

2A:70-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:70-1 (Jury commissions-- abolish-- transfer powers to Assignment Judge)

LAWS OF: 1989 CHAPTER: 87

BILL NO: S2224

SPONSOR(S): McNomera

Date Introduced: March 21, 1988

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: February 27, 1989

Senate: June 13, 1988

Date of Approval: June 7, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

Reports, mentioned in statements:

974.90 New Jersey. County and Municipal Government Study Commission.
C866 Judicial Unification . . . July, 1987,
1987 Trenton, 1987,

(Over)

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974.900
J95
1982

New Jersey. Jury Utilization and Management Task Force.
Report . . . December 14, 1982

RDV

[SECOND REPRINT]

SENATE, No. 2224

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1988

By Senators McNAMARA and ORECHIO

1 AN ACT concerning the supervision of jurors and amending
2 various parts of the statutory law and supplementing Title 2A
3 of the New Jersey Statutes.

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

7 1. N.J.S.2A:70-1 is amended to read as follows:

8 2A:70-1. The [jury commissioners] assignment judge of the
9 Superior Court of each county shall, at least 40 days prior to the
10 commencement of each stated session of the Superior Court in
11 [their] ¹[his] the¹ county, [make] order that two lists,
12 alphabetically arranged and consecutively numbered, of persons
13 liable to jury duty, having regard to the just distribution of jury
14 service among those persons qualified therefor in the various
15 wards and municipalities of such county. The lists shall state
16 their occupation and places of abode, showing their respective
17 municipalities and wards, if any, in municipalities, and shall be
18 designated respectively the "grand jury list" and the "petit jury
19 list." The number of persons named on the grand jury list shall at
20 no time be less than 125 nor more than 500, to be determined by
21 the assignment judge [of the Superior Court for the county]. The
22 number of persons named on the petit jury list shall at no time be
23 less than 250, the number to be determined by such assignment
24 judge. ¹[A copy of each list shall be delivered forthwith to such
25 assignment judge. The board of chosen freeholders of any county
26 by resolution may provide for the purchase and use of [the jury
27 commissioners of the county] electromechanical devices
28 commonly designated automatic business machines with punch
29 cards and card sorting machines.]¹

(cf: P.L.1980, c.7, s.1)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted May 26, 1988.

² Assembly floor amendments adopted February 23, 1989.

1 2. N.J.S.2A:70-2 is amended to read as follows:

2A:70-2. At least 35 days prior to the commencement of each
3 stated session of the superior court in each county, the
assignment judge of the superior court for the county[, together
5 with the judge or judges of the county court of the county and the
jury commissioners,] shall closely check the grand jury list and
7 petit jury list [as prepared by the jury commissioners] for the
purpose of removing from such lists the names of such persons as
9 may, in [their] ¹[his] the¹ opinion ¹of the assignment judge¹, be
unfitted for jury service. The assignment judge may, in his
11 discretion, strike from such lists the name of any person.

The grand and petit jury panels to be used during the next
13 ensuing session shall be drawn from the names remaining on the
lists, unless more than 20% of a list is struck, in which case the
15 [jury commissioners shall be notified by the] assignment judge [of
the names so struck and] shall forthwith fill the vacancies and
17 file a corrected list or lists with the court. After the lists are
satisfactory ¹[to],¹ the assignment judge ¹[, [the jury
19 commissioners] he]¹ shall renumber the names in consecutive
order.

21 (cf: N.J.S.2A:70-2)

3. N.J.S.2A:70-3 is amended to read as follows:

2A:70-3. After the jury lists have been checked and are
23 satisfactory to the assignment judge of the superior court for the
county, [the jury commissioners] ¹[he] the assignment judge¹ shall
25 cause an original and 4 copies to be made of each of such lists,
certifying each copy ¹[under [their] his hand]¹ as true and
27 correct, and shall cause 2 copies of each to be filed in the office
of the clerk of [their] the county, at least 25 days prior to the
29 commencement of each stated session of the superior court in
[their] the county, there to remain a public record ¹[, and another
31 copy to be delivered to such assignment judge]¹.

