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CL/MM

§1
C.40A:9-127.1
§52
C.40A:9-127.2
§51
Repealer

P.L. 2023, CHAPTER 250, *approved January 8, 2024*
Assembly, No. 5281

1 AN ACT eliminating the position of constable, supplementing
2 P.L.1960, c.169, and amending and repealing various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) All of the functions, powers, and duties
9 previously awarded to a constable appointed prior to the elimination
10 of the position of constable pursuant to P.L. , c. (C.)
11 (pending before the Legislature as this bill) are hereby abolished.

12
13 2. N.J.S.2A:33-9 is amended to read as follows:

14 2A:33-9. If the tenant or owner of property distrained for rent
15 shall not, within 10 days next after the distress taken and after
16 notice thereof, and of the cause of the taking, has been left at the
17 main dwelling house or other most conspicuous place on the
18 premises charged with the rent distrained for, commence an action
19 or otherwise lawfully proceed to recover possession of said property
20 or set aside or end the distraint, the person distraining may, after the
21 distress, notice and expiration of 10 days, on **[2]** two days' notice
22 to the tenant, cause the goods and chattels to be inventoried and
23 appraised by **[3]** three sworn appraisers.

24 The sheriff of the county**[,** or a constable**]** of the place wherein
25 the distress shall be taken, shall aid and assist therein and shall
26 summon **[3]** three appraisers for such service and shall swear them
27 well and truly to appraise the same, at the true and intrinsic value
28 thereof, according to their best understanding.

29 (cf: N.J.S.2A:33-9)

30
31 3. N.J.S.2A:33-10 is amended to read as follows:

32 2A:33-10. After the inventory and appraisal, the person
33 distrained for rent shall sell at public vendue the property so
34 distrained. He shall give **[5]** five days' public notice by
35 advertising the articles to be sold and the time and place of sale, in
36 at least **[3]** three of the most public places in the municipality

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

Matter underlined thus is new matter.

1 where the distress shall be made, and sell the same for the best
2 price that can be secured towards satisfaction of the rent and
3 charges of the distress, appraisement and sale, leaving the overplus,
4 if any, with the sheriff **【or constable】** for the owner's use.

5 (cf: N.J.S.2A:33-10)

6
7 4. N.J.S.2A:33-13 is amended to read as follows:

8 2A:33-13. If the landlord, his attorney or agent shall not, within
9 **【2】** two days after being served with a written request from his
10 tenant so to do, proceed and have the distrained property appraised,
11 the tenant may, after **【5】** five days' notice thereof to his landlord,
12 his attorney or agent, apply to the sheriff **【or a constable】** of the
13 county and have the property inventoried and appraised. The
14 property reserved for the use of the family of the tenant may
15 thereupon be selected as provided by section 2A:33-12 of this title.

16 (cf: N.J.S.2A:33-13)

17
18 5. N.J.S.2A:33-22 is amended to read as follows:

19 2A:33-22. When property is removed by a tenant and put in any
20 place locked up, fastened or otherwise secured, to prevent the said
21 property from being distrained for arrears of rent, the landlord, first
22 calling to his assistance a **【constable or】** peace officer, who shall
23 aid and assist therein, may, in the daytime, break open and enter the
24 place, and distrain the said property for the arrears of rent as he
25 might have done if the said property had been put in an open place.

26 If the place where the said property is secured is a dwelling
27 house, oath shall first be made before some judge or magistrate, of a
28 reasonable ground to suspect that the said property is therein.

29 (cf: N.J.S.2A:33-22)

30
31 6. N.J.S.2A:44-13 is amended to read as follows:

32 2A:44-13. Where the consignee of perishable goods cannot be
33 found by the carrier or shall neglect or refuse to receive the same or
34 to pay the costs and expenses of transportation, or the charges for
35 detention or demurrage, the carrier or its agent may apply in writing
36 to the Superior Court and such court on proof that the goods have
37 been transported and are perishable and that the consignee cannot
38 be found or neglects or refuses to receive the same or to pay the
39 costs and expenses of transportation, detention or demurrage
40 charges, shall order the public sale thereof by a **【constable or】**
41 sheriff of the county at a time and place named in the order, of
42 which sale such advertisement shall be made and notice given as the
43 court shall direct.

44 (cf: P.L.1991, c.91, s.90)

45
46 7. N.J.S.2A:67-4 is amended to read as follows:

47 2A:67-4. No person committed to a prison or in the custody of
48 an officer or other person for a criminal or supposed criminal matter

- 1 shall be removed from such prison or custody into the custody of
2 any other officer or person, except:
- 3 a. By habeas corpus or other legal writ or process; or
 - 4 b. Where he is delivered to **【a constable or other inferior】**
5 another officer in accordance with law; or
 - 6 c. Where he is sent by order of a court, judge or magistrate to a
7 workhouse or house of correction; or
 - 8 d. Where he is removed to another place, within the county, for
9 his trial or discharge in due course of law; or
 - 10 e. In case of sudden fire or infection or other necessity.
- 11 (cf: N.J.S.2A:67-4)

- 12
- 13 8. N.J.S.2A:67-8 is amended to read as follows:
- 14 2A:67-8. A judge of the superior court may, when it shall
15 appear by satisfactory proof that anyone is held in illegal
16 confinement or custody and there is good reason to believe that he
17 will be taken out of the state or suffer some irreparable injury
18 before he can be relieved by the issuance of a habeas corpus, issue a
19 warrant under his hand and seal reciting the facts and directed to
20 any sheriff**【, constable】** or other person, commanding him to take
21 the prisoner and forthwith bring him before the court to be dealt
22 with according to law.
- 23 If the proof shall also be sufficient to justify an arrest of the
24 person having the prisoner in his custody, as for a criminal offense
25 committed in the taking or detaining of the prisoner, the warrant
26 may also contain an order for the arrest of such person for such
27 offense.
- 28 (cf: N.J.S.2A:67-8)

- 29
- 30 9. N.J.S.2A:161-1 is amended to read as follows:
- 31 2A:161-1. In all criminal complaints before a judge of the
32 Superior Court or a municipal court, where in the opinion of such
33 judge, public justice shall require that a warrant for the arrest of the
34 alleged offender issue and be executed immediately, and no person
35 authorized to make an arrest can be had in time, such judge may, by
36 writing, under his hand and seal, appoint some fit person, who shall
37 be a citizen of this State, to execute the warrant, who shall have the
38 same authority in the premises in all respects and be subject to **【the**
39 **same】** liability **【as a constable】**.
- 40 (cf: P.L.1991, c.91, s.133)

- 41
- 42 10. N.J.S.2A:169-3 is amended to read as follows:
- 43 2A:169-3. Whenever an offense is committed in his presence,
44 any **【constable or】** police officer shall, and any other person may,
45 apprehend without warrant or process any disorderly person, and
46 take him before any magistrate of the county where apprehended.
- 47 (cf: N.J.S.2A:169-3)

1 11. N.J.S.2C:5-6 is amended to read as follows:

2 2C:5-6. a. Any person who knowingly possesses a motor
3 vehicle master key or device designed to operate a lock or locks on
4 motor vehicles or to start a motor vehicle without an ignition key is
5 guilty of a crime of the fourth degree.

6 b. Any person who offers or advertises for sale, sells or gives
7 to any person other than those excepted in subsection c. a motor
8 vehicle master key or device designed to operate a lock or locks on
9 a motor vehicle or to start a motor vehicle without an ignition key
10 is guilty of a crime of the fourth degree.

11 c. Subsection a. shall not apply to a law enforcement officer,
12 **【constable,】** locksmith or dealer, distributor or manufacturer of
13 motor vehicles or motor vehicle locks, a garage keeper, or a person
14 engaged in the business of lending on the security of motor
15 vehicles, or in the business of acquiring by purchase evidence of
16 debt secured by interests in motor vehicles, and his employees and
17 agents.

18 (cf: N.J.S.2C:5-6)

19

20 12. Section 1 of P.L.1965, c.94 (C.4:3-11.10) is amended to read
21 as follows:

22 1. Upon the filing of the verified complaint the court may issue
23 a warrant directed to the sheriff **【or a constable】** of the county or
24 other peace officer, commanding such officer to seize and take in
25 his possession the eggs described in the complaint, and bring the
26 same before the court which issued the warrant and to summon the
27 person named in the warrant, and any other person who may be
28 found in possession of the eggs, to appear at the time and place
29 therein specified.

30 (cf: P.L.1965, c.94, s.1)

31

32 13. Section 7 of P.L.1961, c.125 (C.4:8B-7) is amended to read
33 as follows:

34 7. Upon the filing of a verified complaint the court may issue a
35 warrant directed to the sheriff **【or a constable】** of the county or
36 other peace officer, commanding such officer to seize and take in
37 his possession the grain described in the complaint, and bring the
38 same before the court which issued the warrant and to summon the
39 person named in the warrant, and any other person who may be
40 found in possession of the grain, to appear at the time and place
41 therein specified.

42 (cf: P.L.1961, c.125, s.7)

43

44 14. R.S.4:22-44 is amended to read as follows:

45 4:22-44. Any municipal humane law enforcement officer,
46 chief humane law enforcement officer, humane law enforcement
47 officer of a county society for the prevention of cruelty to animals,
48 sheriff, undersheriff, **【constable,】** or police officer may:

1 a. Make arrests for violations of article 2 of chapter 22 of Title
2 4 of the Revised Statutes; and

3 b. Arrest without warrant any person found violating the
4 provisions of article **[2]** two of chapter 22 of Title 4 of the Revised
5 Statutes in the presence of such humane law enforcement officer,
6 sheriff, undersheriff, **[constable,]** or police officer.
7 (cf: P.L.2017, c.331, s.15)
8

9 15. R.S.4:22-45 is amended to read as follows:

10 4:22-45. Where an arrest is made for a violation of subsection c.
11 of R.S.4:22-17 by a **[constable,]** sheriff, undersheriff, police
12 officer, municipal humane law enforcement officer, chief humane
13 law enforcement officer, or humane law enforcement officer of a
14 county society for the prevention of cruelty to animals, the officer
15 shall give notice to the county prosecutor, or designee of the county
16 prosecutor, at once, whereupon the county prosecutor, or designee
17 of the county prosecutor, shall determine whether the offense
18 should be handled in the Superior Court or in municipal court.
19 (cf: P.L.2017, c.331, s.16)
20

21 16. R.S.4:22-47 is amended to read as follows:

22 4:22-47. A sheriff, undersheriff, **[constable,]** police officer,
23 municipal humane law enforcement officer, chief humane law
24 enforcement officer, or humane law enforcement officer of a county
25 society for the prevention of cruelty to animals may enter any
26 building or place where there is an exhibition of the fighting or
27 baiting of a living animal or creature, where preparations are being
28 made for such an exhibition, or where a violation otherwise of
29 R.S.4:22-24 is occurring, arrest without warrant all persons there
30 present, and take possession of all living animals or creatures
31 engaged in fighting or there found and all implements or appliances
32 used or to be used in such exhibition.
33 (cf: P.L.2017, c.331, s.17)
34

35 17. R.S.4:23-15 is amended to read as follows:

36 4:23-15. For a violation of any provision for which a penalty
37 is prescribed which is collectible under this article, done within the
38 view of any **[constable,]** police officer or member of the State
39 police, the officer may arrest the offender without a warrant and
40 take him before the court in the county wherein such arrest is
41 made.
42 (cf: P.L.1953, c.5, s.97)
43

44 18. R.S.9:6-8 is amended to read as follows:

45 9:6-8. Whenever any person shall, before the Superior Court, or
46 municipal court, make oath that the affiant believes that this chapter
47 has been or is being violated in any place or house, such court shall
48 forthwith issue a warrant to **[a constable or other]** another

1 authorized officer to enter such place or house and investigate the
2 same, and such person may arrest or cause to be arrested all
3 offenders and bring them before any court for a hearing of the case;
4 and all **【constables and】** policemen shall aid in bringing all such
5 offenders before such authorities for a hearing.

6 (cf: P.L.1991, c.91, s.197)

7

8 19. R.S.9:17-4 is amended to read as follows:

9 9:17-4. Warrants in such proceedings shall be directed to a
10 **【constable or】** police officer of the county.

11 (cf: P.L.1953, c.9, s.31)

12

13 20. Section 34 of P.L.1984, c.171 (C.17:13-112) is amended to
14 read as follows:

15 34. a. Every credit union shall be subject to the supervision and
16 examination of the commissioner. In lieu of making an
17 examination of a credit union, the commissioner may accept the
18 examination of a certified public accountant who has examined the
19 records of the credit union and who files an opinion of his
20 examination with the commissioner. If an examiner deems it
21 advisable, he may verify the liabilities of the credit union to its
22 members by an inspection and verification of their accounts. The
23 commissioner shall promptly communicate the results of each
24 examination to the president of the credit union examined, who
25 shall present the report to the board at the next regular meeting or a
26 special meeting if the commissioner so directs. The action taken by
27 the board shall be communicated by the president to the
28 commissioner within five days.

29 b. The officers, directors and employees of the credit union
30 under examination shall exhibit its books, papers, records,
31 documents, and securities to the commissioner or his representative
32 and shall act to facilitate the examination. The commissioner or
33 his representative may administer an oath to any person whose
34 testimony is required on any examination and may compel by
35 subpoena the appearance of any person for the purpose of
36 examination or for the production of books, papers, records,
37 documents and securities. The subpoena may be served by any
38 police officer **【or constable】** of the municipality in which the
39 person resides. If any person fails to obey the subpoena, give
40 testimony, answer questions or produce any books, papers, records,
41 documents, securities or other things which may be required by the
42 commissioner, the Superior Court may compel the person to do so.

43 c. A person who shall willfully testify falsely to a material
44 matter upon an oath administered by the commissioner or his
45 representative upon an investigation or inquiry, or in regard to a
46 report made by the commissioner, shall be guilty of perjury.

47 (cf: P.L.1984, c.171, s.34)

1 21. R.S.19:6-30 is amended to read as follows:

2 19:6-30. The district board in each election district, the county
3 board, and the clerk thereof, the board of county canvassers and the
4 board of State canvassers and the Superior Court shall, respectively,
5 possess full power and authority to direct the police on duty to
6 maintain regularity and order, and to enforce obedience to their
7 lawful commands during their sessions respectively.

8 If a person shall refuse to obey the lawful command of any such
9 board, or by disorderly conduct in its hearing or presence shall
10 interrupt or disturb its proceedings, it may by an order in writing,
11 signed by its chairman and attested by its clerk, commit the person
12 so offending to the common jail of the county in which the board
13 shall have met, for a period not exceeding three days. Such order
14 shall be executed by any sheriff **【or constable】** to whom it shall be
15 delivered; or if a sheriff **【or constable】** shall not be present or shall
16 refuse to act, by any other person deputed by the board in writing,
17 and the keeper of such jail shall receive the person so committed,
18 and safely keep him for such time as shall be provided in the
19 commitment.

20 (cf: P.L.1991, c.91, s.241)

21

22 22. R.S.19:32-22 is amended to read as follows:

23 19:32-22. The superintendent and his chief deputy and
24 assistants are hereby authorized and empowered and without
25 warrant, to arrest any person violating any provision of this title.

26 The superintendent and his chief deputy and assistants, as the
27 case may be, shall have the right and power to call upon any
28 **【constable,】** police officer or other peace officer to aid in taking
29 any person so arrested to the nearest police station in the
30 municipality in which the arrest is made, and such **【constable,】**
31 police officer or other peace officer shall render such aid.

32 Any **【constable,】** police officer or other peace officer failing to
33 comply with such request shall be guilty of a misdemeanor.

34 (cf: R.S.19:32-22)

35

36 23. Section 20 of P.L.1947, c.167 (C.19:32-45) is amended to
37 read as follows:

38 20. The superintendent and his chief deputy and assistants are
39 hereby authorized and empowered and without warrant, to arrest
40 any person violating any provision of this Title.

41 The superintendent and his chief deputy and assistants, as the
42 case may be, shall have the right and power to call upon any
43 **【constable,】** police officer or other peace officer to aid in taking
44 any person so arrested to the nearest police station in the
45 municipality in which the arrest is made, and such **【constable,】**
46 police officer or other peace officer shall render such aid.

1 Any **【constable,】** police officer or other peace officer failing to
2 comply with such request shall be guilty of a misdemeanor.

3 (cf: P.L.1947, c.167, s.20)

4

5 24. R.S.23:2-8 is amended to read as follows:

6 23:2-8. The council, the wardens, the deputy wardens and the
7 protector shall have the power of summary arrest in cases of
8 flagrant violation of this Title, or of the provisions of the State Fish
9 and Game Code, and may, in the discharge of their duties, call in
10 the aid of a **【constable,】** sheriff or other peace officer when
11 deemed necessary. An officer neglecting or refusing to aid when so
12 required shall forfeit twenty-five dollars (\$25.00) to be recovered in
13 a civil action.

14 (cf: P.L.1953, c.23, s.1)

15

16 25. R.S.23:10-3 is amended to read as follows:

17 23:10-3. Proceedings for the recovery of penalties for the
18 violation of any provision of this Title, any provision of any law
19 supplementary thereto, or any provision of the State Fish and Game
20 Code shall be brought in the name of the State, by a duly
21 commissioned warden, deputy warden, police officer, **【constable】**
22 or a member of any regularly incorporated fish and game protective
23 association, or the fish and game protector as prosecutor, and no
24 such proceeding shall be instituted by any other person unless
25 specifically authorized by law.

26 (cf: P.L.1948, c.448, s.79)

27

28 26. R.S.23:10-5 is amended to read as follows:

29 23:10-5. Any **【constable,】** police officer, fish and game
30 warden, protector, or deputy warden, or any officer or member of
31 any incorporated game protective society may, for a violation of
32 any provision of this Title, or any provision of any law
33 supplementary thereto, or of any provision of the State Fish and
34 Game Code committed within the view of any such officer or
35 person, arrest, without warrant, the offender and carry him before a
36 court in the county wherein such arrest is made. Any person or
37 persons who shall, by threat, menace or force, or in any manner,
38 attempt to deter or prevent any fish and game warden or other
39 person authorized to make arrests for violation of the fish and game
40 laws of this State, or any provision of any law supplementary
41 thereto, or any provision of the State Fish and Game Code from
42 enforcing or carrying into effect any provisions of this Title, or any
43 provision of any law supplementary thereto, or any provision of the
44 State Fish and Game Code or who shall resist arrest or the seizure
45 of boats or nets or other apparatus illegally used, shall be subject to
46 a fine of one hundred dollars (\$100.00).

47 (cf: P.L.1953, c.23, s.7)

1 27. R.S.24:4-5 is amended to read as follows:

2 24:4-5. Upon the filing of a verified complaint the court may
3 issue a warrant directed to the sheriff **【or a constable】** of the county
4 or other peace officer, commanding such officer to seize and take in
5 his possession the article described in the complaint, and bring the
6 same before the court which issued the warrant and to summon the
7 person named in the warrant, and any other person who may be
8 found in possession of the article, to appear at the time and place
9 therein specified.

10 (cf: P.L.1953, c.24, s.6)

11

12 28. Section 3 of P.L.1967, c.311 (C.24:6D-3) is amended to read
13 as follows:

14 3. A. It is hereby made the duty of the State Department of
15 Health, its officers, agents, inspectors and representatives, and of all
16 peace officers within the State, and of all county prosecutors, to
17 enforce all provisions of this chapter, and to cooperate with all
18 agencies charged with the enforcement of the laws of the United
19 States, of this State, and of all other States, relating to
20 counterfeiting of trademarks used in connection with drugs,
21 cosmetics or devices.

22 B. The commissioner and any officer or employee of the
23 department designated by the commissioner to conduct
24 investigations or engage in other enforcement activities relating to
25 the counterfeiting of drugs, cosmetics or devices shall have the
26 power to execute and serve search warrants and shall have the
27 power of arrest in cases of violation of this chapter, and may, in the
28 discharge of their duties, call in the aid of a **【constable,】** sheriff, or
29 other peace officer when deemed necessary.

