. 2A:158-16.1) are repealed.<sup>1</sup>

39  
40 5. This act shall take effect immediately and shall be retroactive to  
41 January 1, 1996.

S490 [1R]

4

1

---

2

3 Increases county prosecutor's salaries; changes salary structure of

4 assistant county prosecutors; makes an appropriation.

## STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Current law (R.S.39:3-40) imposes an additional driver's license or registration suspension, revocation, or prohibition of not more than six months on persons convicted of driving while their licenses or registrations are suspended or revoked, but it does not require that a minimum additional suspension be imposed. Consequently, it is possible that a person convicted of driving while on the revoked list will receive no additional suspension or revocation.

This bill requires that a minimum additional period of suspension, revocation, or prohibition be imposed in addition to other penalties imposed by the court. For a first offense, a person will receive an additional period of suspension, revocation, or prohibition of 30 days to six months; for a second offense, an additional period of 90 days to six months; and for a third or subsequent offense, a mandatory additional period of six months.

---

Imposes minimum additional period of suspension for driving while license or registration is revoked.

[First Reprint]  
SENATE, No. 490

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senators LITTELL and LYNCH

1 AN ACT concerning salaries of county prosecutors and assistant  
2 prosecutors <sup>1,1</sup> amending N.J.S.2A:158-10, <sup>1</sup>[P.L.1970, c.6,  
3 N.J.S.2A:158-16] repealing various sections of Title 2A<sup>1</sup> and  
4 making an appropriation.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. N.J.S.2A:158-10 is amended to read as follows:

10 2A:158-10. County prosecutors shall receive annual salaries to be  
11 fixed by the governing body of the county at [not less than  
12 \$100,00.00]~~\$115,000.00~~.

13 There shall be appropriated annually to the Department of  
14 Community Affairs for payment to each county for additional salary  
15 costs resulting from the increase in the salary of county prosecutors an  
16 amount equal to the amount by which the annual salary paid to the  
17 county prosecutor under this section exceeds \$100,000.00<sup>1,1</sup>

18 (cf: P.L.1995, c.424, s.2)

19  
20 <sup>1</sup>[2. Section 4 of P.L.1970, c.6 (C.2A:158-15.2) is amended to  
21 read as follows:

22 4. a. Notwithstanding the provisions of N.J.S.2A:158-16 assistant  
23 prosecutors appointed prior to the effective date of P.L. .c. .  
24 (now pending before the Legislature as this bill) and required to  
25 devote their entire time to the duties of their office shall receive annual  
26 salaries, to be fixed by the board of chosen freeholders on  
27 recommendation of the county prosecutor, as follows:

28 **[ a. ]** (1) The first assistant prosecutor or the assistant prosecutor  
29 serving as the county prosecutor's principal assistant, not less than  
30 30% nor more than 90% of the amount of the annual salary of the  
31 county prosecutor in effect on the day immediately preceding to the

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SJU committee amendments adopted March 7, 1996.

1 effective date of P.L. .c. (now pending before the Legislature as  
2 this bill); and

3 **【 b.】** (2) Other assistant prosecutors, not less than 30% nor more  
4 than 90% of the amount of the annual salary of the county prosecutor  
5 in effect on the day immediately preceding to the effective date of  
6 P.L. .c. (now pending before the Legislature as this bill).

7 The annual salary of assistant prosecutors appointed prior to the  
8 effective date of P.L. .c. (now pending before the Legislature as  
9 this bill), who, pursuant to this act, devote their entire time to the  
10 duties of such office, shall be based upon the annual salary of county  
11 prosecutors required to devote their entire time to the duties of such  
12 office, whether or not the respective county prosecutor is required to  
13 devote his entire time to the duties of such office.

14 b. Notwithstanding the provisions of N.J.S. 2A:158-16, a first  
15 assistant prosecutor, a county prosecutor's principal assistant or an  
16 assistant prosecutor appointed on or after the effective date of P.L.  
17 c. (now pending before the Legislature as this bill) and required to  
18 devote their entire time to the duties of their office shall receive an  
19 annual salary, to be fixed by the board of chosen freeholders on  
20 recommendation of the county prosecutor. In addition, a first assistant  
21 prosecutor, a county prosecutor's principal assistant or an assistant  
22 prosecutor appointed prior to the effective date of P.L. .c. (now  
23 pending before the Legislature as this bill) may be granted an annual  
24 salary by the board of chosen freeholders on recommendation of the  
25 county prosecutor in excess of the maximum limits set in paragraphs  
26 (1) and (2) of subsection a. of this section.