33 Upon the filing of such lists with the county clerk ¹[he shall
cause],¹ a copy of each ¹[to] list shall¹ be posted in ¹[his] the
35 clerk's¹ office in a conspicuous place.

(cf: N.J.S.2A:70-3)

37 4. N.J.S.2A:70-4 is amended to read as follows:

2A:70-4. For the purpose of making up the jury lists, the [jury
39 commissioners] assignment judge shall have access to and may

1 copy registry lists of the several municipalities and election
districts of their county and lists, which shall be compiled by the
3 Division of Motor Vehicles, of the names and addresses of the
holders of motor vehicle driver licenses who are residents of their
5 county. The [commissioners] assignment judge shall use these
lists to compile a single list from which all jurors shall be
7 selected.

(cf: P.L.1979, c.271, s.1)

9 5. N.J.S.2A:70-5 is amended to read as follows:

2A:70-5. The [jury commissioners] assignment judge may,
11 before certifying any lists, [send] direct that [notices,]
questionnaires [or other requests for information] be sent to all
13 persons whose names [they] may be selected at random from the
juror source list specified in 2A:70-4, [propose placing on such
15 lists,] requesting such persons to reply to the same and to give all
pertinent information required including claims to exemption
17 from jury duty. Persons giving satisfactory reasons for such
exemption may be excused by the court.

19 [The jury commissioners may present to the court the names of
persons] Persons who, without cause, fail to respond to such
21 requests[, and the court may order such persons to respond fully
and, for failure so to do, may hold them or any of them] may be
23 held for contempt of court.

(cf: N.J.S.2A:70-5)

25 6. N.J.S.2A:70-6 is amended to read as follows:

2A:70-6. The [jury commissioners] assignment judge may, from
27 time to time, before certifying the jury lists, revise, correct and
certify a new jury list or lists, which shall not contain any names
29 theretofore stricken off within 1 year.

(cf: N.J.S.2A:70-6)

31 7. N.J.S.2A:71-6 is amended to read as follows:

2A:71-6. In every county having a population exceeding
33 250,000 inhabitants, [the jury commissioners may draw and
select] 2 separate grand juries may be drawn, the second of which
35 may be summoned to attend 6 weeks after the opening of the
stated session of the Superior Court in such county.

37 When the grand jurors of the second grand jury appear for
service, the court may discharge the grand jury then serving.
39 However, the assignment judge of the Superior Court for the

1 county, may order the sheriff to refrain from summoning such
2 new grand jurors, in which case the first grand jury shall continue
3 to serve until the end of the session unless sooner discharged by
4 the court.

5 (cf: P.L.1957, c.78)

6 8. N.J.S.2A:71-7 is amended to read as follows:

7 2A:71-7. If a grand jury is discharged before the end of the
8 period for which it is drawn, the assignment judge of the superior
9 court for the county may order the [jury commissioners of the
10 county to draw] drawing of a new grand jury panel to serve for a
11 further period to be stated in the order. The new grand jury
12 panel shall be drawn [from the grand jury list certified by the jury
13 commissioners under section 2A:70-3] in accordance with the
14 provisions of chapter 71 of this title and shall be summoned in the
15 same manner as the original grand jury.

16 (cf: N.J.S.2A:71-7)

17 9. N.J.S.2A:71-9 is amended to read as follows:

18 2A:71-9. The assignment judge of the superior court for each
19 county may direct that the panel of petit jurors drawn pursuant
20 to the provisions of this chapter shall serve only during a
21 designated part of the next ensuing stated session of the court.
22 In that event they shall be so summoned, and the judge may
23 direct the [jury commissioners, at a time to be fixed by him, to
24 draw] drawing of a new panel or panels of petit jurors to serve
25 during another designated part of such session. [Such new panel
26 or panels shall be drawn and summoned as provided by this
27 chapter from the list certified by the jury commissioners
28 pursuant to section 2A:70-3 of this title.]

29 (cf: N.J.S.2A:71-9)

30 10. N.J.S.2A:71-10 is amended to read as follows:

31 2A:71-10. Whenever[,] for any reason a [general] panel of
32 grand or petit jurors shall not have been selected at the time and
33 in the manner provided by law, the assignment judge of the
34 superior court for the county may order [the jury commissioners
35 or, in case of the death, disability or inability of the jury
36 commissioners, the sheriff or 1 of the coroners of the county or
37 elisors appointed by the court, to select and draw a panel of petit
38 jurors] that a panel of grand or petit jurors be selected and
39 drawn, at a day to be fixed by the assignment judge, in the

1 manner provided by this chapter.