30 (cf: P.L.1967, c.311, s.3)

31

32 29. R.S.26:3-59 is amended to read as follows:

33 26:3-59. The Superior Court or any municipal court may issue a
34 warrant to search for any nuisance affecting health. Such warrant
35 may be issued according to the practice of the court, upon the
36 information and belief of any officer or agent of the State
37 Department of Health, or of any local board of health that there is in
38 any dwelling house, store, stable or any building of any kind
39 whatsoever any nuisance affecting health or any person sick of any
40 contagious or infectious disease, or any condition of contagion or
41 infection which may have been caused by anyone recently sick of
42 any such disease in any such dwelling house or other place. The
43 warrant shall be directed to the sheriff of the county within which
44 the search is to be made, or to any **【constable,】** marshal, police
45 officer, or officer or agent of the local board having jurisdiction
46 within the place where such search is to be made.

47 (cf: P.L.1991, c.91, s.290)

1 30. R.S.26:3-63 is amended to read as follows:

2 26:3-63. The sheriff of the county and any **【constable,】**
3 marshal, or police officer of any county or municipality shall, if
4 required by any officer to whom the search warrant may be
5 directed, be present and assist in the execution of the warrant.

6 (cf: R.S.26:3-63)

7

8 31. R.S.26:4-37 is amended to read as follows:

9 26:4-37. In establishing quarantine for venereal disease, the
10 licensed health officer or the State Commissioner of Health, or the
11 authorized representative of either shall by notice in writing define
12 the restriction of the actions, behavior and movements of the person
13 or the place and the limits of the area within which the person is to
14 be quarantined. Such person while so quarantined shall observe and
15 obey said notice restricting his actions, behavior and movements or
16 remain within the place and area defined by said health officer,
17 director or representative in said notice. The custodian, if any, of
18 such person shall safely keep and confine said person and said
19 notice shall be sufficient warrant and authorization therefor.

20 Whenever a licensed health officer or the State Commissioner of
21 Health or the authorized representative of either shall quarantine
22 any person for venereal disease under authority of this article, he
23 may also order the removal of such person to the place and area
24 within which the person is to be quarantined for venereal disease,
25 and the person shall proceed to such place at the time and in the
26 manner specified.

27 A licensed health officer or the State Commissioner of Health or
28 the authorized representative of either one of them may file a
29 complaint with any municipal court in the county or with the
30 Superior Court against the following persons:

31 a. Any person, who while quarantined for venereal disease
32 fails, refuses or neglects to observe and obey said notice restricting
33 his actions, behavior and movements, or to remain within the place
34 and area defined by said health officer, director or representative or
35 to proceed to a place for quarantine for venereal disease at the time
36 and in the manner specified by said health officer, director or
37 representative.

38 b. Any person who fails, refuses or neglects to submit to,
39 observe or obey the conditions of any commitment or to comply
40 with any order made by any court under authority of this article.

41 c. Any of the persons included in section 26:4-36 of this
42 article.

43 If a warrant issues, it shall be directed to the sheriff **【or any**
44 **constable】** in the county, or any police officer.

45 The court shall determine the matter without a jury. If the court
46 finds that the person is one of those listed in this section against
47 whom a complaint may be filed, it may commit such person to a
48 State, county, or municipal hospital which will receive the person,

1 or to any other place or institution suitable for and willing to
2 receive the person for detention, examination, care and treatment,
3 whether the hospital, place or institution be located within or
4 without the county, or to the county jail or may make any order for
5 the examination, care or treatment of said person which may be
6 deemed proper under the circumstances.

7 The complaint, commitment, and all other papers relating to the
8 case shall be impounded and shall not be open to public inspection,
9 and hearings shall not be open to the public.

10 Any person committed under the provisions of this statute shall
11 be held in the place to which committed until discharged by the
12 court which heard the case or by the Superior Court or by order of
13 the Commissioner of the State Department of Health.

14 The local health officer having jurisdiction shall report to the
15 State department any person quarantined for venereal disease, or
16 upon whom a summons is served or against whom a warrant is
17 issued under authority of this article except where the action is
18 initiated by the State Commissioner of Health or his authorized
19 representative.

20 (cf: P.L.1991, c.91, s.291)

21

22 32. R.S.30:4-119 is amended to read as follows:

23 30:4-119. Every police officer **【and constable】** shall assist in
24 the location and return to institutional custody of any institutional
25 inmate who has left the institution without parole or discharge.

26 (cf: R.S.30:4-119)

27

28 33. R.S.30:4-157.5 is amended to read as follows:

29 30:4-157.5. For making copies of a complaint and commitment
30 in delinquency proceedings, the court or the clerk thereof shall be
31 entitled to the same fees as are allowed by law for the original
32 complaint and commitment.

33 The fee for serving process shall be the same and shall be paid in
34 the same manner as for like services in criminal cases.

35 The sheriff **【, constable】** or officer executing a warrant of
36 commitment shall be entitled to a fee of five dollars (\$5.00) besides
37 the necessary traveling expenses for himself and the boy.

38 Other fees shall be the same as are allowed for similar services in
39 the Superior Court, and all such fees shall be paid as other fees are
40 paid in criminal causes.

41 (cf: P.L.1995, c.280, s.51)

42

43 34. R.S.30:8-21 is amended to read as follows:

44 30:8-21. In all cases where any sheriff**【,】** or undersheriff **【or**
45 **constable】** shall be by law authorized or required to confine or keep
46 in jail any person arrested or in custody on any civil process, or in
47 any civil suit or proceeding, by surrender in discharge of bail or in
48 any other way, such sheriff**【,】** or undersheriff **【or constable】** shall

1 deliver such person so arrested or in custody to the jail warden of
2 such county, if there shall be one, within such jail, with a copy of
3 the process, commitment or surrender by virtue of which such
4 person was arrested or is in custody, and after such delivery such
5 sheriff~~[,]~~ or undersheriff ~~[or constable]~~ shall not be liable for any
6 escape of such prisoner; but the board of chosen freeholders of
7 such county, or their keeper or warden, if they shall have appointed
8 one under the provisions of section 30:8-20 of this Title, shall, for
9 any escape after such delivery, be liable in the same manner as the
10 sheriff of the county would be if he had the custody, rule, keeping
11 and charge of the county jail of such county and of the prisoners
12 therein. Such sheriff~~[,]~~ or undersheriff ~~[or constable]~~ may require
13 such keeper or warden to give a receipt, upon the process or
14 commitment by which such prisoner may be arrested or held, for
15 the body of such prisoner.

16 (cf: P.L.1971, c.2, s.16)

17

18 35. Section 11 of P.L.1947, c.34 (C.30:9-12.11) is amended to
19 read as follows:

20 11. The board of managers may appoint and commission as
21 many special policemen for such county hospital as it may deem
22 necessary. Within such territory as shall be prescribed and for such
23 time as shall be limited, any such policeman shall have the same
24 powers as a ~~[constable of the county or]~~ police officer of the
25 municipality or municipalities wherein such hospital shall be
26 located. Such special policemen shall be charged with the duty of
27 preserving order in and about the hospital and shall have power to
28 arrest and hold any offender against the public peace within the
29 limits of said territory.

30 (cf: P.L.1947, c.34, s.11)

31

32 36. R.S.33:1-1 is amended to read on purpose:

33 33:1-1. For the purpose of this chapter, the following words and
34 terms shall be deemed to have the meanings herein given to them:

35 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral
36 spirits from whatever source or by whatever process produced.

37 b. "Alcoholic beverage." Any fluid or solid capable of being
38 converted into a fluid, suitable for human consumption, and having
39 an alcohol content of more than one-half of one per centum (1/2 of
40 1%) by volume, including alcohol, beer, lager beer, ale, porter,
41 naturally fermented wine, treated wine, blended wine, fortified
42 wine, sparkling wine, distilled liquors, blended distilled liquors and
43 any brewed, fermented or distilled liquors fit for use for beverage
44 purposes or any mixture of the same, and fruit juices.

45 c. "Building." A structure of which licensed premises are or
46 may be a part, including all rooms, cellars, outbuildings,
47 passageways, closets, vaults, yards, attics, and every part of the
48 structure of which the licensed premises are a part, and of any other

- 1 structure to which there is a common means of access, and any
2 other appurtenances.
- 3 d. "Commissioner." The Director of the Division of Alcoholic
4 Beverage Control.
- 5 e. "Container." Any glass, can, bottle, vessel or receptacle of
6 any material whatsoever used for holding alcoholic beverages,
7 which container is covered, corked or sealed in any manner
8 whatsoever.
- 9 f. "Eligible." The status of a person who is a citizen of the
10 United States, a resident of this State, of good moral character and
11 repute, and of legal age.
- 12 g. "Governing board or body." The board or body which
13 governs a municipality, including a board of aldermen in
14 municipalities so governed; but in every municipality having a
15 board of public works which exercises general licensing powers
16 such board shall be considered as the governing board or body.
- 17 h. "Importing." The act of bringing or causing to be brought
18 any alcoholic beverage into this State.
- 19 i. "Illicit beverage." Any alcoholic beverage manufactured,
20 distributed, bought, sold, bottled, rectified, blended, treated,
21 fortified, mixed, processed, warehoused, possessed or transported in
22 violation of this chapter, or on which any federal tax or tax imposed
23 by the laws of this State has not been paid; and any alcoholic
24 beverage possessed, kept, stored, owned or imported with intent to
25 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,
26 mix, process, warehouse or transport in violation of the provisions
27 of this chapter.
- 28 j. "Licensed building." Any building containing licensed
29 premises.
- 30 k. "Licensed premises." Any premises for which a license
31 under this chapter is in force and effect.
- 32 l. "Magistrate." The Superior Court or municipal court.
- 33 m. "Manufacturer." Any person who, directly or indirectly,
34 personally or through any agency whatsoever, engages in the
35 making or other processing whatsoever of alcoholic beverages.
- 36 n. "Municipality." Any city, town, township, village, or
37 borough, including a municipality governed by a board of
38 commissioners or improvement commission, but excluding a
39 county.
- 40 o. "Municipal board." The municipal board of alcoholic
41 beverage control as established by this chapter.
- 42 p. "Officer." Any sheriff, deputy sheriff, **【constable,】** police
43 officer, member of the Division of State Police, or any other person
44 having the power to execute a warrant for arrest, or any inspector or
45 investigator of the Division of Alcoholic Beverage Control.
- 46 q. "Original container." Any container in which an alcoholic
47 beverage has been delivered to a retail licensee.

- 1 r. "Person." Any natural person or association of natural
2 persons, association, trust company, partnership, corporation,
3 organization, or the manager, agent, servant, officer, or employee of
4 any of them.
- 5 s. "Premises." The physical place at which a licensee is or may
6 be licensed to conduct and carry on the manufacture, distribution or
7 sale of alcoholic beverages, but not including vehicular
8 transportation.
- 9 t. "Restaurant." An establishment regularly and principally
10 used for the purpose of providing meals to the public, having an
11 adequate kitchen and dining room equipped for the preparing,
12 cooking and serving of food for its customers and in which no other
13 business, except such as is incidental to such establishment, is
14 conducted.
- 15 u. "Retailer." Any person who sells alcoholic beverages to
16 consumers.
- 17 v. "Rules and regulations." The rules and regulations
18 established from time to time by the director.
- 19 w. "Sale." Every delivery of an alcoholic beverage otherwise
20 than by purely gratuitous title, including deliveries from without
21 this State and deliveries by any person without this State intended
22 for shipment by carrier or otherwise into this State and brought
23 within this State, or the solicitation or acceptance of an order for an
24 alcoholic beverage, and including exchange, barter, traffic in,
25 keeping and exposing for sale, serving with meals, delivering for
26 value, peddling, possessing with intent to sell, and the gratuitous
27 delivery or gift of any alcoholic beverage by any licensee.
- 28 x. "Unlawful alcoholic beverage activity." The manufacture,
29 sale, distribution, bottling, rectifying, blending, treating, fortifying,
30 mixing, processing, warehousing or transportation of any alcoholic
31 beverage in violation of this chapter, or the importing, owning,
32 possessing, keeping or storing in this State of alcoholic beverages
33 with intent to manufacture, sell, distribute, bottle, rectify, blend,
34 treat, fortify, mix, process, warehouse or transport alcoholic
35 beverages in violation of this chapter, or the owning, possessing,
36 keeping or storing in this State of any implement or paraphernalia
37 for the manufacture, sale, distribution, bottling, rectifying, blending,
38 treating, fortifying, mixing, processing, warehousing or
39 transportation of alcoholic beverages with intent to use the same in
40 the manufacture, sale, distribution, bottling, rectifying, blending,
41 treating, fortifying, mixing, processing, warehousing or
42 transportation of alcoholic beverages in violation of this chapter, or
43 to aid or abet another in the manufacture, sale, distribution, bottling,
44 rectifying, blending, treating, fortifying, mixing, processing,
45 warehousing or transportation of alcoholic beverages in violation of
46 this chapter, or the aiding or abetting of another in any of the
47 foregoing activities.

1 y. "Unlawful property." All illicit beverages and all
2 implements, vehicles, vessels, airplanes, and paraphernalia for the
3 manufacture, sale, distribution, bottling, rectifying, blending,
4 treating, fortifying, mixing, processing, warehousing or
5 transportation of illicit beverages used in the manufacture, sale,
6 distribution, bottling, rectifying, blending, treating, fortifying,
7 mixing, processing, warehousing or transportation of illicit
8 beverages or owned, possessed, kept or stored with intent to use the
9 same in the manufacture, sale, distribution, bottling, rectifying,
10 blending, treating, fortifying, mixing, processing, warehousing or
11 transportation of illicit beverages, whether such use be by the
12 person owning, possessing, keeping, or storing the same, or by
13 another with the consent of such person; and all alcoholic
14 beverages, fixtures and personal property located in or upon any
15 premises, building, yard or inclosure connected with a building, in
16 which an illicit beverage is found, possessed, stored or kept.

17 z. "Wholesaler." Any person who sells an alcoholic beverage
18 for the purpose of resale either to a licensed wholesaler or to a
19 licensed retailer, or both.

20 aa. "Limousine." A motor vehicle used in the business of
21 carrying passengers for hire to provide prearranged passenger
22 transportation at a premium fare on a dedicated, nonscheduled,
23 charter basis that is not conducted on a regular route, or is furnished
24 without fare as an accommodation for a patron in connection with
25 other business purposes, and with a seating capacity in no event of
26 more than 14 passengers, not including the driver, provided, that
27 such a motor vehicle shall not have a seating capacity in excess of
28 four passengers, not including the driver, beyond the maximum
29 passenger seating capacity of the vehicle, not including the driver,
30 at the time of manufacture. This shall not include taxicabs, hotel or
31 airport shuttles and buses, buses employed solely in transporting
32 school children or teachers to and from school, vehicles owned and
33 operated directly or indirectly by businesses engaged in the practice
34 of mortuary science when those vehicles are used exclusively for
35 providing transportation related to the provision of funeral services
36 or vehicles owned and operated without charge or remuneration by
37 a business entity for its own purposes.

38 bb. "Entertainment facility" is a privately-owned facility in
39 which athletic, commercial, cultural, or artistic events are featured.

40 cc. "Powdered alcohol." Any powder or crystalline substance
41 containing alcohol, as defined in subsection a. of this section,
42 produced for human consumption.

43 Any definition herein contained shall apply to the same word in
44 any form. Thus "sell" means to make a "sale" as above defined.

45 (cf: P.L.2015, c.137, s.1)

1 37. R.S.34:11-60 is amended to read as follows:

2 34:11-60. Process of the wage collection division shall run
3 throughout the state. Service of process shall be made either by a
4 **【constable or a】** process server of the department.
5 (cf: R.S.34:11-60)

6
7 38. N.J.S.38A:11-10 is amended to read as follows:

8 38A:11-10. Any municipal court or other court of competent
9 jurisdiction, on complaint made by any officer of the militia
10 charged with the care or custody of any military property, that any
11 such military property is unlawfully withheld from him by any
12 person within the jurisdiction of such court, and that the same is
13 believed to be in a particular place specified in the complaint, shall
14 issue to any sheriff, **【constable,】** police officer or member of the
15 State Police, a search warrant.
16 (cf: N.J.S.38A:11-10)

17
18 39. R.S.39:5-3 is amended to read as follows:

19 39:5-3. a. When a person has violated a provision of this
20 subtitle, the judge may, within 30 days after the commission of the
21 offense, issue process directed to a **【constable,】** police officer, or
22 the chief administrator for the appearance or arrest of the person so
23 charged and for a violation of R.S.39:4-81, issue process within 90
24 days after the commission of the offense. In the case of a violation
25 enumerated in subsection b. of this section, this period shall
26 commence upon the filing of a complaint.

27 b. A complaint may be made to a judge for a violation of
28 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-
29 24 at any time within one year after the commission of the offense;
30 for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
31 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 10 of
32 P.L.1990 c.103 (C.39:3-10.18), section 16 of P.L.1990, c.103
33 (C.39:3-10.24), section 3 of P.L.1952, c.157 (C.12:7-46), section 9
34 of P.L.1986, c.39 (C.12:7-57), R.S.39:3-40, or section 1 of
35 P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the
36 commission of the offense.

37 c. All proceedings shall be brought before a judge having
38 jurisdiction in the municipality in which it is alleged that the
39 violation occurred, but when a violation occurs on a street through
40 which the boundary line of two or more municipalities runs or
41 crosses, then the proceeding may be brought before the judge
42 having jurisdiction in any one of the municipalities divided by said
43 boundary line, and in the event there shall be no judge or should no
44 judge having such jurisdiction be available for the acceptance of
45 bail and disposition of the case, or should the judges having such
46 jurisdiction be disqualified because of personal interest in the
47 proceedings, or for any other legal cause, said proceeding shall be
48 brought before a judge having jurisdiction in the nearest

1 municipality to the one in which it is alleged such a violation
2 occurred.

3 (cf: P.L.2017, c.249, s.1)

4

5 40. R.S.39:5-5 is amended to read as follows:

6 39:5-5. All proceedings for the violation of this subtitle shall
7 be brought in the name of the State, with the director, police officer,
8 peace officer, **【constable】** or any other person who institutes the
9 proceedings as prosecutor. A judge may, at his discretion, refuse to
10 issue a warrant on the complaint of a person other than the director
11 or a police officer, until a sufficient bond to secure costs has been
12 executed and delivered to the judge.

13 (cf: P.L.1983, c.403, s.20)

14

15 41. R.S.40:24-5 is amended to read as follows:

16 40:24-5. Any **【constable or】** police officer may serve any
17 warrant or other process issuing out of the court, to apprehend any
18 person for the violation of any such resolution.

19 (cf: P.L.1953, c.37, s.42)

20

21 42. R.S.40:48-25 is amended to read as follows:

22 40:48-25. When the governing body of a municipality shall
23 have appointed a committee of its members upon any subject or
24 matter within its jurisdiction, the committee may issue a subpoena
25 ad testificandum, or subpoena duces tecum, to any person within
26 this state, to appear before it to give testimony or information
27 required. The subpoenas may be served by any police officer **【or**
28 **constable】** of the municipality.

29 (cf: R.S.40:48-25)

30

31 43. Section 1 of P.L.1971, c.197 (C.40A:14-152) is amended to
32 read as follows:

33 1. The members and officers of a police department and force,
34 within the territorial limits of the municipality, shall have all the
35 powers of peace officers and upon view may apprehend and arrest
36 any disorderly person or any person committing a breach of the
37 peace. Said members and officers shall have the power to serve and
38 execute process issuing out of the courts having local criminal
39 jurisdiction in the municipality and shall have **【the】** powers **【of a**
40 **constable】** in all matters other than in civil causes arising in such
41 courts.

