

9:6-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 9:6-3 (Child abuse or neglect--penalties)

CHAPTER 196

Laws Of: 1944

Bill No: S142

Sponsor(s): Eastwood

Date Introduced: March 27, 1944

Committee: Assembly: Social Welfare

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: April 12, 1944

Senate: April 5, 1944

Date of Approval: April 21, 1944

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 142

(Revised Statutes, sections 9:6-3 and 9:6-4.)

STATE OF NEW JERSEY

INTRODUCED MARCH 27, 1944

By Mr. EASTWOOD

Referred to Committee on Judiciary

AN ACT concerning the welfare of children, providing penalties for violations thereof, and amending sections 9:6-3 and 9:6-4 of the Revised Statutes.

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

1 1. Section 9:6-3 of the Revised Statutes is amended to read as fol-
2 lows:

3 9:6-3. Any parent, guardian or person having the care, custody or con-
4 trol of any child, who shall abuse, abandon, be cruel to or neglectful of such
5 child, or any person who shall abuse, be cruel to or neglectful of any child
6 shall be deemed to be guilty of ["cruelty and neglect of children"] a mis-
7 demeanor and, upon conviction thereof, [be fined not to exceed one hundred
8 dollars (\$100.00), or be imprisoned for a term not exceeding one year in the
9 workhouse or penitentiary, or in the common jail in counties that have no
10 workhouse or penitentiary, or both, at the discretion of the magistrate be-
11 fore whom such conviction may be had] shall be fined not exceeding five
12 hundred dollars (\$500.00) or by imprisonment with or without hard labor,
13 as the court may direct, for a term not exceeding three years, or both. If
14 a fine be imposed, the court may direct the same to be paid in whole or in
15 part to the wife, or to the guardian, custodian or trustee of such minor child
16 or children; provided, however, that whenever in the judgment of the court

17 it shall appear to the best interest of the child to place it in the temporary
18 care or custody of a society or corporation, organized or incorporated under
19 the laws of this State, having as one of its objects the prevention of cruelty
20 to children, and the society or corporation is willing to assume such custody
21 and control, the court may postpone sentence and place the child in the cus-
22 tody of such society or corporation, and may place defendant on probation,
23 either with the county probation officers or an officer of the society or corpo-
24 ration to which the child is ordered, and may order the parent, guardian or
25 person having the custody and control of such child to pay to such society
26 or corporation a certain stated sum for the maintenance of such child. When,
27 however, a child is so placed in the custody of such society or corporation,
28 and defendant fails to make the payments as ordered by the court, the court
29 shall cause the arrest and arraignment before it of such defendant, and shall
30 impose upon him the penalty provided in this section.

1 2. Section 9:6-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 9:6-4. Complaints for violation of the provisions of this chapter may
4 be made to any justice of the peace or to any police magistrate of any mu-
5 nicipality, or to a judge of the court of common pleas or criminal district
6 court in any county, or the judges of the juvenile and domestic relations
7 court in every county of this State, [and such magistrates and judges, in
8 this chapter referred to as "the court," are invested with jurisdiction to
9 hear and determine such complaints in a summary manner, and to impose
10 the penalties provided in section 9:6-3 of this Title] and whenever any per-
11 son, who shall be charged with any such offense upon oath before any mag-
12 istrate or by indictment, shall, in writing signed by him and addressed to
13 the prosecutor of the pleas of the county wherein the offense was com-
14 mitted, waive indictment and trial by jury, or trial by jury, as the case may
15 be, and request to be tried immediately before the court of special sessions
16 or the juvenile and domestic relations court of such county, without a jury,
17 the prosecutor of the pleas shall report such fact to the judge of either such

