

39:5-25

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 39:5-25 (Sum menses - certain allow service by peace officers and sheriff's officers)

**LAWS OF:** 1983

**CHAPTER:** 563

**Bill No:** A1674

**Sponsor(s):** Miller and others

**Date Introduced:** June 21, 1982

**Committee:** **Assembly:** Judiciary, Law, Public Safety and Defense

**Senate:** Judiciary

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

**Date of Passage:** **Assembly:** March 14, 1983

**Senate:** January 9, 1984

**Date of Approval:** January 17, 1984

**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:** No

**Hearings:** No

1-17-84

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## ASSEMBLY, No. 1674

## STATE OF NEW JERSEY

INTRODUCED JUNE 21, 1982

By Assemblymen MILLER LACORTE, KELLY, GIRGENTI, GILL,  
Assemblywoman MUHLER and Assemblyman HARDWICK

AN ACT concerning peace officers and amending R. S. 39:5-25.

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

1 1. R. S. 39:5-25 is amended to read as follows:

2 39:5-25. Any constable, *\*sheriff's officer,\** police officer, peace  
2A officer, motor vehicle inspector or the director may, without a  
3 warrant, arrest any person violating in his presence any provision  
4 of chapter 3 of this Title (39:3-1 et seq.), or any person, other  
5 than a motorman or person having control of a street car or  
6 auto bus, running upon a route approved by the Board of Public  
7 **[Utility Commissioners]** *Utilities*, violating in his presence any  
8 provision of chapter 4 of this Title (39:4-1 et seq.). The exemption  
9 from arrest of a motorman or person having control of a street car  
10 or auto bus, as conferred herein, shall not operate to prevent his  
11 arrest, however, for a violation of **[section]** *R. S. 39:4-50* **[of**  
12 **this Title]**. The arresting officer shall bring any person so arrested  
13 before any **[magistrate of the county]** *municipal court judge*  
14 wherein the offense is committed, or before the director at any  
15 place designated as his office. If the arrest is for a violation of  
16 **[section]** *R. S. 39:4-50* **[of this Title]**, the arresting officer may,  
17 if no **[magistrate]** *judge*, clerk or deputy clerk is available, detain  
18 the person arrested either in any police station, lockup or other  
19 place maintained by any municipality for the detention of offenders  
20 or in the common jail of the county, for such reasonable time as  
21 will permit the arresting officer to obtain a warrant for the  
22 offender's further detention, which temporary detention shall not

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted January 27, 1983.**

23 exceed 24 hours from the time of the arrest. If the arrest is for  
24 a violation of any other provision of this subtitle, the person  
25 arrested shall be detained in the police station [or the office of the  
26 magistrate] until the arresting officer makes a complaint and a  
27 warrant issues.

28 Any constable, *\*sheriff's officer,\** police officer, *peace officer,*  
29 motor vehicle inspector or the director may, instead of arresting  
30 an offender as herein provided, serve upon him a summons.

1 2. This act shall take effect immediately.

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23 temporary detention shall not exceed 24 hours from the time of the  
24 arrest. If the arrest is for a violation of any other provision of  
25 this subtitle, the person arrested shall be detained in the police  
26 station [or the office of the magistrate] until the arresting officer  
27 makes a complaint and a warrant issues.

28 Any constable, police officer, *peace officer*, motor vehicle inspector  
29 or the director may, instead of arresting an offender as herein  
30 provided, serve upon him a summons.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill is corrective of an obvious omission. In R. S. 39:5-25 dealing with arrest without warrant, there appears to be an omission which may have been an error when the legislation was first passed. The first paragraph contains the words "peace officer" among those having the power to arrest without a warrant. The last paragraph dealing with the issuance of a summons as an option instead of arresting someone has eliminated the words "peace officer." It would be ludicrous to think that the Legislature intended that peace officers could arrest someone, but would not have the alternative of giving that same person a summons. It puts the peace officer in a position having to arrest people who really should not be arrested at all, but who instead have been issued summons. In addition this bill takes the opportunity to omit the reference to the obsolete term "magistrate" and substitute the current usage "judge."

A1674 (1983)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1674**  
with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 20, 1983

Assembly Bill No. 1674 corrects an omission in the law which may have been an error when the legislation was first passed. The bill corrects the omission by adding "peace officer" to the listing of law enforcement officials who may issue a summons instead of arresting an offender. Without this amendment, a peace officer has to arrest persons who really should not be arrested at all, but who instead could be issued a summons.

The committee made an amendment to the bill which would add sheriff's officers to the listing of persons who may arrest without a warrant or who may issue a summons.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1674**

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 8, 1983

Assembly Bill No. 1674 would specifically include "sheriff's officer" among the law enforcement officers listed in N. J. S. 39:5-25 who are authorized to make arrests and issue summons for violations of Title 39 relating to the operation of motor vehicles.