42 (cf: P.L.1971, c.197, s.1)

43

44 44. R.S.48:12-166 is amended to read as follows:

45 48:12-166. Any person who shall:

46 a. Travel or attempt to travel on any train on a railroad without
47 having previously paid his fare and with intent to avoid payment
48 thereof; or

1 b. Having paid his fare for a certain distance, knowingly and
2 willfully proceed on such train beyond such distance without
3 previously paying the additional fare for the additional distance, and
4 with intent to avoid the payment thereof; or

5 c. Knowingly and willfully refuse or neglect on arriving at the
6 point to which he has paid his fare to quit such train--

7 Shall for every such offense forfeit to the company running the
8 train a sum not exceeding \$5.00.

9 On complaint made on oath and after summary hearing of the
10 facts and circumstances or on admission of the parties, any
11 magistrate of the municipality where the offender may be arrested
12 shall have jurisdiction to impose such fine with costs. The arrest
13 may be made by any police officer or **【constable or】** by a
14 commissioned railroad policeman.

15 (cf: P.L.1969, c.160, s.1)

16
17 45. Section 20 of P.L.1938, c.182 (C.51:1-132) is amended to
18 read as follows:

19 20. A proceeding to recover any penalty incurred under the
20 provisions of this act, or acts supplementary or amendatory thereof,
21 may be brought in the name of the State of New Jersey by any duly
22 appointed weights and measures officers in the Superior Court or
23 municipal court of any municipality of this State, wherein the
24 violation occurs, which courts shall have jurisdiction over the
25 proceeding. The proceeding shall be summary and in accordance
26 with **【"the penalty enforcement law"】** the "Penalty Enforcement
27 Law of 1999," P.L.1999, c.274 (N.J.S.2A:58-1 et seq.). Process
28 shall be either in the nature of a summons or warrant and it may be
29 directed to any weights and measures officer, or to any **【constable**
30 **or】** police officer, commanding him to cause the person or persons
31 so complained of to be summoned or arrested and brought before
32 the court.

33 No defendant under any body execution shall be detained for a
34 period exceeding ten days, except as may be otherwise provided by
35 this act.

36 It shall be the duty of the city attorney of any municipality
37 wherein such violation shall take place to assist in the prosecution
38 of the same, unless such municipality has no such municipal
39 superintendent of weights and measures as provided for in section
40 51:1-43 of the Revised Statutes, in which case the county
41 prosecutor of the county wherein such violation shall take place
42 shall assist in such prosecution. All fines and penalties collected
43 from persons offending against the provisions of this act shall be
44 paid by the court clerk receiving the same, when recovered by a
45 State weights and measures officer, to the State Treasurer; when
46 recovered by a county weights and measures officer, to the county
47 treasurer of such county; and when recovered by a municipal
48 weights and measures officer, to the municipality which such

1 officer represents. For violation of any of the provisions of this act,
2 done within the view of any weights and measures officer, such
3 weights and measures officer is authorized, without warrant, to
4 arrest the offender or offenders and to conduct him or them before
5 the Superior Court or a municipal court in the county wherein such
6 offense is committed.

7 (cf: P.L.1991, c.91, s.478)

8

9 46. R.S.51:9-12 is amended to read as follows:

10 51:9-12. A complaint having been made to the Superior Court or
11 a municipal court by any weights and measures official, that any
12 person has violated any of the provisions of this chapter, a
13 summons or a warrant may issue directed to any weights and
14 measures official or to any **【constable or】** police officer for the
15 appearance or arrest of the person so charged.

16 (cf: P.L.1991, c.91, s.485)

17

18 47. R.S.52:13-6 is amended to read as follows:

19 52:13-6. The senate and general assembly may by concurrent
20 resolution direct that the senate and general assembly meet in joint
21 session at a time and place therein fixed for the purpose of hearing
22 the evidence and arguments regarding the alleged contempt and
23 may order that a warrant, directed to any sergeant at arms of either
24 house or of the joint session or to any sheriff, police officer,
25 member of the state police, **【constable】** or other peace officer, issue
26 in such manner as shall be prescribed in and by the concurrent
27 resolution for the arrest of the alleged contemner and the
28 production of him at the bar of such joint session, there to be heard.

29 (cf: R.S.52:13-6)

30

31 48. R.S.52:13-10 is amended to read as follows:

32 52:13-10. Any person found to be guilty of a contempt of the
33 legislature by a concurrent resolution of the two houses thereof, as
34 hereinbefore provided, may be sentenced to imprisonment in the
35 state prison or in the common jail of any county for any period not
36 exceeding six months as shall be directed in and by the concurrent
37 resolution determining the contempt, for the execution of which
38 such concurrent resolution may order that a commitment shall issue,
39 directed to any sheriff, police officer, member of the state police,
40 **【constable】** or other peace officer, and to the keeper of the state
41 prison or the keeper of the common jail of any county, which
42 commitment shall be signed by the president of the senate and the
43 speaker of the house of assembly in office at the date of the issue
44 thereof.

45 (cf: R.S.52:13-10)

1 49. R.S.53:4-1 is amended to read as follows:

2 53:4-1. Whenever the department of state police desires to
3 examine a member of the department in relation to the discharge of
4 his official duties or conduct, or concerning the possession or
5 disposition by him in his official capacity of any property
6 belonging to the department, or to inspect or examine any book
7 account, voucher or document in the possession or under control of
8 a member of the department as such member, relating to the affairs
9 or interests of the department, the superintendent or deputy
10 superintendent of state police may issue a subpoena ad
11 testificandum or subpoena duces tecum to any person to appear
12 before him and give testimony or information required for the
13 purpose above mentioned. Such subpoenas may be served by any
14 police officer **【or constable】** of the municipality wherein the person
15 to be subpoenaed resides, or by a member of the state police.
16 (cf: R.S.53:4-1)

17

18 50. R.S.56:3-47 is amended to read as follows:

19 56:3-47. If any owner, dealer or shipper, or his agent, has reason
20 to believe, and does believe, that any can or cans of the kind
21 mentioned in section 56:3-42 of this Title, stamped or marked as
22 provided in said section 56:3-42, is or are being used, or has or have
23 been unlawfully used as aforesaid, by any person, or that any person
24 has any such can or cans secreted in or upon his premises, or any
25 other place, any such owner, dealer or shipper, or his agent, may go
26 before the Superior Court or the municipal court in the municipality
27 wherein such offenses may be or have been committed, and make
28 complaint thereof under oath, which complaint may be wholly upon
29 information and belief. Whereupon the court shall issue a process in
30 the nature of a search warrant, directed to any **【constable,】** marshal
31 or an executive officer of any municipality, which shall recite the
32 complaint, or the substance thereof, and shall command such
33 **【constable,】** marshal or executive officer to search immediately the
34 premises, place or places mentioned in the complaint, and, if any
35 milk or cream cans be found, to bring the same, together with the
36 body of the person in whose possession they may be found, before
37 the court which shall summarily inquire into the ownership of such
38 can or cans, and, upon being satisfied that the same belong to such
39 owner, dealer or shipper, or that his agent is entitled to the
40 possession thereof, he shall deliver such can or cans to such owner,
41 dealer or shipper, or his agent, who shall have the costs of the
42 proceedings from the person so illegally having such can or cans in
43 his or their possession. If the person illegally having such can or
44 cans in his possession shall refuse to pay the costs, the court shall
45 commit such person to the county jail of the county wherein he
46 shall be arrested until such costs are paid.
47 (cf: P.L.1991, c.91, s.523)

1 51. The following sections are repealed:
2 N.J.S.2A:14-18;
3 N.J.S.40A:9-120 through N.J.S.40A:9-126; and
4 N.J.S.40A:9-126.1

5
6 52. (New section) This act shall not impair the validity of the
7 compensation provisions of a municipal employment contract for a
8 person appointed as a constable which was entered into prior to the
9 effective date of this act. If applicable, a person appointed as a
10 constable shall be compensated in accordance with the provisions of
11 a municipal employment contract until the contract expires.
12 However, any provisions of the contract which grant powers and
13 impose duties associated with the position of constable shall be
14 deemed null and void.

15
16 53. This act shall take effect immediately.

17
18
19

20 STATEMENT

21 This bill eliminates the position of constable, removes statutory
22 references to the position, and repeals certain sections of law to
23 reflect this change.

24 Under the bill, the salary provisions of a municipal employment
25 contract for a constable which was entered into prior to the effective
26 date of the bill would remain in effect and the person would be
27 compensated in accordance with the provisions of the contract until
28 the contract expires. However, any provisions of the contract which
29 grant powers and impose duties associated with the position of
30 constable would be deemed null and void.

31 The bill implements recommendations set forth in the December
32 2021 report of the State of New Jersey Commission of Investigation
33 (SCI) entitled, "Abusing the Badge, A report on the SCI's
34 Investigation into Constables in New Jersey." In its report, the SCI
35 deems the position of constable unnecessary and outdated, and calls
36 for the elimination of the position "before someone gets seriously
37 injured or worse." The SCI investigation found that, rather than
38 serve as a beneficial adjunct to police, the role of constable instead
39 far too frequently represents a potential hazard to the constables
40 themselves, the police, and the public at large.

41
42
43
44

45 Eliminates position of constable; removes statutory references to
46 constable; repeals various parts of statutory law; implements
47 recommendation of SCI report concerning elimination of
48 constables.

ASSEMBLY, No. 5281

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 9, 2023

Sponsored by:

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Senator GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

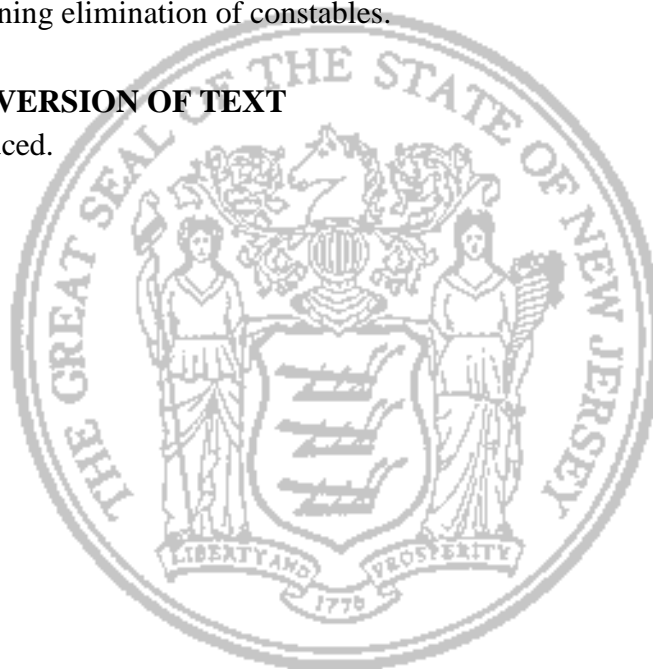
Senator Diegnan

SYNOPSIS

Eliminates position of constable; removes statutory references to constable; repeals various parts of statutory law; implements recommendation of SCI report concerning elimination of constables.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/2023)

A5281 CHAPARRO, JIMENEZ

2

1 AN ACT eliminating the position of constable, supplementing
2 P.L.1960, c.169, and amending and repealing various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) All of the functions, powers, and duties
9 previously awarded to a constable appointed prior to the elimination
10 of the position of constable pursuant to P.L. , c. (C.)
11 (pending before the Legislature as this bill) are hereby abolished.

12
13 2. N.J.S.2A:33-9 is amended to read as follows:

14 2A:33-9. If the tenant or owner of property distrained for rent
15 shall not, within 10 days next after the distress taken and after
16 notice thereof, and of the cause of the taking, has been left at the
17 main dwelling house or other most conspicuous place on the
18 premises charged with the rent distrained for, commence an action
19 or otherwise lawfully proceed to recover possession of said property
20 or set aside or end the distraint, the person distraining may, after the
21 distress, notice and expiration of 10 days, on **[2]** two days' notice
22 to the tenant, cause the goods and chattels to be inventoried and
23 appraised by **[3]** three sworn appraisers.

24 The sheriff of the county**[, or a constable]** of the place wherein
25 the distress shall be taken, shall aid and assist therein and shall
26 summon **[3]** three appraisers for such service and shall swear them
27 well and truly to appraise the same, at the true and intrinsic value
28 thereof, according to their best understanding.

29 (cf: N.J.S.2A:33-9)

30
31 3. N.J.S.2A:33-10 is amended to read as follows:

32 2A:33-10. After the inventory and appraisalment, the person
33 distrained for rent shall sell at public vendue the property so
34 distrained. He shall give **[5]** five days' public notice by
35 advertising the articles to be sold and the time and place of sale, in
36 at least **[3]** three of the most public places in the municipality
37 where the distress shall be made, and sell the same for the best
38 price that can be secured towards satisfaction of the rent and
39 charges of the distress, appraisalment and sale, leaving the overplus,
40 if any, with the sheriff **[or constable]** for the owner's use.

41 (cf: N.J.S.2A:33-10)

42
43 4. N.J.S.2A:33-13 is amended to read as follows:

44 2A:33-13. If the landlord, his attorney or agent shall not, within
45 **[2]** two days after being served with a written request from his

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

Matter underlined thus is new matter.

1 tenant so to do, proceed and have the distrained property appraised,
2 the tenant may, after **[5]** five days' notice thereof to his landlord,
3 his attorney or agent, apply to the sheriff **[or a constable]** of the
4 county and have the property inventoried and appraised. The
5 property reserved for the use of the family of the tenant may
6 thereupon be selected as provided by section 2A:33-12 of this title.
7 (cf: N.J.S.2A:33-13)

8

9 5. N.J.S.2A:33-22 is amended to read as follows:

10 2A:33-22. When property is removed by a tenant and put in any
11 place locked up, fastened or otherwise secured, to prevent the said
12 property from being distrained for arrears of rent, the landlord, first
13 calling to his assistance a **[constable or]** peace officer, who shall
14 aid and assist therein, may, in the daytime, break open and enter the
15 place, and distrain the said property for the arrears of rent as he
16 might have done if the said property had been put in an open place.

17 If the place where the said property is secured is a dwelling
18 house, oath shall first be made before some judge or magistrate, of a
19 reasonable ground to suspect that the said property is therein.

20 (cf: N.J.S.2A:33-22)

21

22 6. N.J.S.2A:44-13 is amended to read as follows:

23 2A:44-13. Where the consignee of perishable goods cannot be
24 found by the carrier or shall neglect or refuse to receive the same or
25 to pay the costs and expenses of transportation, or the charges for
26 detention or demurrage, the carrier or its agent may apply in writing
27 to the Superior Court and such court on proof that the goods have
28 been transported and are perishable and that the consignee cannot
29 be found or neglects or refuses to receive the same or to pay the
30 costs and expenses of transportation, detention or demurrage
31 charges, shall order the public sale thereof by a **[constable or]**
32 sheriff of the county at a time and place named in the order, of
33 which sale such advertisement shall be made and notice given as the
34 court shall direct.

35 (cf: P.L.1991, c.91, s.90)

36

37 7. N.J.S.2A:67-4 is amended to read as follows:

38 2A:67-4. No person committed to a prison or in the custody of
39 an officer or other person for a criminal or supposed criminal matter
40 shall be removed from such prison or custody into the custody of
41 any other officer or person, except:

42 a. By habeas corpus or other legal writ or process; or

43 b. Where he is delivered to **[a constable or other inferior]**
44 another officer in accordance with law; or

45 c. Where he is sent by order of a court, judge or magistrate to a
46 workhouse or house of correction; or

47 d. Where he is removed to another place, within the county, for
48 his trial or discharge in due course of law; or

1 e. In case of sudden fire or infection or other necessity.
2 (cf: N.J.S.2A:67-4)

3

4 8. N.J.S.2A:67-8 is amended to read as follows:

5 2A:67-8. A judge of the superior court may, when it shall
6 appear by satisfactory proof that anyone is held in illegal
7 confinement or custody and there is good reason to believe that he
8 will be taken out of the state or suffer some irreparable injury
9 before he can be relieved by the issuance of a habeas corpus, issue a
10 warrant under his hand and seal reciting the facts and directed to
11 any sheriff【, constable】 or other person, commanding him to take
12 the prisoner and forthwith bring him before the court to be dealt
13 with according to law.

14 If the proof shall also be sufficient to justify an arrest of the
15 person having the prisoner in his custody, as for a criminal offense
16 committed in the taking or detaining of the prisoner, the warrant
17 may also contain an order for the arrest of such person for such
18 offense.

19 (cf: N.J.S.2A:67-8)

20

21 9. N.J.S.2A:161-1 is amended to read as follows:

22 2A:161-1. In all criminal complaints before a judge of the
23 Superior Court or a municipal court, where in the opinion of such
24 judge, public justice shall require that a warrant for the arrest of the
25 alleged offender issue and be executed immediately, and no person
26 authorized to make an arrest can be had in time, such judge may, by
27 writing, under his hand and seal, appoint some fit person, who shall
28 be a citizen of this State, to execute the warrant, who shall have the
29 same authority in the premises in all respects and be subject to 【the
30 same】 liability 【as a constable】.

31 (cf: P.L.1991, c.91, s.133)

32

33 10. N.J.S.2A:169-3 is amended to read as follows:

34 2A:169-3. Whenever an offense is committed in his presence,
35 any 【constable or】 police officer shall, and any other person may,
36 apprehend without warrant or process any disorderly person, and
37 take him before any magistrate of the county where apprehended.

38 (cf: N.J.S.2A:169-3)

39

40 11. N.J.S.2C:5-6 is amended to read as follows:

41 2C:5-6. a. Any person who knowingly possesses a motor
42 vehicle master key or device designed to operate a lock or locks on
43 motor vehicles or to start a motor vehicle without an ignition key is
44 guilty of a crime of the fourth degree.

45 b. Any person who offers or advertises for sale, sells or gives
46 to any person other than those excepted in subsection c. a motor
47 vehicle master key or device designed to operate a lock or locks on

1 a motor vehicle or to start a motor vehicle without an ignition key
2 is guilty of a crime of the fourth degree.

3 c. Subsection a. shall not apply to a law enforcement officer,
4 **【constable,】** locksmith or dealer, distributor or manufacturer of
5 motor vehicles or motor vehicle locks, a garage keeper, or a person
6 engaged in the business of lending on the security of motor
7 vehicles, or in the business of acquiring by purchase evidence of
8 debt secured by interests in motor vehicles, and his employees and
9 agents.

10 (cf: N.J.S.2C:5-6)

11

12 12. Section 1 of P.L.1965, c.94 (C.4:3-11.10) is amended to read
13 as follows:

14 1. Upon the filing of the verified complaint the court may issue
15 a warrant directed to the sheriff **【or a constable】** of the county or
16 other peace officer, commanding such officer to seize and take in
17 his possession the eggs described in the complaint, and bring the
18 same before the court which issued the warrant and to summon the
19 person named in the warrant, and any other person who may be
20 found in possession of the eggs, to appear at the time and place
21 therein specified.

22 (cf: P.L.1965, c.94, s.1)

23

24 13. Section 7 of P.L.1961, c.125 (C.4:8B-7) is amended to read
25 as follows:

26 7. Upon the filing of a verified complaint the court may issue a
27 warrant directed to the sheriff **【or a constable】** of the county or
28 other peace officer, commanding such officer to seize and take in
29 his possession the grain described in the complaint, and bring the
30 same before the court which issued the warrant and to summon the
31 person named in the warrant, and any other person who may be
32 found in possession of the grain, to appear at the time and place
33 therein specified.

34 (cf: P.L.1961, c.125, s.7)

35

36 14. R.S.4:22-44 is amended to read as follows:

37 4:22-44. Any municipal humane law enforcement officer,
38 chief humane law enforcement officer, humane law enforcement
39 officer of a county society for the prevention of cruelty to animals,
40 sheriff, undersheriff, **【constable,】** or police officer may:

41 a. Make arrests for violations of article 2 of chapter 22 of Title
42 4 of the Revised Statutes; and

43 b. Arrest without warrant any person found violating the
44 provisions of article **【2】** two of chapter 22 of Title 4 of the Revised
45 Statutes in the presence of such humane law enforcement officer,
46 sheriff, undersheriff, **【constable,】** or police officer.