18 court of such county, who, unless he shall think the public interest will be
 19 benefited by denying such request, shall with all due and reasonable speed,
 20 proceed to hold the session of such court and try the person so charged and
 21 determine and adjudge his guilt or innocence, and full power so to do is
 22 hereby conferred upon the court of special sessions and the juvenile and do-
 23 mestic relations court. The prosecutor of the pleas, in person or by deputy,
 24 shall attend the trial before either court, and, if the accused was charged be-
 25 fore a magistrate and no indictment has been found, prefer to the court an
 26 accusation in writing, alleging the nature of the offense with which such per-
 27 son is charged and the time and place when and where the same was com-
 28 mitted, to which accusation the person so charged shall plead. If the ac-
 29 cused was charged by indictment, the court shall order the indictment filed
 30 therein, and the accused shall plead thereto. The proceedings for bringing
 31 such person accused before the court for trial, subpoenaing witnesses, his
 32 plea and trial, shall be in conformity with law, and like proceedings in the
 33 court of quarter sessions. If the person so tried be acquitted by the court,
 34 he shall be forthwith discharged. If he shall plead guilty or be convicted,
 35 the court shall render and record against him such judgment of imprison-
 36 ment or fine, or both, as would be lawful if he had pleaded guilty or had
 37 been convicted on indictment for a like offense in the court of quarter ses-
 38 sions, or may place him on probation as provided for in section 9:6-3 of this
 39 chapter.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this act is to increase the length of sentence for the crime
 of cruelty and neglect of minor children, from one year to three years. It has
 been found, particularly in the case of mothers who have been cruel to, aban-
 doned or neglected their children, that it is impossible to work out a satisfac-

tory program for the rehabilitation of the mother in any of the institutions or while such mothers are on parole for the period of one year. Additional time is required to plan a program for these parents, and, accordingly, this statute has been approved by a majority of the judges of the several counties.

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SENATE, No. 142

(Revised Statutes, sections 9:6-3 and 9:6-4.)

STATE OF NEW JERSEY

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2 *Jersey:*

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5 child, or any person who shall abuse, be cruel to or neglectful of any child
6 shall be deemed to be guilty of a misdemeanor and, upon conviction thereof,
7 shall be fined not exceeding five hundred dollars (\$500.00) or by
8 imprisonment with or without hard labor, as the court may direct,
9-13 for a term not exceeding three years, or both. If a fine be
14 imposed, the court may direct the same to be paid in whole or in
15 part to the wife, or to the guardian, custodian or trustee of such minor child
16 or children; *provided, however,* that whenever in the judgment of the court
17 it shall appear to the best interest of the child to place it in the temporary
18 care or custody of a society or corporation, organized or incorporated under
19 the laws of this State, having as one of its objects the prevention of cruelty
20 to children, and the society or corporation is willing to assume such custody

21 and control, the court may postpone sentence and place the child in the cus-
22 tody of such society or corporation, and may place defendant on probation,
23 either with the county probation officers or an officer of the society or corpo-
24 ration to which the child is ordered, and may order the parent, guardian or
25 person having the custody and control of such child to pay to such society
26 or corporation a certain stated sum for the maintenance of such child. When,
27 however, a child is so placed in the custody of such society or corporation,
28 and defendant fails to make the payments as ordered by the court, the court
29 shall cause the arrest and arraignment before it of such defendant, and shall
30 impose upon him the penalty provided in this section.

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4 be made to any justice of the peace or to any police magistrate of any mu-
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6 court in any county, or the judges of the juvenile and domestic relations
7-10 court in every county of this State, and whenever any person, who
11 shall be charged with any such offense upon oath before any mag-
12 istrate or by indictment, shall, in writing signed by him and addressed to
13 the prosecutor of the pleas of the county wherein the offense was com-
14 mitted, waive indictment and trial by jury, or trial by jury, as the case may
15 be, and request to be tried immediately before the court of special sessions
16 or the juvenile and domestic relations court of such county, without a jury,
17 the prosecutor of the pleas shall report such fact to the judge of either such
18 court of such county, who, unless he shall think the public interest will be
19 benefited by denying such request, shall with all due and reasonable speed,
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24 shall attend the trial before either court, and, if the accused was charged be-

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27 son is charged and the time and place when and where the same was com-
28 mitted, to which accusation the person so charged shall plead. If the ac-
29 cused was charged by indictment, the court shall order the indictment filed
30 therein, and the accused shall plead thereto. The proceedings for bringing
31 such person accused before the court for trial, subpoenaing witnesses, his
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33 court of quarter sessions. If the person so tried be acquitted by the court,
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36 ment or fine, or both, as would be lawful if he had pleaded guilty or had
37 been convicted on indictment for a like offense in the court of quarter ses-
38 sions, or may place him on probation as provided for in section 9:6-3 of this
39 chapter.

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