(cf: N.J.S.2A:71-10)

3 11. N.J.S.2A:71-12 is amended to read as follows:

5 2A:71-12. If, on a challenge to the array or for other good
7 cause, the whole panel of grand or petit jurors [returned by the
9 sheriff] shall be set aside, the assignment judge of the superior
11 court for the county may order the [sheriff to return] ¹[return of]
the sheriff to return¹ a competent number of jurors to serve in
place of the panel, the same to be selected [through the jury
commissioners] in like manner as the original panel is required to
be selected by this subtitle.

(cf: N.J.S.2A:71-12)

13 12. (New section) On a day and time fixed by the assignment
15 judge, which shall not be less than 35 days before the
17 commencement of each state session of the Superior Court, the
19 assignment judge shall direct the manner of selection of jurors to
21 serve for the forthcoming session of court. That direction shall
23 provide for the public and impartial drawing of the names of
25 persons to constitute the panels for jury service and ¹[he]¹ shall
27 specify the form and preparation of the lists of names so drawn.
The lists shall state the name, occupation and residence of each
juror to be summoned, and the number of names to be listed shall
be determined by the assignment judge. A random method shall
be used to select jurors for the forthcoming session from the
source list for juror selection specified in N.J.S.2A:70-4. The
particular method of random selection shall be approved by the
Supreme Court and specified in rules promulgated by it.

¹[At least 25 days prior to the commencement of each stated
29 session of the Superior Court, two certified copies of the jury
31 lists prepared pursuant to the direction of the assignment judge
33 shall be filed in the office of the clerk of the county. Upon
receipt the clerk of the county shall post a copy of each list in his
office in a conspicuous place.]¹

²13. (New section) Persons employed on the effective date of
35 this act pursuant to N.J.S.2A:68-12, which is being repealed in
37 accordance with section 14 of this act, shall not be deprived of
any tenure right or any right of protection provided by Title 11A
of the New Jersey Statutes or any pension law or retirement
39 system.²

1 ²[13.] 14.² All acts and parts of acts inconsistent with this act
are superseded, and the following are specifically repealed:
3 N.J.S.2A:68-1 to 2A:68-13 inclusive
 N.J.S.2A:71-1 to 2A:71-3, inclusive
5 N.J.S.2A:72-3
 and
7 P.L.1953, c.240, ss.4 and 6 (C.2A:68-1.1 and 2A:68-1.2)
 ²[14.] 15.² This act shall take effect on the 120th day after
9 enactment.

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JUDICIARY

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Juries

15 Abolishes the jury commission and transfers its powers to the
Assignment Judge.

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STATEMENT

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Currently, the juror qualification and selection process is overseen by the jury commission in each county.

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This bill would abolish the jury commission and transfer its powers to the Assignment Judge of each county, as recommended by the County and Municipal Government Study Commission's report on Judicial Unification, and by the report of the Supreme Court's Jury Utilization and Management Task Force.

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JUDICIARY

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Juries

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Abolishes the jury commission and transfers its powers to the Assignment Judge.

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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2224

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1988

The Assembly Judiciary Committee reports favorably Senate Bill No. 2224 (1R). Senate Bill No. 2224 (1R) abolishes the county jury commissions which administer the qualification and selection process for jurors and transfers those duties to the assignment judge for each county. This bill is based on a recommendation of the County and Municipal Government Study Commission.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2224

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 26, 1988

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2224.

Presently, qualification and selection process for jurors is administered by the jury commission in each county. This bill would abolish the jury commission and transfer its administrative duties to the assignment judge for each county. The abolition of jury commissions has been recommended in both the County and Municipal Government Study Commission's report on Judicial Unification and in the report of the Supreme Court's Jury Utilization and Management Task Force.

The amendments adopted by the committee are of a technical nature and are intended to clarify the wording of the bill and to delete certain unnecessary language.