47 (cf: P.L.2017, c.331, s.15)

1 15. R.S.4:22-45 is amended to read as follows:
2 4:22-45. Where an arrest is made for a violation of subsection c.
3 of R.S.4:22-17 by a **【constable,】** sheriff, undersheriff, police
4 officer, municipal humane law enforcement officer, chief humane
5 law enforcement officer, or humane law enforcement officer of a
6 county society for the prevention of cruelty to animals, the officer
7 shall give notice to the county prosecutor, or designee of the county
8 prosecutor, at once, whereupon the county prosecutor, or designee
9 of the county prosecutor, shall determine whether the offense
10 should be handled in the Superior Court or in municipal court.

11 (cf: P.L.2017, c.331, s.16)

12

13 16. R.S.4:22-47 is amended to read as follows:

14 4:22-47. A sheriff, undersheriff, **【constable,】** police officer,
15 municipal humane law enforcement officer, chief humane law
16 enforcement officer, or humane law enforcement officer of a county
17 society for the prevention of cruelty to animals may enter any
18 building or place where there is an exhibition of the fighting or
19 baiting of a living animal or creature, where preparations are being
20 made for such an exhibition, or where a violation otherwise of
21 R.S.4:22-24 is occurring, arrest without warrant all persons there
22 present, and take possession of all living animals or creatures
23 engaged in fighting or there found and all implements or appliances
24 used or to be used in such exhibition.

25 (cf: P.L.2017, c.331, s.17)

26

27 17. R.S.4:23-15 is amended to read as follows:

28 4:23-15. For a violation of any provision for which a penalty
29 is prescribed which is collectible under this article, done within the
30 view of any **【constable,】** police officer or member of the State
31 police, the officer may arrest the offender without a warrant and
32 take him before the court in the county wherein such arrest is
33 made.

34 (cf: P.L.1953, c.5, s.97)

35

36 18. R.S.9:6-8 is amended to read as follows:

37 9:6-8. Whenever any person shall, before the Superior Court, or
38 municipal court, make oath that the affiant believes that this chapter
39 has been or is being violated in any place or house, such court shall
40 forthwith issue a warrant to **【a constable or other】** another
41 authorized officer to enter such place or house and investigate the
42 same, and such person may arrest or cause to be arrested all
43 offenders and bring them before any court for a hearing of the case;
44 and all **【constables and】** policemen shall aid in bringing all such
45 offenders before such authorities for a hearing.

46 (cf: P.L.1991, c.91, s.197)

1 19. R.S.9:17-4 is amended to read as follows:

2 9:17-4. Warrants in such proceedings shall be directed to a
3 **【constable or】** police officer of the county.

4 (cf: P.L.1953, c.9, s.31)

5

6 20. Section 34 of P.L.1984, c.171 (C.17:13-112) is amended to
7 read as follows:

8 34. a. Every credit union shall be subject to the supervision and
9 examination of the commissioner. In lieu of making an
10 examination of a credit union, the commissioner may accept the
11 examination of a certified public accountant who has examined the
12 records of the credit union and who files an opinion of his
13 examination with the commissioner. If an examiner deems it
14 advisable, he may verify the liabilities of the credit union to its
15 members by an inspection and verification of their accounts. The
16 commissioner shall promptly communicate the results of each
17 examination to the president of the credit union examined, who
18 shall present the report to the board at the next regular meeting or a
19 special meeting if the commissioner so directs. The action taken by
20 the board shall be communicated by the president to the
21 commissioner within five days.

22 b. The officers, directors and employees of the credit union
23 under examination shall exhibit its books, papers, records,
24 documents, and securities to the commissioner or his representative
25 and shall act to facilitate the examination. The commissioner or
26 his representative may administer an oath to any person whose
27 testimony is required on any examination and may compel by
28 subpoena the appearance of any person for the purpose of
29 examination or for the production of books, papers, records,
30 documents and securities. The subpoena may be served by any
31 police officer **【or constable】** of the municipality in which the
32 person resides. If any person fails to obey the subpoena, give
33 testimony, answer questions or produce any books, papers, records,
34 documents, securities or other things which may be required by the
35 commissioner, the Superior Court may compel the person to do so.

36 c. A person who shall willfully testify falsely to a material
37 matter upon an oath administered by the commissioner or his
38 representative upon an investigation or inquiry, or in regard to a
39 report made by the commissioner, shall be guilty of perjury.

40 (cf: P.L.1984, c.171, s.34)

41

42 21. R.S.19:6-30 is amended to read as follows:

43 19:6-30. The district board in each election district, the county
44 board, and the clerk thereof, the board of county canvassers and the
45 board of State canvassers and the Superior Court shall, respectively,
46 possess full power and authority to direct the police on duty to
47 maintain regularity and order, and to enforce obedience to their
48 lawful commands during their sessions respectively.

1 If a person shall refuse to obey the lawful command of any such
2 board, or by disorderly conduct in its hearing or presence shall
3 interrupt or disturb its proceedings, it may by an order in writing,
4 signed by its chairman and attested by its clerk, commit the person
5 so offending to the common jail of the county in which the board
6 shall have met, for a period not exceeding three days. Such order
7 shall be executed by any sheriff **【or constable】** to whom it shall be
8 delivered; or if a sheriff **【or constable】** shall not be present or shall
9 refuse to act, by any other person deputed by the board in writing,
10 and the keeper of such jail shall receive the person so committed,
11 and safely keep him for such time as shall be provided in the
12 commitment.

13 (cf: P.L.1991, c.91, s.241)

14

15 22. R.S.19:32-22 is amended to read as follows:

16 19:32-22. The superintendent and his chief deputy and
17 assistants are hereby authorized and empowered and without
18 warrant, to arrest any person violating any provision of this title.

19 The superintendent and his chief deputy and assistants, as the
20 case may be, shall have the right and power to call upon any
21 **【constable,】** police officer or other peace officer to aid in taking
22 any person so arrested to the nearest police station in the
23 municipality in which the arrest is made, and such **【constable,】**
24 police officer or other peace officer shall render such aid.

25 Any **【constable,】** police officer or other peace officer failing to
26 comply with such request shall be guilty of a misdemeanor.

27 (cf: R.S.19:32-22)

28

29 23. Section 20 of P.L.1947, c.167 (C.19:32-45) is amended to
30 read as follows:

31 20. The superintendent and his chief deputy and assistants are
32 hereby authorized and empowered and without warrant, to arrest
33 any person violating any provision of this Title.

34 The superintendent and his chief deputy and assistants, as the
35 case may be, shall have the right and power to call upon any
36 **【constable,】** police officer or other peace officer to aid in taking
37 any person so arrested to the nearest police station in the
38 municipality in which the arrest is made, and such **【constable,】**
39 police officer or other peace officer shall render such aid.

40 Any **【constable,】** police officer or other peace officer failing to
41 comply with such request shall be guilty of a misdemeanor.

42 (cf: P.L.1947, c.167, s.20)

43

44 24. R.S.23:2-8 is amended to read as follows:

45 23:2-8. The council, the wardens, the deputy wardens and the
46 protector shall have the power of summary arrest in cases of
47 flagrant violation of this Title, or of the provisions of the State Fish

1 and Game Code, and may, in the discharge of their duties, call in
2 the aid of a **【constable,】** sheriff or other peace officer when
3 deemed necessary. An officer neglecting or refusing to aid when so
4 required shall forfeit twenty-five dollars (\$25.00) to be recovered in
5 a civil action.

6 (cf: P.L.1953, c.23, s.1)

7

8 25. R.S.23:10-3 is amended to read as follows:

9 23:10-3. Proceedings for the recovery of penalties for the
10 violation of any provision of this Title, any provision of any law
11 supplementary thereto, or any provision of the State Fish and Game
12 Code shall be brought in the name of the State, by a duly
13 commissioned warden, deputy warden, police officer, **【constable】**
14 or a member of any regularly incorporated fish and game protective
15 association, or the fish and game protector as prosecutor, and no
16 such proceeding shall be instituted by any other person unless
17 specifically authorized by law.

18 (cf: P.L.1948, c.448, s.79)

19

20 26. R.S.23:10-5 is amended to read as follows:

21 23:10-5. Any **【constable,】** police officer, fish and game
22 warden, protector, or deputy warden, or any officer or member of
23 any incorporated game protective society may, for a violation of
24 any provision of this Title, or any provision of any law
25 supplementary thereto, or of any provision of the State Fish and
26 Game Code committed within the view of any such officer or
27 person, arrest, without warrant, the offender and carry him before a
28 court in the county wherein such arrest is made. Any person or
29 persons who shall, by threat, menace or force, or in any manner,
30 attempt to deter or prevent any fish and game warden or other
31 person authorized to make arrests for violation of the fish and game
32 laws of this State, or any provision of any law supplementary
33 thereto, or any provision of the State Fish and Game Code from
34 enforcing or carrying into effect any provisions of this Title, or any
35 provision of any law supplementary thereto, or any provision of the
36 State Fish and Game Code or who shall resist arrest or the seizure
37 of boats or nets or other apparatus illegally used, shall be subject to
38 a fine of one hundred dollars (\$100.00).

39 (cf: P.L.1953, c.23, s.7)

40

41 27. R.S.24:4-5 is amended to read as follows:

42 24:4-5. Upon the filing of a verified complaint the court may
43 issue a warrant directed to the sheriff **【or a constable】** of the county
44 or other peace officer, commanding such officer to seize and take in
45 his possession the article described in the complaint, and bring the
46 same before the court which issued the warrant and to summon the
47 person named in the warrant, and any other person who may be

1 found in possession of the article, to appear at the time and place
2 therein specified.

3 (cf: P.L.1953, c.24, s.6)

4

5 28. Section 3 of P.L.1967, c.311 (C.24:6D-3) is amended to read
6 as follows:

7 3. A. It is hereby made the duty of the State Department of
8 Health, its officers, agents, inspectors and representatives, and of all
9 peace officers within the State, and of all county prosecutors, to
10 enforce all provisions of this chapter, and to cooperate with all
11 agencies charged with the enforcement of the laws of the United
12 States, of this State, and of all other States, relating to
13 counterfeiting of trademarks used in connection with drugs,
14 cosmetics or devices.

15 B. The commissioner and any officer or employee of the
16 department designated by the commissioner to conduct
17 investigations or engage in other enforcement activities relating to
18 the counterfeiting of drugs, cosmetics or devices shall have the
19 power to execute and serve search warrants and shall have the
20 power of arrest in cases of violation of this chapter, and may, in the
21 discharge of their duties, call in the aid of a **【constable,】** sheriff, or
22 other peace officer when deemed necessary.

23 (cf: P.L.1967, c.311, s.3)

24

25 29. R.S.26:3-59 is amended to read as follows:

26 26:3-59. The Superior Court or any municipal court may issue a
27 warrant to search for any nuisance affecting health. Such warrant
28 may be issued according to the practice of the court, upon the
29 information and belief of any officer or agent of the State
30 Department of Health, or of any local board of health that there is in
31 any dwelling house, store, stable or any building of any kind
32 whatsoever any nuisance affecting health or any person sick of any
33 contagious or infectious disease, or any condition of contagion or
34 infection which may have been caused by anyone recently sick of
35 any such disease in any such dwelling house or other place. The
36 warrant shall be directed to the sheriff of the county within which
37 the search is to be made, or to any **【constable,】** marshal, police
38 officer, or officer or agent of the local board having jurisdiction
39 within the place where such search is to be made.

40 (cf: P.L.1991, c.91, s.290)

41

42 30. R.S.26:3-63 is amended to read as follows:

43 26:3-63. The sheriff of the county and any **【constable,】**
44 marshal, or police officer of any county or municipality shall, if
45 required by any officer to whom the search warrant may be
46 directed, be present and assist in the execution of the warrant.

47 (cf: R.S.26:3-63)

1 31. R.S.26:4-37 is amended to read as follows:

2 26:4-37. In establishing quarantine for venereal disease, the
3 licensed health officer or the State Commissioner of Health, or the
4 authorized representative of either shall by notice in writing define
5 the restriction of the actions, behavior and movements of the person
6 or the place and the limits of the area within which the person is to
7 be quarantined. Such person while so quarantined shall observe and
8 obey said notice restricting his actions, behavior and movements or
9 remain within the place and area defined by said health officer,
10 director or representative in said notice. The custodian, if any, of
11 such person shall safely keep and confine said person and said
12 notice shall be sufficient warrant and authorization therefor.

13 Whenever a licensed health officer or the State Commissioner of
14 Health or the authorized representative of either shall quarantine
15 any person for venereal disease under authority of this article, he
16 may also order the removal of such person to the place and area
17 within which the person is to be quarantined for venereal disease,
18 and the person shall proceed to such place at the time and in the
19 manner specified.

20 A licensed health officer or the State Commissioner of Health or
21 the authorized representative of either one of them may file a
22 complaint with any municipal court in the county or with the
23 Superior Court against the following persons:

24 a. Any person, who while quarantined for venereal disease
25 fails, refuses or neglects to observe and obey said notice restricting
26 his actions, behavior and movements, or to remain within the place
27 and area defined by said health officer, director or representative or
28 to proceed to a place for quarantine for venereal disease at the time
29 and in the manner specified by said health officer, director or
30 representative.

31 b. Any person who fails, refuses or neglects to submit to,
32 observe or obey the conditions of any commitment or to comply
33 with any order made by any court under authority of this article.

34 c. Any of the persons included in section 26:4-36 of this
35 article.

36 If a warrant issues, it shall be directed to the sheriff [or any
37 constable] in the county, or any police officer.

38 The court shall determine the matter without a jury. If the court
39 finds that the person is one of those listed in this section against
40 whom a complaint may be filed, it may commit such person to a
41 State, county, or municipal hospital which will receive the person,
42 or to any other place or institution suitable for and willing to
43 receive the person for detention, examination, care and treatment,
44 whether the hospital, place or institution be located within or
45 without the county, or to the county jail or may make any order for
46 the examination, care or treatment of said person which may be
47 deemed proper under the circumstances.

1 The complaint, commitment, and all other papers relating to the
2 case shall be impounded and shall not be open to public inspection,
3 and hearings shall not be open to the public.

4 Any person committed under the provisions of this statute shall
5 be held in the place to which committed until discharged by the
6 court which heard the case or by the Superior Court or by order of
7 the Commissioner of the State Department of Health.

8 The local health officer having jurisdiction shall report to the
9 State department any person quarantined for venereal disease, or
10 upon whom a summons is served or against whom a warrant is
11 issued under authority of this article except where the action is
12 initiated by the State Commissioner of Health or his authorized
13 representative.

14 (cf: P.L.1991, c.91, s.291)

15

16 32. R.S.30:4-119 is amended to read as follows:

17 30:4-119. Every police officer **and constable** shall assist in
18 the location and return to institutional custody of any institutional
19 inmate who has left the institution without parole or discharge.

20 (cf: R.S.30:4-119)

21

22 33. R.S.30:4-157.5 is amended to read as follows:

23 30:4-157.5. For making copies of a complaint and commitment
24 in delinquency proceedings, the court or the clerk thereof shall be
25 entitled to the same fees as are allowed by law for the original
26 complaint and commitment.

27 The fee for serving process shall be the same and shall be paid in
28 the same manner as for like services in criminal cases.

29 The sheriff **and constable** or officer executing a warrant of
30 commitment shall be entitled to a fee of five dollars (\$5.00) besides
31 the necessary traveling expenses for himself and the boy.

32 Other fees shall be the same as are allowed for similar services in
33 the Superior Court, and all such fees shall be paid as other fees are
34 paid in criminal causes.

35 (cf: P.L.1995, c.280, s.51)

36

37 34. R.S.30:8-21 is amended to read as follows:

38 30:8-21. In all cases where any sheriff**and** or undersheriff **or**
39 constable shall be by law authorized or required to confine or keep
40 in jail any person arrested or in custody on any civil process, or in
41 any civil suit or proceeding, by surrender in discharge of bail or in
42 any other way, such sheriff**and** or undersheriff **or constable** shall
43 deliver such person so arrested or in custody to the jail warden of
44 such county, if there shall be one, within such jail, with a copy of
45 the process, commitment or surrender by virtue of which such
46 person was arrested or is in custody, and after such delivery such
47 sheriff**and** or undersheriff **or constable** shall not be liable for any
48 escape of such prisoner; but the board of chosen freeholders of

1 such county, or their keeper or warden, if they shall have appointed
2 one under the provisions of section 30:8-20 of this Title, shall, for
3 any escape after such delivery, be liable in the same manner as the
4 sheriff of the county would be if he had the custody, rule, keeping
5 and charge of the county jail of such county and of the prisoners
6 therein. Such sheriff **[,] or** undersheriff **[or constable]** may require
7 such keeper or warden to give a receipt, upon the process or
8 commitment by which such prisoner may be arrested or held, for
9 the body of such prisoner.
10 (cf: P.L.1971, c.2, s.16)

11
12 35. Section 11 of P.L.1947, c.34 (C.30:9-12.11) is amended to
13 read as follows:

14 11. The board of managers may appoint and commission as
15 many special policemen for such county hospital as it may deem
16 necessary. Within such territory as shall be prescribed and for such
17 time as shall be limited, any such policeman shall have the same
18 powers as a **[constable of the county or]** police officer of the
19 municipality or municipalities wherein such hospital shall be
20 located. Such special policemen shall be charged with the duty of
21 preserving order in and about the hospital and shall have power to
22 arrest and hold any offender against the public peace within the
23 limits of said territory.
24 (cf: P.L.1947, c.34, s.11)

25
26 36. R.S.33:1-1 is amended to read on purpose:

27 33:1-1. For the purpose of this chapter, the following words and
28 terms shall be deemed to have the meanings herein given to them:

29 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral
30 spirits from whatever source or by whatever process produced.

31 b. "Alcoholic beverage." Any fluid or solid capable of being
32 converted into a fluid, suitable for human consumption, and having
33 an alcohol content of more than one-half of one per centum (1/2 of
34 1%) by volume, including alcohol, beer, lager beer, ale, porter,
35 naturally fermented wine, treated wine, blended wine, fortified
36 wine, sparkling wine, distilled liquors, blended distilled liquors and
37 any brewed, fermented or distilled liquors fit for use for beverage
38 purposes or any mixture of the same, and fruit juices.

39 c. "Building." A structure of which licensed premises are or
40 may be a part, including all rooms, cellars, outbuildings,
41 passageways, closets, vaults, yards, attics, and every part of the
42 structure of which the licensed premises are a part, and of any other
43 structure to which there is a common means of access, and any
44 other appurtenances.

45 d. "Commissioner." The Director of the Division of Alcoholic
46 Beverage Control.