27 (cf: P.L.1979, c. 355, s. 1)]<sup>1</sup>

28

29 <sup>1</sup>[3. N.J.S.2A:158-16 is amended to read as follows:

30 2A:158-16. a. Assistant prosecutors appointed under authority of  
31 【section】 N.J.S. 2A:158-15 prior to the effective date of P.L. .c.  
32 (now pending before the Legislature as this bill) shall receive annual  
33 salaries, to be fixed by resolution of the board of chosen freeholders  
34 on recommendation of the county prosecutor, as follows:

35 **【 a. 】**(1) The first assistant prosecutor or the assistant prosecutor,  
36 serving as the county prosecutor's principal assistant, not less than  
37 60% nor more than 90% of the amount of the annual salary of the  
38 county prosecutor in effect on the day immediately preceding the  
39 effective date of P.L. .c. (now pending before the Legislature as this  
40 bill) , but this provision shall not authorize a reduction in the annual  
41 salary of any first assistant prosecutor or assistant prosecutor serving  
42 as the county prosecutor's principal assistant now in office.

43 **【b.】** (2) All other assistant prosecutors, not less than 50% nor  
44 more than 80% of the amount of the annual salary of the county  
45 prosecutor in effect on the day immediately preceding the effective  
46 date of P.L. .c. (now pending before the Legislature as this bill) but

1 this provision shall not authorize the reduction in the annual salary of  
2 any assistant prosecutor now in office.

3 b. A first assistant prosecutor, a county prosecutor's principal  
4 assistant or an assistant prosecutor appointed on or after the effective  
5 date of P.L. , c. (now pending before the Legislature as this bill)  
6 shall receive an annual salary, to be fixed by the board of chosen  
7 freeholders on recommendation of the county prosecutor. In addition,  
8 a first assistant prosecutor, a county prosecutor's principal assistant  
9 or an assistant prosecutor appointed prior to the effective date of P.L.  
10 c. (now pending before the Legislature as this bill) may be granted  
11 an annual salary by the board of chosen freeholders on  
12 recommendation of the county prosecutor in excess of the maximum  
13 limits set in paragraphs (1) and (2) of subsection a. of this section.

14 c. In each county the salaries of the assistant prosecutors shall  
15 be paid at the same times and in the same manner as other county  
16 salaries are paid, and shall be in lieu of all fees and other compensation  
17 or allowances whatever.

18 All fees allowed by law to assistant prosecutors shall be paid into  
19 the treasury of the respective counties for the use thereof.  
20 (cf: P.L. 1961, c. 41, s. 3)]<sup>1</sup>

21  
22 <sup>1</sup>2. (New section) a. The annual salary of a first assistant  
23 prosecutor, a county prosecutor's principal assistant or an assistant  
24 prosecutor shall be determined by the board of chosen freeholders on  
25 recommendation of the county prosecutor.

26 b. The salary of any person serving as a first assistant prosecutor,  
27 a county prosecutor's principal assistant or an assistant prosecutor  
28 prior to the effective date of P.L. , c. (C. ) (now pending  
29 before the Legislature as this bill) may not be reduced pursuant to the  
30 provisions of subsection a. of this section.<sup>1</sup>

31  
32 <sup>1</sup>[4.] 3. (New section) There is appropriated \$157,500.00 to the  
33 Department of Community Affairs to reimburse counties for additional  
34 salary costs through June 30, 1996, resulting from the increase in the  
35 salary of the county prosecutor pursuant to P.L. c. (now pending  
36 before the Legislature as this bill).

37  
38 <sup>1</sup>4. Section 4 of P.L. 1970, c. 6 (C. 2A:158-15.2), N.J.S. 2A:158-  
39 16 and section 1 of P.L. 1957, c. 128 (C. 2A:158-16.1) are repealed.<sup>1</sup>

40  
41 5. This act shall take effect immediately and shall be retroactive to  
42 January 1, 1996.

S490 [1R]

4

1

2

3 Increases county prosecutor's salaries; changes salary structure of

4 assistant county prosecutors; makes an appropriation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 490

**STATE OF NEW JERSEY**

DATED: JUNE 3, 1996

The Assembly Appropriations Committee reports favorably Senate Bill No. 490 (1R).

Senate Bill No. 490 (1R) increases the annual salaries of county prosecutors from the current \$100,000 to \$115,000. The bill provides for an annual appropriation to the Department of Community Affairs (DCA) to reimburse the counties for the costs of the salary increase over \$100,000.

The bill also repeals certain statutes concerning the salaries of the various assistant prosecutors and provides that these salaries shall be set by the board of freeholders in consultation with the county prosecutor. This bill is retroactive to January 1, 1996.

This bill is identical to Assembly Bill No. 1448 (1R).

FISCAL IMPACT:

The bill appropriates \$157,500 to DCA as a payment to each county for the increased costs associated with the salary of each county prosecutor for the period from January 1, 1996 through June 30, 1996 the end of the 1996 State fiscal year.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 490

**STATE OF NEW JERSEY**

DATED: MAY 1, 1996

The Assembly Judiciary Committee reports favorably Senate Bill No. 490 (1R).