47 e. "Container." Any glass, can, bottle, vessel or receptacle of
48 any material whatsoever used for holding alcoholic beverages,

- 1 which container is covered, corked or sealed in any manner
2 whatsoever.
- 3 f. "Eligible." The status of a person who is a citizen of the
4 United States, a resident of this State, of good moral character and
5 repute, and of legal age.
- 6 g. "Governing board or body." The board or body which
7 governs a municipality, including a board of aldermen in
8 municipalities so governed; but in every municipality having a
9 board of public works which exercises general licensing powers
10 such board shall be considered as the governing board or body.
- 11 h. "Importing." The act of bringing or causing to be brought
12 any alcoholic beverage into this State.
- 13 i. "Illicit beverage." Any alcoholic beverage manufactured,
14 distributed, bought, sold, bottled, rectified, blended, treated,
15 fortified, mixed, processed, warehoused, possessed or transported in
16 violation of this chapter, or on which any federal tax or tax imposed
17 by the laws of this State has not been paid; and any alcoholic
18 beverage possessed, kept, stored, owned or imported with intent to
19 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,
20 mix, process, warehouse or transport in violation of the provisions
21 of this chapter.
- 22 j. "Licensed building." Any building containing licensed
23 premises.
- 24 k. "Licensed premises." Any premises for which a license
25 under this chapter is in force and effect.
- 26 l. "Magistrate." The Superior Court or municipal court.
- 27 m. "Manufacturer." Any person who, directly or indirectly,
28 personally or through any agency whatsoever, engages in the
29 making or other processing whatsoever of alcoholic beverages.
- 30 n. "Municipality." Any city, town, township, village, or
31 borough, including a municipality governed by a board of
32 commissioners or improvement commission, but excluding a
33 county.
- 34 o. "Municipal board." The municipal board of alcoholic
35 beverage control as established by this chapter.
- 36 p. "Officer." Any sheriff, deputy sheriff, **【constable,】** police
37 officer, member of the Division of State Police, or any other person
38 having the power to execute a warrant for arrest, or any inspector or
39 investigator of the Division of Alcoholic Beverage Control.
- 40 q. "Original container." Any container in which an alcoholic
41 beverage has been delivered to a retail licensee.
- 42 r. "Person." Any natural person or association of natural
43 persons, association, trust company, partnership, corporation,
44 organization, or the manager, agent, servant, officer, or employee of
45 any of them.
- 46 s. "Premises." The physical place at which a licensee is or may
47 be licensed to conduct and carry on the manufacture, distribution or

1 sale of alcoholic beverages, but not including vehicular
2 transportation.

3 t. "Restaurant." An establishment regularly and principally
4 used for the purpose of providing meals to the public, having an
5 adequate kitchen and dining room equipped for the preparing,
6 cooking and serving of food for its customers and in which no other
7 business, except such as is incidental to such establishment, is
8 conducted.

9 u. "Retailer." Any person who sells alcoholic beverages to
10 consumers.

11 v. "Rules and regulations." The rules and regulations
12 established from time to time by the director.

13 w. "Sale." Every delivery of an alcoholic beverage otherwise
14 than by purely gratuitous title, including deliveries from without
15 this State and deliveries by any person without this State intended
16 for shipment by carrier or otherwise into this State and brought
17 within this State, or the solicitation or acceptance of an order for an
18 alcoholic beverage, and including exchange, barter, traffic in,
19 keeping and exposing for sale, serving with meals, delivering for
20 value, peddling, possessing with intent to sell, and the gratuitous
21 delivery or gift of any alcoholic beverage by any licensee.

22 x. "Unlawful alcoholic beverage activity." The manufacture,
23 sale, distribution, bottling, rectifying, blending, treating, fortifying,
24 mixing, processing, warehousing or transportation of any alcoholic
25 beverage in violation of this chapter, or the importing, owning,
26 possessing, keeping or storing in this State of alcoholic beverages
27 with intent to manufacture, sell, distribute, bottle, rectify, blend,
28 treat, fortify, mix, process, warehouse or transport alcoholic
29 beverages in violation of this chapter, or the owning, possessing,
30 keeping or storing in this State of any implement or paraphernalia
31 for the manufacture, sale, distribution, bottling, rectifying, blending,
32 treating, fortifying, mixing, processing, warehousing or
33 transportation of alcoholic beverages with intent to use the same in
34 the manufacture, sale, distribution, bottling, rectifying, blending,
35 treating, fortifying, mixing, processing, warehousing or
36 transportation of alcoholic beverages in violation of this chapter, or
37 to aid or abet another in the manufacture, sale, distribution, bottling,
38 rectifying, blending, treating, fortifying, mixing, processing,
39 warehousing or transportation of alcoholic beverages in violation of
40 this chapter, or the aiding or abetting of another in any of the
41 foregoing activities.

42 y. "Unlawful property." All illicit beverages and all
43 implements, vehicles, vessels, airplanes, and paraphernalia for the
44 manufacture, sale, distribution, bottling, rectifying, blending,
45 treating, fortifying, mixing, processing, warehousing or
46 transportation of illicit beverages used in the manufacture, sale,
47 distribution, bottling, rectifying, blending, treating, fortifying,
48 mixing, processing, warehousing or transportation of illicit

1 beverages or owned, possessed, kept or stored with intent to use the
2 same in the manufacture, sale, distribution, bottling, rectifying,
3 blending, treating, fortifying, mixing, processing, warehousing or
4 transportation of illicit beverages, whether such use be by the
5 person owning, possessing, keeping, or storing the same, or by
6 another with the consent of such person; and all alcoholic
7 beverages, fixtures and personal property located in or upon any
8 premises, building, yard or inclosure connected with a building, in
9 which an illicit beverage is found, possessed, stored or kept.

10 z. "Wholesaler." Any person who sells an alcoholic beverage
11 for the purpose of resale either to a licensed wholesaler or to a
12 licensed retailer, or both.

13 aa. "Limousine." A motor vehicle used in the business of
14 carrying passengers for hire to provide prearranged passenger
15 transportation at a premium fare on a dedicated, nonscheduled,
16 charter basis that is not conducted on a regular route, or is furnished
17 without fare as an accommodation for a patron in connection with
18 other business purposes, and with a seating capacity in no event of
19 more than 14 passengers, not including the driver, provided, that
20 such a motor vehicle shall not have a seating capacity in excess of
21 four passengers, not including the driver, beyond the maximum
22 passenger seating capacity of the vehicle, not including the driver,
23 at the time of manufacture. This shall not include taxicabs, hotel or
24 airport shuttles and buses, buses employed solely in transporting
25 school children or teachers to and from school, vehicles owned and
26 operated directly or indirectly by businesses engaged in the practice
27 of mortuary science when those vehicles are used exclusively for
28 providing transportation related to the provision of funeral services
29 or vehicles owned and operated without charge or remuneration by
30 a business entity for its own purposes.

31 bb. "Entertainment facility" is a privately-owned facility in
32 which athletic, commercial, cultural, or artistic events are featured.

33 cc. "Powdered alcohol." Any powder or crystalline substance
34 containing alcohol, as defined in subsection a. of this section,
35 produced for human consumption.

36 Any definition herein contained shall apply to the same word in
37 any form. Thus "sell" means to make a "sale" as above defined.

38 (cf: P.L.2015, c.137, s.1)

39

40 37. R.S.34:11-60 is amended to read as follows:

41 34:11-60. Process of the wage collection division shall run
42 throughout the state. Service of process shall be made either by a
43 **【constable or a】** process server of the department.

44 (cf: R.S.34:11-60)

1 38. N.J.S.38A:11-10 is amended to read as follows:

2 38A:11-10. Any municipal court or other court of competent
3 jurisdiction, on complaint made by any officer of the militia
4 charged with the care or custody of any military property, that any
5 such military property is unlawfully withheld from him by any
6 person within the jurisdiction of such court, and that the same is
7 believed to be in a particular place specified in the complaint, shall
8 issue to any sheriff, **【constable,】** police officer or member of the
9 State Police, a search warrant.
10 (cf: N.J.S.38A:11-10)

11

12 39. R.S.39:5-3 is amended to read as follows:

13 39:5-3. a. When a person has violated a provision of this
14 subtitle, the judge may, within 30 days after the commission of the
15 offense, issue process directed to a **【constable,】** police officer, or
16 the chief administrator for the appearance or arrest of the person so
17 charged and for a violation of R.S.39:4-81, issue process within 90
18 days after the commission of the offense. In the case of a violation
19 enumerated in subsection b. of this section, this period shall
20 commence upon the filing of a complaint.

21 b. A complaint may be made to a judge for a violation of
22 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-
23 24 at any time within one year after the commission of the offense;
24 for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
25 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 10 of
26 P.L.1990 c.103 (C.39:3-10.18), section 16 of P.L.1990, c.103
27 (C.39:3-10.24), section 3 of P.L.1952, c.157 (C.12:7-46), section 9
28 of P.L.1986, c.39 (C.12:7-57), R.S.39:3-40, or section 1 of
29 P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the
30 commission of the offense.

31 c. All proceedings shall be brought before a judge having
32 jurisdiction in the municipality in which it is alleged that the
33 violation occurred, but when a violation occurs on a street through
34 which the boundary line of two or more municipalities runs or
35 crosses, then the proceeding may be brought before the judge
36 having jurisdiction in any one of the municipalities divided by said
37 boundary line, and in the event there shall be no judge or should no
38 judge having such jurisdiction be available for the acceptance of
39 bail and disposition of the case, or should the judges having such
40 jurisdiction be disqualified because of personal interest in the
41 proceedings, or for any other legal cause, said proceeding shall be
42 brought before a judge having jurisdiction in the nearest
43 municipality to the one in which it is alleged such a violation
44 occurred.

45 (cf: P.L.2017, c.249, s.1)

46

47 40. R.S.39:5-5 is amended to read as follows:

1 39:5-5. All proceedings for the violation of this subtitle shall
2 be brought in the name of the State, with the director, police officer,
3 peace officer, **【constable】** or any other person who institutes the
4 proceedings as prosecutor. A judge may, at his discretion, refuse to
5 issue a warrant on the complaint of a person other than the director
6 or a police officer, until a sufficient bond to secure costs has been
7 executed and delivered to the judge.

8 (cf: P.L.1983, c.403, s.20)

9

10 41. R.S.40:24-5 is amended to read as follows:

11 40:24-5. Any **【constable or】** police officer may serve any
12 warrant or other process issuing out of the court, to apprehend any
13 person for the violation of any such resolution.

14 (cf: P.L.1953, c.37, s.42)

15

16 42. R.S.40:48-25 is amended to read as follows:

17 40:48-25. When the governing body of a municipality shall
18 have appointed a committee of its members upon any subject or
19 matter within its jurisdiction, the committee may issue a subpoena
20 ad testificandum, or subpoena duces tecum, to any person within
21 this state, to appear before it to give testimony or information
22 required. The subpoenas may be served by any police officer **【or**
23 **constable】** of the municipality.

24 (cf: R.S.40:48-25)

25

26 43. Section 1 of P.L.1971, c.197 (C.40A:14-152) is amended to
27 read as follows:

28 1. The members and officers of a police department and force,
29 within the territorial limits of the municipality, shall have all the
30 powers of peace officers and upon view may apprehend and arrest
31 any disorderly person or any person committing a breach of the
32 peace. Said members and officers shall have the power to serve and
33 execute process issuing out of the courts having local criminal
34 jurisdiction in the municipality and shall have **【the】** powers **【of a**
35 **constable】** in all matters other than in civil causes arising in such
36 courts.

37 (cf: P.L.1971, c.197, s.1)

38

39 44. R.S.48:12-166 is amended to read as follows:

40 48:12-166. Any person who shall:

41 a. Travel or attempt to travel on any train on a railroad without
42 having previously paid his fare and with intent to avoid payment
43 thereof; or

44 b. Having paid his fare for a certain distance, knowingly and
45 willfully proceed on such train beyond such distance without
46 previously paying the additional fare for the additional distance, and
47 with intent to avoid the payment thereof; or

1 c. Knowingly and willfully refuse or neglect on arriving at the
2 point to which he has paid his fare to quit such train--

3 Shall for every such offense forfeit to the company running the
4 train a sum not exceeding \$5.00.

5 On complaint made on oath and after summary hearing of the
6 facts and circumstances or on admission of the parties, any
7 magistrate of the municipality where the offender may be arrested
8 shall have jurisdiction to impose such fine with costs. The arrest
9 may be made by any police officer or **【constable or】** by a
10 commissioned railroad policeman.

11 (cf: P.L.1969, c.160, s.1)

12
13 45. Section 20 of P.L.1938, c.182 (C.51:1-132) is amended to
14 read as follows:

15 20. A proceeding to recover any penalty incurred under the
16 provisions of this act, or acts supplementary or amendatory thereof,
17 may be brought in the name of the State of New Jersey by any duly
18 appointed weights and measures officers in the Superior Court or
19 municipal court of any municipality of this State, wherein the
20 violation occurs, which courts shall have jurisdiction over the
21 proceeding. The proceeding shall be summary and in accordance
22 with **【"the penalty enforcement law"】** the "Penalty Enforcement
23 Law of 1999," P.L.1999, c.274 (N.J.S.2A:58-1 et seq.). Process
24 shall be either in the nature of a summons or warrant and it may be
25 directed to any weights and measures officer, or to any **【constable**
26 **or】** police officer, commanding him to cause the person or persons
27 so complained of to be summoned or arrested and brought before
28 the court.

29 No defendant under any body execution shall be detained for a
30 period exceeding ten days, except as may be otherwise provided by
31 this act.

32 It shall be the duty of the city attorney of any municipality
33 wherein such violation shall take place to assist in the prosecution
34 of the same, unless such municipality has no such municipal
35 superintendent of weights and measures as provided for in section
36 51:1-43 of the Revised Statutes, in which case the county
37 prosecutor of the county wherein such violation shall take place
38 shall assist in such prosecution. All fines and penalties collected
39 from persons offending against the provisions of this act shall be
40 paid by the court clerk receiving the same, when recovered by a
41 State weights and measures officer, to the State Treasurer; when
42 recovered by a county weights and measures officer, to the county
43 treasurer of such county; and when recovered by a municipal
44 weights and measures officer, to the municipality which such
45 officer represents. For violation of any of the provisions of this act,
46 done within the view of any weights and measures officer, such
47 weights and measures officer is authorized, without warrant, to
48 arrest the offender or offenders and to conduct him or them before

1 the Superior Court or a municipal court in the county wherein such
2 offense is committed.

3 (cf: P.L.1991, c.91, s.478)

4

5 46. R.S.51:9-12 is amended to read as follows:

6 51:9-12. A complaint having been made to the Superior Court or
7 a municipal court by any weights and measures official, that any
8 person has violated any of the provisions of this chapter, a
9 summons or a warrant may issue directed to any weights and
10 measures official or to any **【constable or】** police officer for the
11 appearance or arrest of the person so charged.

12 (cf: P.L.1991, c.91, s.485)

13

14 47. R.S.52:13-6 is amended to read as follows:

15 52:13-6. The senate and general assembly may by concurrent
16 resolution direct that the senate and general assembly meet in joint
17 session at a time and place therein fixed for the purpose of hearing
18 the evidence and arguments regarding the alleged contempt and
19 may order that a warrant, directed to any sergeant at arms of either
20 house or of the joint session or to any sheriff, police officer,
21 member of the state police, **【constable】** or other peace officer, issue
22 in such manner as shall be prescribed in and by the concurrent
23 resolution for the arrest of the alleged contemner and the
24 production of him at the bar of such joint session, there to be heard.

25 (cf: R.S.52:13-6)

26

27 48. R.S.52:13-10 is amended to read as follows:

28 52:13-10. Any person found to be guilty of a contempt of the
29 legislature by a concurrent resolution of the two houses thereof, as
30 hereinbefore provided, may be sentenced to imprisonment in the
31 state prison or in the common jail of any county for any period not
32 exceeding six months as shall be directed in and by the concurrent
33 resolution determining the contempt, for the execution of which
34 such concurrent resolution may order that a commitment shall issue,
35 directed to any sheriff, police officer, member of the state police,
36 **【constable】** or other peace officer, and to the keeper of the state
37 prison or the keeper of the common jail of any county, which
38 commitment shall be signed by the president of the senate and the
39 speaker of the house of assembly in office at the date of the issue
40 thereof.

41 (cf: R.S.52:13-10)

42

43 49. R.S.53:4-1 is amended to read as follows:

44 53:4-1. Whenever the department of state police desires to
45 examine a member of the department in relation to the discharge of
46 his official duties or conduct, or concerning the possession or
47 disposition by him in his official capacity of any property
48 belonging to the department, or to inspect or examine any book

1 account, voucher or document in the possession or under control of
2 a member of the department as such member, relating to the affairs
3 or interests of the department, the superintendent or deputy
4 superintendent of state police may issue a subpoena ad
5 testificandum or subpoena duces tecum to any person to appear
6 before him and give testimony or information required for the
7 purpose above mentioned. Such subpoenas may be served by any
8 police officer **【or constable】** of the municipality wherein the person
9 to be subpoenaed resides, or by a member of the state police.
10 (cf: R.S.53:4-1)

11

12 50. R.S.56:3-47 is amended to read as follows:

13 56:3-47. If any owner, dealer or shipper, or his agent, has reason
14 to believe, and does believe, that any can or cans of the kind
15 mentioned in section 56:3-42 of this Title, stamped or marked as
16 provided in said section 56:3-42, is or are being used, or has or have
17 been unlawfully used as aforesaid, by any person, or that any person
18 has any such can or cans secreted in or upon his premises, or any
19 other place, any such owner, dealer or shipper, or his agent, may go
20 before the Superior Court or the municipal court in the municipality
21 wherein such offenses may be or have been committed, and make
22 complaint thereof under oath, which complaint may be wholly upon
23 information and belief. Whereupon the court shall issue a process in
24 the nature of a search warrant, directed to any **【constable,】** marshal
25 or an executive officer of any municipality, which shall recite the
26 complaint, or the substance thereof, and shall command such
27 **【constable,】** marshal or executive officer to search immediately the
28 premises, place or places mentioned in the complaint, and, if any
29 milk or cream cans be found, to bring the same, together with the
30 body of the person in whose possession they may be found, before
31 the court which shall summarily inquire into the ownership of such
32 can or cans, and, upon being satisfied that the same belong to such
33 owner, dealer or shipper, or that his agent is entitled to the
34 possession thereof, he shall deliver such can or cans to such owner,
35 dealer or shipper, or his agent, who shall have the costs of the
36 proceedings from the person so illegally having such can or cans in
37 his or their possession. If the person illegally having such can or
38 cans in his possession shall refuse to pay the costs, the court shall
39 commit such person to the county jail of the county wherein he
40 shall be arrested until such costs are paid.

41 (cf: P.L.1991, c.91, s.523)

42

43 51. The following sections are repealed:

44 N.J.S.2A:14-18;

45 N.J.S.40A:9-120 through N.J.S.40A:9-126; and

46 N.J.S.40A:9-126.1

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5281

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 5281.

As reported by the committee, Assembly Bill No. 5281 eliminates the position of constable, removes statutory references to the position, and repeals certain sections of law to reflect this change.

Under the bill, the salary provisions of a municipal employment contract for a constable which was entered into prior to the effective date of the bill would remain in effect and the person would be compensated in accordance with the provisions of the contract until the contract expires. However, any provisions of the contract which grant powers and impose duties associated with the position of constable would be deemed null and void.

The bill implements recommendations set forth in the December 2021 report of the State of New Jersey Commission of Investigation (SCI) entitled, "Abusing the Badge, A report on the SCI's Investigation into Constables in New Jersey." In its report, the SCI deems the position of constable unnecessary and outdated, and calls for the elimination of the position "before someone gets seriously injured or worse." The SCI investigation found that, rather than serve as a beneficial adjunct to police, the role of constable instead far too frequently represents a potential hazard to the constables themselves, the police, and the public at large.

SENATE, No. 2341

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

Senator GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Senator Diegnan

SYNOPSIS

Eliminates position of constable; removes statutory references to constable; repeals various parts of statutory law; implements recommendation of SCI report concerning elimination of constables.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

S2341 JOHNSON

2

1 AN ACT eliminating the position of constable, supplementing
2 P.L.1960, c.169, and amending and repealing various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) All of the functions, powers, and duties
9 previously awarded to a constable appointed prior to the elimination
10 of the position of constable pursuant to P.L. , c. (C.)
11 (pending before the Legislature as this bill) are hereby abolished.

12
13 2. N.J.S.2A:33-9 is amended to read as follows:

14 If the tenant or owner of property distrained for rent shall not,
15 within 10 days next after the distress taken and after notice thereof,
16 and of the cause of the taking, has been left at the main dwelling
17 house or other most conspicuous place on the premises charged
18 with the rent distrained for, commence an action or otherwise
19 lawfully proceed to recover possession of said property or set aside
20 or end the distraint, the person distraining may, after the distress,
21 notice and expiration of 10 days, on **[2]** two days' notice to the
22 tenant, cause the goods and chattels to be inventoried and appraised
23 by **[3]** three sworn appraisers.

24 The sheriff of the county**[**, or a constable**]** of the place wherein
25 the distress shall be taken, shall aid and assist therein and shall
26 summon **[3]** three appraisers for such service and shall swear them
27 well and truly to appraise the same, at the true and intrinsic value
28 thereof, according to their best understanding.

29 (cf: N.J.S.2A:33-9)

30
31 3. N.J.S.2A:33-10 is amended to read as follows:

32 After the inventory and appraisal, the person distrained for
33 rent shall sell at public vendue the property so distrained. He shall
34 give **[5]** five days' public notice by advertising the articles to be
35 sold and the time and place of sale, in at least **[3]** three of the most
36 public places in the municipality where the distress shall be made,
37 and sell the same for the best price that can be secured towards
38 satisfaction of the rent and charges of the distress, appraisal and
39 sale, leaving the overplus, if any, with the sheriff **[or constable]**
40 for the owner's use.

41 (cf: N.J.S.2A:33-10)

42
43 4. N.J.S.2A:33-13 is amended to read as follows:

44 If the landlord, his attorney or agent shall not, within **[2]** two
45 days after being served with a written request from his tenant so to

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

Matter underlined thus is new matter.

S2341 JOHNSON

1 do, proceed and have the distrained property appraised, the tenant
2 may, after **[5]** five days' notice thereof to his landlord, his attorney
3 or agent, apply to the sheriff **[or a constable]** of the county and
4 have the property inventoried and appraised. The property reserved
5 for the use of the family of the tenant may thereupon be selected as
6 provided by section 2A:33-12 of this title.

7 (cf: N.J.S.2A:33-13)

8

9 5. N.J.S.2A:33-22 is amended to read as follows:

10 When property is removed by a tenant and put in any place
11 locked up, fastened or otherwise secured, to prevent the said
12 property from being distrained for arrears of rent, the landlord, first
13 calling to his assistance a **[constable or]** peace officer, who shall
14 aid and assist therein, may, in the daytime, break open and enter the
15 place, and distrain the said property for the arrears of rent as he
16 might have done if the said property had been put in an open place.

17 If the place where the said property is secured is a dwelling
18 house, oath shall first be made before some judge or magistrate, of a
19 reasonable ground to suspect that the said property is therein.

20 (cf: N.J.S.2A:33-22)

21

22 6. N.J.S.2A:44-13 is amended to read as follows:

23 2A:44-13. Where the consignee of perishable goods cannot be
24 found by the carrier or shall neglect or refuse to receive the same or
25 to pay the costs and expenses of transportation, or the charges for
26 detention or demurrage, the carrier or its agent may apply in writing
27 to the Superior Court and such court on proof that the goods have
28 been transported and are perishable and that the consignee cannot
29 be found or neglects or refuses to receive the same or to pay the
30 costs and expenses of transportation, detention or demurrage
31 charges, shall order the public sale thereof by a **[constable or]**
32 sheriff of the county at a time and place named in the order, of
33 which sale such advertisement shall be made and notice given as the
34 court shall direct.

35 (cf: P.L.1991, c.91, s.90)

36

37 7. N.J.S.2A:67-4 is amended to read as follows:

38 No person committed to a prison or in the custody of an officer
39 or other person for a criminal or supposed criminal matter shall be
40 removed from such prison or custody into the custody of any other
41 officer or person, except:

42 a. By habeas corpus or other legal writ or process; or

43 b. Where he is delivered to **[a constable or other inferior]**
44 another officer in accordance with law; or

45 c. Where he is sent by order of a court, judge or magistrate to a
46 workhouse or house of correction; or

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1 d. Where he is removed to another place, within the county, for
2 his trial or discharge in due course of law; or

3 e. In case of sudden fire or infection or other necessity.
4 (cf: N.J.S.2A:67-4)

5

6 8. N.J.S.2A:67-8 is amended to read as follows:

7 A judge of the superior court may, when it shall appear by
8 satisfactory proof that anyone is held in illegal confinement or
9 custody and there is good reason to believe that he will be taken out
10 of the state or suffer some irreparable injury before he can be
11 relieved by the issuance of a habeas corpus, issue a warrant under
12 his hand and seal reciting the facts and directed to any sheriff[,
13 constable] or other person, commanding him to take the prisoner
14 and forthwith bring him before the court to be dealt with according
15 to law.

16 If the proof shall also be sufficient to justify an arrest of the
17 person having the prisoner in his custody, as for a criminal offense
18 committed in the taking or detaining of the prisoner, the warrant
19 may also contain an order for the arrest of such person for such
20 offense.

21 (cf: N.J.S.2A:67-8)

22

23 9. N.J.S.2A:161-1 is amended to read as follows:

24 2A:161-1. In all criminal complaints before a judge of the
25 Superior Court or a municipal court, where in the opinion of such
26 judge, public justice shall require that a warrant for the arrest of the
27 alleged offender issue and be executed immediately, and no person
28 authorized to make an arrest can be had in time, such judge may, by
29 writing, under his hand and seal, appoint some fit person, who shall
30 be a citizen of this State, to execute the warrant, who shall have the
31 same authority in the premises in all respects and be subject to [the
32 same] liability [as a constable].

33 (cf: P.L.1991, c.91, s.133)

34

35 10. N.J.S.2A:169-3 is amended to read as follows:

36 Whenever an offense is committed in his presence, any
37 [constable or] police officer shall, and any other person may,
38 apprehend without warrant or process any disorderly person, and
39 take him before any magistrate of the county where apprehended.

40 (cf: N.J.S.2A:169-3)

41

42 11. N.J.S.2C:5-6 is amended to read as follows:

43 a. Any person who knowingly possesses a motor vehicle master
44 key or device designed to operate a lock or locks on motor vehicles
45 or to start a motor vehicle without an ignition key is guilty of a
46 crime of the fourth degree.

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1 b. Any person who offers or advertises for sale, sells or gives
2 to any person other than those excepted in subsection c. a motor
3 vehicle master key or device designed to operate a lock or locks on
4 a motor vehicle or to start a motor vehicle without an ignition key
5 is guilty of a crime of the fourth degree.

6 c. Subsection a. shall not apply to a law enforcement officer,
7 **【constable,】** locksmith or dealer, distributor or manufacturer of
8 motor vehicles or motor vehicle locks, a garage keeper, or a person
9 engaged in the business of lending on the security of motor
10 vehicles, or in the business of acquiring by purchase evidence of
11 debt secured by interests in motor vehicles, and his employees and
12 agents.

13 (cf: N.J.S.2C:5-6)

14

15 12. Section 9 of P.L.1965, c.94 (C.4:3-11.18) is amended to read
16 as follows:

17 Upon the filing of the verified complaint the court may issue a
18 warrant directed to the sheriff **【or a constable】** of the county or
19 other peace officer, commanding such officer to seize and take in
20 his possession the eggs described in the complaint, and bring the
21 same before the court which issued the warrant and to summon the
22 person named in the warrant, and any other person who may be
23 found in possession of the eggs, to appear at the time and place
24 therein specified.

25 (cf: P.L.1965, c.94, s.9)

26

27 13. Section 7 of P.L.1961, c.125 (C.4:8B-7) is amended to read
28 as follows:

29 Upon the filing of a verified complaint the court may issue a
30 warrant directed to the sheriff **【or a constable】** of the county or
31 other peace officer, commanding such officer to seize and take in
32 his possession the grain described in the complaint, and bring the
33 same before the court which issued the warrant and to summon the
34 person named in the warrant, and any other person who may be
35 found in possession of the grain, to appear at the time and place
36 therein specified.

37 (cf: P.L.1961, c.125, s.7)

38

39 14. R.S.4:22-44 is amended to read as follows:

40 4:22-44. Any municipal humane law enforcement officer, chief
41 humane law enforcement officer, humane law enforcement officer
42 of a county society for the prevention of cruelty to animals, sheriff,
43 undersheriff, **【constable,】** or police officer may:

44 a. Make arrests for violations of article 2 of chapter 22 of Title
45 4 of the Revised Statutes; and

46 b. Arrest without warrant any person found violating the
47 provisions of article **【2】** two of chapter 22 of Title 4 of the Revised

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6

1 Statutes in the presence of such humane law enforcement officer,
2 sheriff, undersheriff, **【constable,】** or police officer.
3 (cf: P.L.2017, c.331, s.15)

4

5 15. R.S.4:22-45 is amended to read as follows:

6 4:22-45. Where an arrest is made for a violation of subsection c.
7 of R.S.4:22-17 by a **【constable,】** sheriff, undersheriff, police
8 officer, municipal humane law enforcement officer, chief humane
9 law enforcement officer, or humane law enforcement officer of a
10 county society for the prevention of cruelty to animals, the officer
11 shall give notice to the county prosecutor, or designee of the county
12 prosecutor, at once, whereupon the county prosecutor, or designee
13 of the county prosecutor, shall determine whether the offense
14 should be handled in the Superior Court or in municipal court.

15 (cf: P.L.2017, c.331, s.16)

16

17 16. R.S.4:22-47 is amended to read as follows:

18 4:22-47. A sheriff, undersheriff, **【constable,】** police officer,
19 municipal humane law enforcement officer, chief humane law
20 enforcement officer, or humane law enforcement officer of a county
21 society for the prevention of cruelty to animals may enter any
22 building or place where there is an exhibition of the fighting or
23 baiting of a living animal or creature, where preparations are being
24 made for such an exhibition, or where a violation otherwise of
25 R.S.4:22-24 is occurring, arrest without warrant all persons there
26 present, and take possession of all living animals or creatures
27 engaged in fighting or there found and all implements or appliances
28 used or to be used in such exhibition.

29 (cf: P.L.2017, c.331, s.17)

30

31 17. R.S.4:23-15 is amended to read as follows:

32 For a violation of any provision for which a penalty is prescribed
33 which is collectible under this article, done within the view of any
34 **【constable,】** police officer or member of the State police, the
35 officer may arrest the offender without a warrant and take him
36 before the court in the county wherein such arrest is made.

37 (cf: P.L.1953, c.5, s.97)

38

39 18. R.S.9:6-8 is amended to read as follows:

40 9:6-8. Whenever any person shall, before the Superior Court, or
41 municipal court, make oath that the affiant believes that this chapter
42 has been or is being violated in any place or house, such court shall
43 forthwith issue a warrant to **【a constable or other】** another
44 authorized officer to enter such place or house and investigate the
45 same, and such person may arrest or cause to be arrested all
46 offenders and bring them before any court for a hearing of the case;

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7

1 and all [constables and] policemen shall aid in bringing all such
2 offenders before such authorities for a hearing.

3 (cf: P.L.1991, c.91, s.197)

4

5 19. R.S.9:17-4 is amended to read as follows:

6 Warrants in such proceedings shall be directed to a [constable
7 or] police officer of the county.

8 (cf: P.L.1953, c.9, s.31)

9

10 20. Section 34 of P.L.1984, c.171 (C.17:13-112) is amended to
11 read as follows:

12 a. Every credit union shall be subject to the supervision and
13 examination of the commissioner. In lieu of making an
14 examination of a credit union, the commissioner may accept the
15 examination of a certified public accountant who has examined the
16 records of the credit union and who files an opinion of his
17 examination with the commissioner. If an examiner deems it
18 advisable, he may verify the liabilities of the credit union to its
19 members by an inspection and verification of their accounts. The
20 commissioner shall promptly communicate the results of each
21 examination to the president of the credit union examined, who
22 shall present the report to the board at the next regular meeting or a
23 special meeting if the commissioner so directs. The action taken by
24 the board shall be communicated by the president to the
25 commissioner within five days.

26 b. The officers, directors and employees of the credit union
27 under examination shall exhibit its books, papers, records,
28 documents, and securities to the commissioner or his representative
29 and shall act to facilitate the examination. The commissioner or
30 his representative may administer an oath to any person whose
31 testimony is required on any examination and may compel by
32 subpoena the appearance of any person for the purpose of
33 examination or for the production of books, papers, records,
34 documents and securities. The subpoena may be served by any
35 police officer [or constable] of the municipality in which the
36 person resides. If any person fails to obey the subpoena, give
37 testimony, answer questions or produce any books, papers, records,
38 documents, securities or other things which may be required by the
39 commissioner, the Superior Court may compel the person to do so.

40 c. A person who shall willfully testify falsely to a material
41 matter upon an oath administered by the commissioner or his
42 representative upon an investigation or inquiry, or in regard to a
43 report made by the commissioner, shall be guilty of perjury.

44 (cf: P.L.1984, c.171, s.34)

45

46 21. R.S.19:6-30 is amended to read as follows:

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1 19:6-30. The district board in each election district, the county
2 board, and the clerk thereof, the board of county canvassers and the
3 board of State canvassers and the Superior Court shall, respectively,
4 possess full power and authority to direct the police on duty to
5 maintain regularity and order, and to enforce obedience to their
6 lawful commands during their sessions respectively.

7 If a person shall refuse to obey the lawful command of any such
8 board, or by disorderly conduct in its hearing or presence shall
9 interrupt or disturb its proceedings, it may by an order in writing,
10 signed by its chairman and attested by its clerk, commit the person
11 so offending to the common jail of the county in which the board
12 shall have met, for a period not exceeding three days. Such order
13 shall be executed by any sheriff **【or constable】** to whom it shall be
14 delivered; or if a sheriff **【or constable】** shall not be present or shall
15 refuse to act, by any other person deputed by the board in writing,
16 and the keeper of such jail shall receive the person so committed,
17 and safely keep him for such time as shall be provided in the
18 commitment.

19 (cf: P.L.1991, c.91, s.241)

20

21 22. R.S.19:32-22 is amended to read as follows:

22 The superintendent and his chief deputy and assistants are hereby
23 authorized and empowered and without warrant, to arrest any
24 person violating any provision of this title.

25 The superintendent and his chief deputy and assistants, as the
26 case may be, shall have the right and power to call upon any
27 **【constable,】** police officer or other peace officer to aid in taking
28 any person so arrested to the nearest police station in the
29 municipality in which the arrest is made, and such **【constable,】**
30 police officer or other peace officer shall render such aid.

31 Any **【constable,】** police officer or other peace officer failing to
32 comply with such request shall be guilty of a misdemeanor.

33 (cf: R.S.19:32-22)

34

35 23. Section 20 of P.L.1947, c.167 (C.19:32-45) is amended to
36 read as follows:

37 The superintendent and his chief deputy and assistants are hereby
38 authorized and empowered and without warrant, to arrest any
39 person violating any provision of this Title.

40 The superintendent and his chief deputy and assistants, as the
41 case may be, shall have the right and power to call upon any
42 **【constable,】** police officer or other peace officer to aid in taking
43 any person so arrested to the nearest police station in the
44 municipality in which the arrest is made, and such **【constable,】**
45 police officer or other peace officer shall render such aid.

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9

1 Any **【constable,】** police officer or other peace officer failing to
2 comply with such request shall be guilty of a misdemeanor.
3 (cf: P.L.1947, c.167, s.20)

4

5 24. R.S.23:2-8 is amended to read as follows:

6 The council, the wardens, the deputy wardens and the protector
7 shall have the power of summary arrest in cases of flagrant
8 violation of this Title, or of the provisions of the State Fish and
9 Game Code, and may, in the discharge of their duties, call in the aid
10 of a **【constable,】** sheriff or other peace officer when deemed
11 necessary. An officer neglecting or refusing to aid when so
12 required shall forfeit twenty-five dollars (\$25.00) to be recovered in
13 a civil action.

14 (cf: P.L.1953, c.23, s.1)

15

16 25. R.S.23:10-3 is amended to read as follows:

17 Proceedings for the recovery of penalties for the violation of any
18 provision of this Title, any provision of any law supplementary
19 thereto, or any provision of the State Fish and Game Code shall be
20 brought in the name of the State, by a duly commissioned warden,
21 deputy warden, police officer, **【constable】** or a member of any
22 regularly incorporated fish and game protective association, or the
23 fish and game protector as prosecutor, and no such proceeding
24 shall be instituted by any other person unless specifically
25 authorized by law.

26 (cf: P.L.1948, c.448, s.79)

27

28 26. R.S.23:10-5 is amended to read as follows:

29 Any **【constable,】** police officer, fish and game warden,
30 protector, or deputy warden, or any officer or member of any
31 incorporated game protective society may, for a violation of any
32 provision of this Title, or any provision of any law supplementary
33 thereto, or of any provision of the State Fish and Game Code
34 committed within the view of any such officer or person, arrest,
35 without warrant, the offender and carry him before a court in the
36 county wherein such arrest is made. Any person or persons who
37 shall, by threat, menace or force, or in any manner, attempt to deter
38 or prevent any fish and game warden or other person authorized to
39 make arrests for violation of the fish and game laws of this State,
40 or any provision of any law supplementary thereto, or any provision
41 of the State Fish and Game Code from enforcing or carrying into
42 effect any provisions of this Title, or any provision of any law
43 supplementary thereto, or any provision of the State Fish and Game
44 Code or who shall resist arrest or the seizure of boats or nets or
45 other apparatus illegally used, shall be subject to a fine of one
46 hundred dollars (\$100.00).

47 (cf: P.L.1953, c.23, s.7)

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10

1 27. R.S.24:4-5 is amended to read as follows:

2 Upon the filing of a verified complaint the court may issue a
3 warrant directed to the sheriff **【or a constable】** of the county or
4 other peace officer, commanding such officer to seize and take in
5 his possession the article described in the complaint, and bring the
6 same before the court which issued the warrant and to summon the
7 person named in the warrant, and any other person who may be
8 found in possession of the article, to appear at the time and place
9 therein specified.

10 (cf: P.L.1953, c.24, s.6)

11

12 28. Section 3 of P.L.1967, c.311 (C.24:6D-3) is amended to read
13 as follows:

14 A. It is hereby made the duty of the State Department of Health,
15 its officers, agents, inspectors and representatives, and of all peace
16 officers within the State, and of all county prosecutors, to enforce
17 all provisions of this chapter, and to cooperate with all agencies
18 charged with the enforcement of the laws of the United States, of
19 this State, and of all other States, relating to counterfeiting of
20 trademarks used in connection with drugs, cosmetics or devices.

21 B. The commissioner and any officer or employee of the
22 department designated by the commissioner to conduct
23 investigations or engage in other enforcement activities relating to
24 the counterfeiting of drugs, cosmetics or devices shall have the
25 power to execute and serve search warrants and shall have the
26 power of arrest in cases of violation of this chapter, and may, in the
27 discharge of their duties, call in the aid of a **【constable,】** sheriff, or
28 other peace officer when deemed necessary.

29 (cf: P.L.1967, c.311, s.3)

30

31 29. R.S.26:3-59 is amended to read as follows:

32 26:3-59. The Superior Court or any municipal court may issue a
33 warrant to search for any nuisance affecting health. Such warrant
34 may be issued according to the practice of the court, upon the
35 information and belief of any officer or agent of the State
36 Department of Health, or of any local board of health that there is in
37 any dwelling house, store, stable or any building of any kind
38 whatsoever any nuisance affecting health or any person sick of any
39 contagious or infectious disease, or any condition of contagion or
40 infection which may have been caused by anyone recently sick of
41 any such disease in any such dwelling house or other place. The
42 warrant shall be directed to the sheriff of the county within which
43 the search is to be made, or to any **【constable,】** marshal, police
44 officer, or officer or agent of the local board having jurisdiction
45 within the place where such search is to be made.

46 (cf: P.L.1991, c.91, s.290)

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1 30. R.S.26:3-63 is amended to read as follows:

2 The sheriff of the county and any **【constable,】** marshal, or police
3 officer of any county or municipality shall, if required by any
4 officer to whom the search warrant may be directed, be present and
5 assist in the execution of the warrant.