Presently, the salary of county prosecutors is set at \$100,000.00. The bill would increase this salary to \$115,000.00. The bill contains language providing for an annual appropriation to the Department of Community Affairs to reimburse the counties for any additional costs resulting from any increase in the salary of county prosecutors above \$100,000.00.

To cover the salary increase for the first six months of this year, the bill would appropriate \$157,000.00 to Community Affairs. The bill would be retroactive to January 1, 1996.

This bill repeals certain statutes that concern the salaries of assistant prosecutors and substitutes a provision indicating that the annual salaries of first assistant prosecutors and other assistant prosecutors shall be set by the board of freeholders of each county in consultation with the county prosecutor.

This bill is identical to Assembly Bill No. 1448 (1R).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

**[First Reprint]**

**SENATE, No. 490**

# **STATE OF NEW JERSEY**

DATED: MARCH 18, 1996

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 490 (1R).

Presently, the salary of county prosecutors is set at \$100,000.00. The bill would increase this salary to \$115,000.00. The bill contains language providing for an annual appropriation to the Department of Community Affairs to reimburse the counties for any additional costs resulting from any increase in the salary of county prosecutors above \$100,000.00.

To cover the salary increase for this year, the bill would appropriate \$157,000.00 to Community Affairs. If enacted the bill would be retroactive to January 1, 1996.

The bill repeals several statutes governing the salaries of first assistant prosecutors, county prosecutor's principal assistants and assistant county prosecutors. The bill provides that in the future the annual salaries of first assistant prosecutors and other assistant prosecutors would be set by the board of freeholders of each county in consultation with the county prosecutor; however, the salaries of persons serving in these positions prior to the effective date of this bill would not be reduced.

### FISCAL IMPACT

The bill appropriates \$157,500 from the General Fund to the Department of Community Affairs for payments to each county for the increase in the salary of each county prosecutor. This amount represents one half of the annual salary increase for Fiscal Year 1996.

It is estimated that the cost to the State of this bill for the three years following its effective date will be \$945,000.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 490**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 7, 1996

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 490.

Presently, the salary of county prosecutors is set at \$100,000.00. The bill would increase this salary to \$115,000.00. The bill contains language providing for an annual appropriation to the Department of Community Affairs to reimburse the counties for any additional costs resulting from any increase in the salary of county prosecutors above \$100,000.00.

To cover the salary increase for this year, the bill would appropriate \$157,000.00 to Community Affairs. If enacted the bill would be retroactive to January 1, 1996.

As introduced the bill amended several statutes governing the salaries of first assistant prosecutors, county prosecutor's principal assistants and assistant county prosecutors which establish ranges for those salaries based on the county prosecutor's salary. The amendments adopted by the committee would repeal those statutes and substitute a provision indicating that the annual salaries of first assistant prosecutors and other assistant prosecutors be set by the board of freeholders of each county in consultation with the county prosecutor.

# LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]  
**SENATE, No. 490**

## **STATE OF NEW JERSEY**

DATED: April 1, 1996

Senate Bill No. 490 (1R) of 1996 increases the salaries of county prosecutors from \$100,000 to \$115,000 a year, retroactive to January 1, 1996. The bill provides that this increase be funded by an annual State appropriation. The bill appropriates \$157,500 to the Department of Community Affairs to reimburse the counties for this salary increase for the period from the retroactive effective date to the end of the current fiscal year.

The Office of Legislative Services determines that the cost to the State of this bill for the three years following its effective date will be \$945,000.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

174.701  
G61



## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001** Jayne Rebovich  
**CONTACT:** Geraldine Mehu  
609-777-2600

**TRENTON, NJ 08625**  
**RELEASE:** Monday  
August 12, 1996

Attorney General Peter Verniero, acting Governor, today signed legislation raising county prosecutor's salaries and changing the salary structure of assistant county prosecutors.

The bill, which enjoyed bi-partisan sponsorship, increases the salaries of county prosecutors from \$100,000 to \$115,000. This addresses the salary increase that was provided to judges, but not to prosecutors last session. Historically, prosecutors and judges have been compensated equally.

The bill also appropriates \$157,500 to the Department of Community Affairs to cover the cost of the salary increase from January to June of this year. The bill will be retroactive to January 1, 1996.

Additionally, this bill provides that the annual salaries of assistant county prosecutors be determined by the board of freeholders of each county in consultation with the county prosecutor.

**S-490/A-1448**, was sponsored by Senators Robert Littell (R-Sussex/Hunterdon/Morris) and John Lynch (D-Middlesex/Somerset/Union) and Assemblymen Christopher Bateman (R-Morris/Somerset) and Neil Cohen (D-Union).