6 (cf: R.S.26:3-63)

7

8 31. R.S.26:4-37 is amended to read as follows:

9 26:4-37. In establishing quarantine for venereal disease, the
10 licensed health officer or the State Commissioner of Health, or the
11 authorized representative of either shall by notice in writing define
12 the restriction of the actions, behavior and movements of the person
13 or the place and the limits of the area within which the person is to
14 be quarantined. Such person while so quarantined shall observe and
15 obey said notice restricting his actions, behavior and movements or
16 remain within the place and area defined by said health officer,
17 director or representative in said notice. The custodian, if any, of
18 such person shall safely keep and confine said person and said
19 notice shall be sufficient warrant and authorization therefor.

20 Whenever a licensed health officer or the State Commissioner of
21 Health or the authorized representative of either shall quarantine
22 any person for venereal disease under authority of this article, he
23 may also order the removal of such person to the place and area
24 within which the person is to be quarantined for venereal disease,
25 and the person shall proceed to such place at the time and in the
26 manner specified.

27 A licensed health officer or the State Commissioner of Health or
28 the authorized representative of either one of them may file a
29 complaint with any municipal court in the county or with the
30 Superior Court against the following persons:

31 a. Any person, who while quarantined for venereal disease
32 fails, refuses or neglects to observe and obey said notice restricting
33 his actions, behavior and movements, or to remain within the place
34 and area defined by said health officer, director or representative or
35 to proceed to a place for quarantine for venereal disease at the time
36 and in the manner specified by said health officer, director or
37 representative.

38 b. Any person who fails, refuses or neglects to submit to,
39 observe or obey the conditions of any commitment or to comply
40 with any order made by any court under authority of this article.

41 c. Any of the persons included in section 26:4-36 of this
42 article.

43 If a warrant issues, it shall be directed to the sheriff **【or any**
44 **constable】** in the county, or any police officer.

45 The court shall determine the matter without a jury. If the court
46 finds that the person is one of those listed in this section against
47 whom a complaint may be filed, it may commit such person to a

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1 State, county, or municipal hospital which will receive the person,
2 or to any other place or institution suitable for and willing to
3 receive the person for detention, examination, care and treatment,
4 whether the hospital, place or institution be located within or
5 without the county, or to the county jail or may make any order for
6 the examination, care or treatment of said person which may be
7 deemed proper under the circumstances.

8 The complaint, commitment, and all other papers relating to the
9 case shall be impounded and shall not be open to public inspection,
10 and hearings shall not be open to the public.

11 Any person committed under the provisions of this statute shall
12 be held in the place to which committed until discharged by the
13 court which heard the case or by the Superior Court or by order of
14 the Commissioner of the State Department of Health.

15 The local health officer having jurisdiction shall report to the
16 State department any person quarantined for venereal disease, or
17 upon whom a summons is served or against whom a warrant is
18 issued under authority of this article except where the action is
19 initiated by the State Commissioner of Health or his authorized
20 representative.

21 (cf: P.L.1991, c.91, s.291)

22

23 32. R.S.30:4-119 is amended to read as follows:

24 Every police officer **and constable** shall assist in the location
25 and return to institutional custody of any institutional inmate who
26 has left the institution without parole or discharge.

27 (cf: R.S.30:4-119)

28

29 33. R.S.30:4-157.5 is amended to read as follows:

30 30:4-157.5. For making copies of a complaint and commitment
31 in delinquency proceedings, the court or the clerk thereof shall be
32 entitled to the same fees as are allowed by law for the original
33 complaint and commitment.

34 The fee for serving process shall be the same and shall be paid in
35 the same manner as for like services in criminal cases.

36 The sheriff **and constable** or officer executing a warrant of
37 commitment shall be entitled to a fee of five dollars (\$5.00) besides
38 the necessary traveling expenses for himself and the boy.

39 Other fees shall be the same as are allowed for similar services in
40 the Superior Court, and all such fees shall be paid as other fees are
41 paid in criminal causes.

42 (cf: P.L.1995, c.280, s.51)

43

44 34. R.S.30:8-21 is amended to read as follows:

45 In all cases where any sheriff **and** or undersheriff **or constable**
46 shall be by law authorized or required to confine or keep in jail any
47 person arrested or in custody on any civil process, or in any civil

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13

1 suit or proceeding, by surrender in discharge of bail or in any other
2 way, such sheriff~~[,]~~ or undersheriff ~~【or constable】~~ shall deliver
3 such person so arrested or in custody to the jail warden of such
4 county, if there shall be one, within such jail, with a copy of the
5 process, commitment or surrender by virtue of which such person
6 was arrested or is in custody, and after such delivery such sheriff~~[,]~~
7 or undersheriff ~~【or constable】~~ shall not be liable for any escape of
8 such prisoner; but the board of chosen freeholders of such county,
9 or their keeper or warden, if they shall have appointed one under
10 the provisions of section 30:8-20 of this Title, shall, for any escape
11 after such delivery, be liable in the same manner as the sheriff of
12 the county would be if he had the custody, rule, keeping and charge
13 of the county jail of such county and of the prisoners therein. Such
14 sheriff~~[,]~~ or undersheriff ~~【or constable】~~ may require such keeper or
15 warden to give a receipt, upon the process or commitment by
16 which such prisoner may be arrested or held, for the body of such
17 prisoner.

18 (cf: P.L.1971, c.2, s.16)

19

20 35. Section 11 of P.L.1947, c.34 (C.30:9-12.11) is amended to
21 read as follows:

22 The board of managers may appoint and commission as many
23 special policemen for such county hospital as it may deem
24 necessary. Within such territory as shall be prescribed and for such
25 time as shall be limited, any such policeman shall have the same
26 powers as a ~~【constable of the county or】~~ police officer of the
27 municipality or municipalities wherein such hospital shall be
28 located. Such special policemen shall be charged with the duty of
29 preserving order in and about the hospital and shall have power to
30 arrest and hold any offender against the public peace within the
31 limits of said territory.

32 (cf: P.L.1947, c.34, s.11)

33

34 36. R.S.33:1-1 is amended to read on purpose:

35 33:1-1. For the purpose of this chapter, the following words and
36 terms shall be deemed to have the meanings herein given to them:

37 a. "Alcohol." Ethyl alcohol, hydrated oxide of ethyl or neutral
38 spirits from whatever source or by whatever process produced.

39 b. "Alcoholic beverage." Any fluid or solid capable of being
40 converted into a fluid, suitable for human consumption, and having
41 an alcohol content of more than one-half of one per centum (1/2 of
42 1%) by volume, including alcohol, beer, lager beer, ale, porter,
43 naturally fermented wine, treated wine, blended wine, fortified
44 wine, sparkling wine, distilled liquors, blended distilled liquors and
45 any brewed, fermented or distilled liquors fit for use for beverage
46 purposes or any mixture of the same, and fruit juices.

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- 1 c. "Building." A structure of which licensed premises are or
2 may be a part, including all rooms, cellars, outbuildings,
3 passageways, closets, vaults, yards, attics, and every part of the
4 structure of which the licensed premises are a part, and of any other
5 structure to which there is a common means of access, and any
6 other appurtenances.
- 7 d. "Commissioner." The Director of the Division of Alcoholic
8 Beverage Control.
- 9 e. "Container." Any glass, can, bottle, vessel or receptacle of
10 any material whatsoever used for holding alcoholic beverages,
11 which container is covered, corked or sealed in any manner
12 whatsoever.
- 13 f. "Eligible." The status of a person who is a citizen of the
14 United States, a resident of this State, of good moral character and
15 repute, and of legal age.
- 16 g. "Governing board or body." The board or body which
17 governs a municipality, including a board of aldermen in
18 municipalities so governed; but in every municipality having a
19 board of public works which exercises general licensing powers
20 such board shall be considered as the governing board or body.
- 21 h. "Importing." The act of bringing or causing to be brought
22 any alcoholic beverage into this State.
- 23 i. "Illicit beverage." Any alcoholic beverage manufactured,
24 distributed, bought, sold, bottled, rectified, blended, treated,
25 fortified, mixed, processed, warehoused, possessed or transported in
26 violation of this chapter, or on which any federal tax or tax imposed
27 by the laws of this State has not been paid; and any alcoholic
28 beverage possessed, kept, stored, owned or imported with intent to
29 manufacture, sell, distribute, bottle, rectify, blend, treat, fortify,
30 mix, process, warehouse or transport in violation of the provisions
31 of this chapter.
- 32 j. "Licensed building." Any building containing licensed
33 premises.
- 34 k. "Licensed premises." Any premises for which a license
35 under this chapter is in force and effect.
- 36 l. "Magistrate." The Superior Court or municipal court.
- 37 m. "Manufacturer." Any person who, directly or indirectly,
38 personally or through any agency whatsoever, engages in the
39 making or other processing whatsoever of alcoholic beverages.
- 40 n. "Municipality." Any city, town, township, village, or
41 borough, including a municipality governed by a board of
42 commissioners or improvement commission, but excluding a
43 county.
- 44 o. "Municipal board." The municipal board of alcoholic
45 beverage control as established by this chapter.
- 46 p. "Officer." Any sheriff, deputy sheriff, **【constable,】** police
47 officer, member of the Division of State Police, or any other person

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15

1 having the power to execute a warrant for arrest, or any inspector or
2 investigator of the Division of Alcoholic Beverage Control.

3 q. "Original container." Any container in which an alcoholic
4 beverage has been delivered to a retail licensee.

5 r. "Person." Any natural person or association of natural
6 persons, association, trust company, partnership, corporation,
7 organization, or the manager, agent, servant, officer, or employee of
8 any of them.

9 s. "Premises." The physical place at which a licensee is or may
10 be licensed to conduct and carry on the manufacture, distribution or
11 sale of alcoholic beverages, but not including vehicular
12 transportation.

13 t. "Restaurant." An establishment regularly and principally
14 used for the purpose of providing meals to the public, having an
15 adequate kitchen and dining room equipped for the preparing,
16 cooking and serving of food for its customers and in which no other
17 business, except such as is incidental to such establishment, is
18 conducted.

19 u. "Retailer." Any person who sells alcoholic beverages to
20 consumers.

21 v. "Rules and regulations." The rules and regulations
22 established from time to time by the director.

23 w. "Sale." Every delivery of an alcoholic beverage otherwise
24 than by purely gratuitous title, including deliveries from without
25 this State and deliveries by any person without this State intended
26 for shipment by carrier or otherwise into this State and brought
27 within this State, or the solicitation or acceptance of an order for an
28 alcoholic beverage, and including exchange, barter, traffic in,
29 keeping and exposing for sale, serving with meals, delivering for
30 value, peddling, possessing with intent to sell, and the gratuitous
31 delivery or gift of any alcoholic beverage by any licensee.

32 x. "Unlawful alcoholic beverage activity." The manufacture,
33 sale, distribution, bottling, rectifying, blending, treating, fortifying,
34 mixing, processing, warehousing or transportation of any alcoholic
35 beverage in violation of this chapter, or the importing, owning,
36 possessing, keeping or storing in this State of alcoholic beverages
37 with intent to manufacture, sell, distribute, bottle, rectify, blend,
38 treat, fortify, mix, process, warehouse or transport alcoholic
39 beverages in violation of this chapter, or the owning, possessing,
40 keeping or storing in this State of any implement or paraphernalia
41 for the manufacture, sale, distribution, bottling, rectifying, blending,
42 treating, fortifying, mixing, processing, warehousing or
43 transportation of alcoholic beverages with intent to use the same in
44 the manufacture, sale, distribution, bottling, rectifying, blending,
45 treating, fortifying, mixing, processing, warehousing or
46 transportation of alcoholic beverages in violation of this chapter, or
47 to aid or abet another in the manufacture, sale, distribution, bottling,
48 rectifying, blending, treating, fortifying, mixing, processing,

1 warehousing or transportation of alcoholic beverages in violation of
2 this chapter, or the aiding or abetting of another in any of the
3 foregoing activities.

4 y. "Unlawful property." All illicit beverages and all
5 implements, vehicles, vessels, airplanes, and paraphernalia for the
6 manufacture, sale, distribution, bottling, rectifying, blending,
7 treating, fortifying, mixing, processing, warehousing or
8 transportation of illicit beverages used in the manufacture, sale,
9 distribution, bottling, rectifying, blending, treating, fortifying,
10 mixing, processing, warehousing or transportation of illicit
11 beverages or owned, possessed, kept or stored with intent to use the
12 same in the manufacture, sale, distribution, bottling, rectifying,
13 blending, treating, fortifying, mixing, processing, warehousing or
14 transportation of illicit beverages, whether such use be by the
15 person owning, possessing, keeping, or storing the same, or by
16 another with the consent of such person; and all alcoholic
17 beverages, fixtures and personal property located in or upon any
18 premises, building, yard or inclosure connected with a building, in
19 which an illicit beverage is found, possessed, stored or kept.

20 z. "Wholesaler." Any person who sells an alcoholic beverage
21 for the purpose of resale either to a licensed wholesaler or to a
22 licensed retailer, or both.

23 aa. "Limousine." A motor vehicle used in the business of
24 carrying passengers for hire to provide prearranged passenger
25 transportation at a premium fare on a dedicated, nonscheduled,
26 charter basis that is not conducted on a regular route, or is furnished
27 without fare as an accommodation for a patron in connection with
28 other business purposes, and with a seating capacity in no event of
29 more than 14 passengers, not including the driver, provided, that
30 such a motor vehicle shall not have a seating capacity in excess of
31 four passengers, not including the driver, beyond the maximum
32 passenger seating capacity of the vehicle, not including the driver,
33 at the time of manufacture. This shall not include taxicabs, hotel or
34 airport shuttles and buses, buses employed solely in transporting
35 school children or teachers to and from school, vehicles owned and
36 operated directly or indirectly by businesses engaged in the practice
37 of mortuary science when those vehicles are used exclusively for
38 providing transportation related to the provision of funeral services
39 or vehicles owned and operated without charge or remuneration by
40 a business entity for its own purposes.

41 bb. "Entertainment facility" is a privately-owned facility in
42 which athletic, commercial, cultural, or artistic events are featured.

43 cc. "Powdered alcohol." Any powder or crystalline substance
44 containing alcohol, as defined in subsection a. of this section,
45 produced for human consumption.

46 Any definition herein contained shall apply to the same word in
47 any form. Thus "sell" means to make a "sale" as above defined.

48 (cf: 2015, c.137, s.1)

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17

1 37. R.S.34:11-60 is amended to read as follows:

2 Process of the wage collection division shall run throughout the
3 state. Service of process shall be made either by a [constable or a]
4 process server of the department.

5 (cf: R.S.34:11-60)

6

7 38. N.J.S.38A:11-10 is amended to read as follows:

8 Any municipal court or other court of competent jurisdiction, on
9 complaint made by any officer of the militia charged with the care
10 or custody of any military property, that any such military property
11 is unlawfully withheld from him by any person within the
12 jurisdiction of such court, and that the same is believed to be in a
13 particular place specified in the complaint, shall issue to any
14 sheriff, [constable,] police officer or member of the State Police, a
15 search warrant.

16 (cf: N.J.S.38A:11-10)

17

18 39. R.S.39:5-3 is amended to read as follows:

19 39:5-3. a. When a person has violated a provision of this
20 subtitle, the judge may, within 30 days after the commission of the
21 offense, issue process directed to a [constable,] police officer, or
22 the chief administrator for the appearance or arrest of the person so
23 charged and for a violation of R.S.39:4-81, issue process within 90
24 days after the commission of the offense. In the case of a violation
25 enumerated in subsection b. of this section, this period shall
26 commence upon the filing of a complaint.

27 b. A complaint may be made to a judge for a violation of
28 R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-
29 24 at any time within one year after the commission of the offense;
30 for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-
31 50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 10 of
32 P.L.1990 c.103 (C.39:3-10.18), section 16 of P.L.1990, c.103
33 (C.39:3-10.24), section 3 of P.L.1952, c.157 (C.12:7-46), section 9
34 of P.L.1986, c.39 (C.12:7-57), R.S.39:3-40, or section 1 of
35 P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the
36 commission of the offense.

37 c. All proceedings shall be brought before a judge having
38 jurisdiction in the municipality in which it is alleged that the
39 violation occurred, but when a violation occurs on a street through
40 which the boundary line of two or more municipalities runs or
41 crosses, then the proceeding may be brought before the judge
42 having jurisdiction in any one of the municipalities divided by said
43 boundary line, and in the event there shall be no judge or should no
44 judge having such jurisdiction be available for the acceptance of
45 bail and disposition of the case, or should the judges having such
46 jurisdiction be disqualified because of personal interest in the
47 proceedings, or for any other legal cause, said proceeding shall be

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18

1 brought before a judge having jurisdiction in the nearest
2 municipality to the one in which it is alleged such a violation
3 occurred.

4 (cf: P.L.2017, c.249, s.1)

5

6 40. R.S.39:5-5 is amended to read as follows:

7 All proceedings for the violation of this subtitle shall be brought
8 in the name of the State, with the director, police officer, peace
9 officer, **【constable】** or any other person who institutes the
10 proceedings as prosecutor. A judge may, at his discretion, refuse to
11 issue a warrant on the complaint of a person other than the director
12 or a police officer, until a sufficient bond to secure costs has been
13 executed and delivered to the judge.

14 (cf: P.L.1983, c.403, s.20)

15

16 41. R.S.40:24-5 is amended to read as follows:

17 Any **【constable or】** police officer may serve any warrant or other
18 process issuing out of the court, to apprehend any person for the
19 violation of any such resolution.

20 (cf: P.L.1953, c.37, s.42)

21

22 42. R.S.40:48-25 is amended to read as follows:

23 When the governing body of a municipality shall have appointed
24 a committee of its members upon any subject or matter within its
25 jurisdiction, the committee may issue a subpoena ad testificandum,
26 or subpoena duces tecum, to any person within this state, to appear
27 before it to give testimony or information required. The subpoenas
28 may be served by any police officer **【or constable】** of the
29 municipality.

30 (cf: R.S.40:48-25)

31

32 43. Section 1 of P.L.1971, c.197 (C.40A:14-152) is amended to
33 read as follows:

34 The members and officers of a police department and force,
35 within the territorial limits of the municipality, shall have all the
36 powers of peace officers and upon view may apprehend and arrest
37 any disorderly person or any person committing a breach of the
38 peace. Said members and officers shall have the power to serve and
39 execute process issuing out of the courts having local criminal
40 jurisdiction in the municipality and shall have **【the】** powers **【of a**
41 **constable】** in all matters other than in civil causes arising in such
42 courts.

43 (cf: P.L.1971, c.197, s.1)

44

45 44. R.S.48:12-166 is amended to read as follows:

46 Any person who shall:

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19

1 a. Travel or attempt to travel on any train on a railroad without
2 having previously paid his fare and with intent to avoid payment
3 thereof; or

4 b. Having paid his fare for a certain distance, knowingly and
5 willfully proceed on such train beyond such distance without
6 previously paying the additional fare for the additional distance, and
7 with intent to avoid the payment thereof; or

8 c. Knowingly and willfully refuse or neglect on arriving at the
9 point to which he has paid his fare to quit such train--

10 Shall for every such offense forfeit to the company running the
11 train a sum not exceeding \$5.00.

12 On complaint made on oath and after summary hearing of the
13 facts and circumstances or on admission of the parties, any
14 magistrate of the municipality where the offender may be arrested
15 shall have jurisdiction to impose such fine with costs. The arrest
16 may be made by any police officer or **【constable or】** by a
17 commissioned railroad policeman.

18 (cf: P.L.1969, c.160, s.1)

19

20 45. Section 20 of P.L.1938, c.182 (C.51:1-132) is amended to
21 read as follows:

22 20. A proceeding to recover any penalty incurred under the
23 provisions of this act, or acts supplementary or amendatory thereof,
24 may be brought in the name of the State of New Jersey by any duly
25 appointed weights and measures officers in the Superior Court or
26 municipal court of any municipality of this State, wherein the
27 violation occurs, which courts shall have jurisdiction over the
28 proceeding. The proceeding shall be summary and in accordance
29 with **【"the penalty enforcement law"】** the "Penalty Enforcement
30 Law of 1999," P.L.1999, c.274 (N.J.S.2A:58-1 et seq.). Process
31 shall be either in the nature of a summons or warrant and it may be
32 directed to any weights and measures officer, or to any **【constable**
33 **or】** police officer, commanding him to cause the person or persons
34 so complained of to be summoned or arrested and brought before
35 the court.

36 No defendant under any body execution shall be detained for a
37 period exceeding ten days, except as may be otherwise provided by
38 this act.

39 It shall be the duty of the city attorney of any municipality
40 wherein such violation shall take place to assist in the prosecution
41 of the same, unless such municipality has no such municipal
42 superintendent of weights and measures as provided for in section
43 51:1-43 of the Revised Statutes, in which case the county
44 prosecutor of the county wherein such violation shall take place
45 shall assist in such prosecution. All fines and penalties collected
46 from persons offending against the provisions of this act shall be
47 paid by the court clerk receiving the same, when recovered by a

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20

1 State weights and measures officer, to the State Treasurer; when
2 recovered by a county weights and measures officer, to the county
3 treasurer of such county; and when recovered by a municipal
4 weights and measures officer, to the municipality which such
5 officer represents. For violation of any of the provisions of this act,
6 done within the view of any weights and measures officer, such
7 weights and measures officer is authorized, without warrant, to
8 arrest the offender or offenders and to conduct him or them before
9 the Superior Court or a municipal court in the county wherein such
10 offense is committed.

11 (cf: P.L.1991, c.91, s.478)

12

13 46. R.S.51:9-12 is amended to read as follows:

14 51:9-12. A complaint having been made to the Superior Court or
15 a municipal court by any weights and measures official, that any
16 person has violated any of the provisions of this chapter, a
17 summons or a warrant may issue directed to any weights and
18 measures official or to any **【constable or】** police officer for the
19 appearance or arrest of the person so charged.

20 (cf: P.L.1991, c.91, s.485)

21

22 47. R.S.52:13-6 is amended to read as follows:

23 The senate and general assembly may by concurrent resolution
24 direct that the senate and general assembly meet in joint session at
25 a time and place therein fixed for the purpose of hearing the
26 evidence and arguments regarding the alleged contempt and may
27 order that a warrant, directed to any sergeant at arms of either
28 house or of the joint session or to any sheriff, police officer,
29 member of the state police, **【constable】** or other peace officer, issue
30 in such manner as shall be prescribed in and by the concurrent
31 resolution for the arrest of the alleged contemner and the
32 production of him at the bar of such joint session, there to be heard.

33 (cf: R.S.52:13-6)

34

35 48. R.S.52:13-10 is amended to read as follows:

36 Any person found to be guilty of a contempt of the legislature by
37 a concurrent resolution of the two houses thereof, as hereinbefore
38 provided, may be sentenced to imprisonment in the state prison or
39 in the common jail of any county for any period not exceeding six
40 months as shall be directed in and by the concurrent resolution
41 determining the contempt, for the execution of which such
42 concurrent resolution may order that a commitment shall issue,
43 directed to any sheriff, police officer, member of the state police,
44 **【constable】** or other peace officer, and to the keeper of the state
45 prison or the keeper of the common jail of any county, which
46 commitment shall be signed by the president of the senate and the

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21

1 speaker of the house of assembly in office at the date of the issue
2 thereof.

3 (cf: R.S.52:13-10)

4

5 49. R.S.53:4-1 is amended to read as follows:

6 Whenever the department of state police desires to examine a
7 member of the department in relation to the discharge of his official
8 duties or conduct, or concerning the possession or disposition by
9 him in his official capacity of any property belonging to the
10 department, or to inspect or examine any book account, voucher or
11 document in the possession or under control of a member of the
12 department as such member, relating to the affairs or interests of the
13 department, the superintendent or deputy superintendent of state
14 police may issue a subpoena ad testificandum or subpoena duces
15 tecum to any person to appear before him and give testimony or
16 information required for the purpose above mentioned. Such
17 subpoenas may be served by any police officer **【or constable】** of
18 the municipality wherein the person to be subpoenaed resides, or by
19 a member of the state police.

20 (cf: R.S.53:4-1)

21

22 50. R.S.56:3-47 is amended to read as follows:

23 56:3-47. If any owner, dealer or shipper, or his agent, has reason
24 to believe, and does believe, that any can or cans of the kind
25 mentioned in section 56:3-42 of this Title, stamped or marked as
26 provided in said section 56:3-42, is or are being used, or has or have
27 been unlawfully used as aforesaid, by any person, or that any person
28 has any such can or cans secreted in or upon his premises, or any
29 other place, any such owner, dealer or shipper, or his agent, may go
30 before the Superior Court or the municipal court in the municipality
31 wherein such offenses may be or have been committed, and make
32 complaint thereof under oath, which complaint may be wholly upon
33 information and belief. Whereupon the court shall issue a process in
34 the nature of a search warrant, directed to any **【constable,】** marshal
35 or an executive officer of any municipality, which shall recite the
36 complaint, or the substance thereof, and shall command such
37 **【constable,】** marshal or executive officer to search immediately the
38 premises, place or places mentioned in the complaint, and, if any
39 milk or cream cans be found, to bring the same, together with the
40 body of the person in whose possession they may be found, before
41 the court which shall summarily inquire into the ownership of such
42 can or cans, and, upon being satisfied that the same belong to such
43 owner, dealer or shipper, or that his agent is entitled to the
44 possession thereof, he shall deliver such can or cans to such owner,
45 dealer or shipper, or his agent, who shall have the costs of the
46 proceedings from the person so illegally having such can or cans in
47 his or their possession. If the person illegally having such can or

1 cans in his possession shall refuse to pay the costs, the court shall
2 commit such person to the county jail of the county wherein he
3 shall be arrested until such costs are paid.

4 (cf: P.L.1991, c.91, s.523)

5

6 51. The following sections are repealed:

7 N.J.S.2A:14-18;

8 N.J.S.40A:9-120 through N.J.S.40A:9-126; and

9 N.J.S.40A:9-126.1

10

11 52. (New section) This act shall not impair the validity of the
12 compensation provisions of a municipal employment contract for a
13 person appointed as a constable which was entered into prior to the
14 effective date of this act. If applicable, a person appointed as a
15 constable shall be compensated in accordance with the provisions of
16 a municipal employment contract until the contract expires.
17 However, any provisions of the contract which grant powers and
18 impose duties associated with the position of constable shall be
19 deemed null and void.

20

21 53. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill eliminates the position of constable, removes statutory
27 references to the position, and repeals certain sections of law to
28 reflect this change.

29 Under the bill, the salary provisions of a municipal employment
30 contract for a constable which was entered into prior to the effective
31 date of the bill would remain in effect and the person would be
32 compensated in accordance with the provisions of the contract until
33 the contract expires. However, any provisions of the contract which
34 grant powers and impose duties associated with the position of
35 constable would be deemed null and void.

36 The bill implements recommendations set forth in the December
37 2021 report of the State of New Jersey Commission of Investigation
38 (SCI) entitled, "Abusing the Badge, A report on the SCI's
39 Investigation into Constables in New Jersey." In its report, the SCI
40 deems the position of constable unnecessary and outdated, and calls
41 for the elimination of the position "before someone gets seriously
42 injured or worse." The SCI investigation found that, rather than
43 serve as a beneficial adjunct to police, the role of constable instead
44 far too frequently represents a potential hazard to the constables
45 themselves, the police, and the public at large.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2341

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2341.

As reported by the committee, this bill eliminates the position of constable, removes statutory references to the position, and repeals certain sections of law to reflect this change.

Under the bill, the salary provisions of a municipal employment contract for a constable which was entered into prior to the effective date of the bill would remain in effect and the person would be compensated in accordance with the provisions of the contract until the contract expires. However, any provisions of the contract which grant powers and impose duties associated with the position of constable would be deemed null and void.

The bill implements recommendations set forth in the December 2021 report of the State of New Jersey Commission of Investigation (SCI) entitled, "Abusing the Badge, A report on the SCI's Investigation into Constables in New Jersey." In its report, the SCI deems the position of constable unnecessary and outdated, and calls for the elimination of the position "before someone gets seriously injured or worse." The SCI investigation found that, rather than serve as a beneficial adjunct to police, the role of constable instead far too frequently represents a potential hazard to the constables themselves, the police, and the public at large.

Governor Murphy Takes Action on Legislation

01/8/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

- S-530/A-5164 (Ruiz, Turner/Coughlin, Quijano, McKnight, Reynolds-Jackson)** - Requires certain school meal information be provided to public school students' parents and requires school districts to request that families apply for school meals under certain circumstances
- S-553/A-4238 (Zwicker/Conaway, Atkins)** - Adds technology transfer duties to New Jersey Commission on Science, Innovation and Technology
- S-652/A-117 (Oroho, Pou/Space, Calabrese, Wirths)** - Permits governing body of municipalities having population of 30,000 or less to serve as local board of health; validates cc actions
- S-762/A-3786 (Pou, Cruz-Perez/Sumter, Reynolds-Jackson)** - Concerns certification of tax collectors
- S-765/A-3246 (Pou, Pennacchio/Lampitt, Schaer, Murphy)** - Prohibits carrier from precluding dentist from billing covered person under certain circumstances
- S-1211/A-1222 (Singleton, Gopal/Pintor Marin, Mukherji, Park)** - Provides for civil actions against persons or entities profiting from commission of human trafficking offenses, or maintaining victims of such offenses
- S-1228/A-4092 (Greenstein/Diegnan, Benson, Jaffer, Verrelli)** - Allows certain airports to carry over certain grant money into future years
- S-1892/A-4501 (Johnson, Schepisi/Park, Wimberly, Matsikoudis)** - Authorizes certain boards of education to issue bonds to repair damages caused by natural disasters in certain circumstances
- S-2057/A-1174 (Turner, Greenstein/Jasey, Benson, Quijano)** - Requires certain documentation of needs of students with disabilities during school security drills and emergency situations and in school security plans; requires staff training on needs of students with disabilities in emergency planning
- S-2716/A-4153 (Vitale, Turner/Carter, McKnight, Atkins)** - Requires NJ FamilyCare to reimburse claims for covered services submitted by clinical social workers, professional counselors, and marriage and family therapists under certain circumstances
- S-2789/A-3793 (Cruz-Perez, Johnson/Benson, Wimberly, Lopez)** - Requires certain permit holders to complete practice driving hours to obtain probationary driver's license
- S-3013/A-5062 (Scutari, Pou/Carter, Atkins, Stanfield)** - Revises definition of women's business enterprise and minority business enterprise
- S-3079/A-4977 (Diegnan, Lagana/Lampitt, Benson, Wimberly)** - Establishes School Safety and Security Task Force.
- S-3409/A-4785 (Pou, Oroho/McKeon, Flynn, Wimberly)** - Updates certain insurance company investment provisions in accordance with Investments of Insurers Model Act
- S-3490/A-5124 (Smith/Stanley, Calabrese)** - Amends certain requirements for installation of electric vehicle supply equipment and Make-Ready parking spaces
- S-3604/A-5212 (Madden, Cruz-Perez/Murphy, Stanley)** - Authorizes use of healthcare platforms providing discounted prices for payment of prescription and non-prescription drug devices and for telehealth and telemedicine services
- S-3723/A-5365 (Smith/McKeon, Danielsen, Haider)** – “Electric and Hybrid Vehicle Battery Management Act”
- S-3916/A-5486 (Cruz-Perez, Turner/Sauickie, Freiman, Rooney)** - Expands eligibility for wildlife fencing programs to farmers leasing farmland; clarifies eligibility and provides for uniform funding levels for grant recipients
- S-3969/A-5658 (Gopal/Freiman, Murphy)** - Allows for credit against contract cost for primary care services managed by health care provider for public employees and their dependents; allows referrals to other providers that have contractual relationship with such health care provider
- S-4081/A-5891 (Beach, Diegnan/Atkins, Carter)** - Allows board of county commissioners to hold annual meeting at certain additional locations other than Superior Court
- A-111/S-3201 (Space, Wirths, McCarthy Patrick/Oroho, Durr)** - Provides that farm, farmstand, or other agricultural operation selling firewood obtained from property other than seller's shall not be considered lumber yard; prohibits sale of untreated firewood from outside of State
- A-649/S-587 (McClellan, McKnight/Testa)** - Expands purposes for which civil asset forfeiture funds may be used by law enforcement agency
- A-831/S-461 (Jimenez, Rooney, Timberlake/Sacco, Greenstein)** - Provides for reciprocity of certain out-of-State EMT certification; establishes criminal history record background check process
- A-1475/S-1809 (Lopez, Speight, Haider/Ruiz, Cunningham)** - Requires court to consider information concerning coercive control in domestic violence proceedings
- A-1507/S-1503 (McKnight, Carter, Speight/Gopal, Oroho)** - Permits chair or booth rentals for the purpose of providing cosmetology and hairstyling services or ancillary services
- A-1570/S-2216 (Moen/Madden, Singleton)** - Authorizes issuance of special license plates for alumni of four-year public institutions of higher education
- A-1581/S-3880 (Moen, Benson, Conaway/Cruz-Perez, Turner)** - Requires MVC to provide customer service telephone number at motor vehicle inspection facilities
- A-1704/S-1000 (Speight, Pintor Marin, McKnight/Ruiz, Gopal)** - Requires domestic violence orders to be issued in other languages in addition to English under certain circumstances
- ACS for A-1707/S-3700 (Speight, McKnight, Karabinchak/Burgess, Ruiz)** - Establishes presumption that VCCO will order payment to victim of crime
- A-2040/S-540 (Benson, McKnight/Ruiz, Pou)** - Requires Commissioner of Human Services to request authorization for SNAP benefits to be used to pay delivery charges for online grocery purchases
- A-2138/SCS for S-1890 (Moriarty, Mukherji, McKnight/Johnson, Singer)** - Updates regulation of home improvement and home elevation contractors and contractors' businesses
- A-2351/S-2991 (Mukherji, Flynn, Murphy/Singleton)** - Permits court to effectuate equitable distribution when complaint for divorce or dissolution of civil union has been filed and party has died prior to final judgment; provides that surviving party would not receive intestate or elective share

A-3093/S-1516 (Stanley, Jaffer, Murphy/Greenstein, Gopal) - Authorizes court to include in domestic violence restraining orders a provision making the order applicable to a pre victim's child upon birth of the child

A-3737/S-3393 (Speight, Swain, McKnight/Ruiz, O'Scanlon) - Establishes menstrual health public awareness campaign

A-4125/S-2712 (Haider, Swain, Stanley/Singleton, Greenstein) - Prohibits sale, manufacture, distribution, and use of firefighting foam containing intentionally added perfluoroalk and polyfluoroalkyl substances; requires DEP to establish collection and disposal program; appropriates \$250,000

A-4614/S-3547 (Greenwald, Jasey, Carter, Lampitt/Pou, Vitale) - Modifies Nursing Faculty Loan Redemption Program

A-4729/S-3279 (Sauickie, Freiman, Clifton/Stanfield, Cruz-Perez) - Revises method for appraisals of farmland to be acquired for farmland preservation purposes

A-4757/S-3263 (Jimenez, Tucker, Atkins/Burgess, Turner) - Requires DCA to conduct surveys and report data related to homelessness in administering the Rental Assistance Navigation Program

A-4913/S-3133 (Conaway, Stanley, Wimberly/Johnson, Scutari) - Requires carriers to offer health care providers more than one method of payment for reimbursement

A-5036/S-3551 (Tully, Swain, Karabinchak, Lagana/A.M. Bucco) - Requires "Electronic Permit Processing Review System" in DCA to enable applicant to submit electronic sign and certain other submission materials for permit application review

A-5208/S-4082 (Coughlin, Munoz, Wimberly/Scutari, A.M. Bucco) - Extends provisions of P.L.2021, c.498 in certain circumstances

A-5281/S-2341 (Chaparro, Jimenez, Stanley/Johnson) - Eliminates position of constable; removes statutory references to constable; repeals various parts of statutory law; implements recommendation of SCI report concerning elimination of constables

A-5417/S-3890 (Lampitt, Jasey, Swain/Ruiz, Burgess) - Prohibits limiting number of county college credits that may be applied towards educator preparation program and teach certification requirements

A-5501/SCS for S-3895 (Jasey/Zwicker, Sarlo, Ruiz) - Adjusts bid threshold amounts for certain public research universities; permits certain contracts for school districts, municipalities, and counties to be awarded by qualified purchasing agent

A-5648/S-3933 (Barranco, Rooney/A.M. Bucco) - Authorizes State Treasurer to sell as surplus property certain land and improvements in Township of Morris in Morris County

A-5813/S-3392 (Wimberly, Sumter/Pou) - Exempts electricity sold to certain recovered materials manufacturing facilities from renewable energy portfolio standards

AJR-230/SJR-129 (Karabinchak, Schaer, Freiman/Diegnan, Beach, A.M. Bucco) - Recognizes 75th anniversary of establishment of State of Israel

Governor Murphy conditionally vetoed the following bills:

S-539/A-2140 (Ruiz, Pou/Reynolds-Jackson, Wimberly, Mosquera) - CONDITIONAL - Permits online purchase of eligible foods using WIC funds and use of WIC funds for groc delivery charges

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S-1680/A-2257 (Pou, Ruiz/Murphy, Quijano, Wimberly) - CONDITIONAL - Designates each community college in State as provider of allowable services under SNAP employm and training program

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S-2535/A-4048 (Polistina, Pou/Benson, McKnight, Reynolds-Jackson, Carter) - CONDITIONAL - Requires health benefits coverage of hearing aids and cochlear implants for insureds aged 21 or younger

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SCS for S-3632 and 3649/ACS for A-1948 (Johnson, Cryan/Haider, Conaway, Quijano) - CONDITIONAL - Requires labeling of non-flushable disposable wipes

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A-2146/S-855 (Reynolds-Jackson, Wimberly, Sumter/Singleton, Beach) - CONDITIONAL - Creates State business assistance program to establish contracting agency procure goals for socially and economically disadvantaged business enterprises

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A-3092/S-2415 (Stanley, Jaffer, Mukherji/Gopal, Ruiz) - CONDITIONAL - Requires State agencies update demographic data collection methods on Asian, Native Hawaiian, Pa Islander, Middle Eastern, North African, and South Asian and Indian Diaspora residents of this State

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A-4033/S-2657 (Coughlin, Wimberly/Sarlo, Ruiz) - CONDITIONAL - Extends deadline for completion of school district's annual audit

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ACS for A-4821 and 4823/S-3283 (Karabinchak, Conaway, Schaer/Greenstein, Zwicker) - CONDITIONAL - Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies

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A-5416/S-3883 (Wimberly, Giblin, Haider/Greenstein, Turner) - CONDITIONAL - Requires State Board of Education to authorize alternate route to expedite teacher certifiator persons employed as paraprofessionals in school districts

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A-5610/S-3954 (Greenwald, Spearman, Chaparro/Beach, A.M. Bucco) - CONDITIONAL - Revises penalties for possession or consumption of alcoholic beverages by underag persons

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Governor Murphy absolute vetoed the following bills:

ACS for A-3677 and 2807/SS for S-2186 (Stanley, Verrelli, Jaffer, Calabrese/Greenstein, Smith) - ABSOLUTE - Prohibits sale, distribution, import, export or propagation of ce invasive species without permit from Department of Agriculture; establishes NJ Invasive Species Council

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A-5283/S-3939 (Tully, Greenwald, Mosquera/Lagana, Gopal) – ABSOLUTE - Requires calculation of national average time needed to approve applications for initial credential i
profession or occupation and use of average time as standard in New Jersey

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