

22A:2-38

LEGISLATIVE HISTORY CHECKLIST

(County District Courts---increase fees for constables and other process servers)

WASA 22A:2-38

LAWS OF 1980

CHAPTER 39

Bill No. S820

Sponsor(s) Skevin

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yesx No

Date of Passage: Assembly May 5, 1980

Senate April 14, 1980

Date of approval June 20, 1980

Following statements are attached if available:

Sponsor statement	Yes	xx (Below)
Committee Statement: Assembly	xx	No
Senate	xx	No
Fiscal Note	xx	No
Veto message	xx	No
Message on signing	Yes	xx
Following were printed:		
Reports	xx	No
Hearings	xx	No

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Sponsor's statement:

The purpose of this bill is to increase the various fees payable to county district court constables and sergeants-at-arms or other officers designated as process servers under N.J.S. 2A:18-5.

(over)

Recommendation for legislation in:

974.901 New Jersey. Supreme Court. Committee on County District
C86 Courts.
Report. March 30, 1979.
(p.5--attached)-
(In: New Jersey. Judicial Conference Proceedings--1979)

Note: S820 was substantially similar to S810 as introduced
in 1978-1979 Legislative Session--(attached)

SENATE, No. 820

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator SKEVIN

AN ACT concerning fees payable to constables or sergeants-at-arms of county district courts and amending N. J. S. 22A:2-38.

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

1 1. N. J. S. 22A:2-38 is amended to read as follows:

2 22A:2-38. From the fees mentioned in section 22A:2-37 of this
3 Title, the clerk of the county district court shall pay to constables,
4 **[or]** sergeants-at-arms *or other officers designated as process*
5 *servers pursuant to the provisions of N. J. S. 2A:18-5* the following
6 fees:

7 Serving summons or notice on one defendant, **[\$0.60]** \$2.00.

8 Serving summons on every additional defendant **[\$0.30]** \$1.00.

9 Warrant to arrest, *capias*, or commitment, for each defendant
10 served, **[\$0.75]** \$10.00.

11 Serving writ and summons in replevin, taking bond and any in-
12 ventory, against one defendant, **[\$2.50]** \$5.00. Against each addi-
13 tional defendant, **[\$0.30]** \$1.00.

14 Serving writ in replevin when issued subsequent to service of
15 summons, **[\$1.50]** \$3.00.

16 Every execution, or any order in the nature of an execution on a
17 judgment or execution against the body, for each defendant, **[\$0.75]**
18 \$1.50.

19 Writ of attachment and making inventory, **[\$1.85]** \$3.00.

20 Warrant for possession, **[\$2.00]** \$5.00.

21 For every mile of travel in serving any summons or *capias*
22 against the body, execution, subpoena, notice or order, the distance
23 to be computed by counting the number of miles in and out, by the
24 most direct route from the place where process is issued, at the
25 same rate per mile set by the county **[board of chosen freeholders]**
26 *governing body* for other county employees.

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

27 In additon to the foregoing, the following fees for constables and
28 sergeants-at-arms shall be taxed in the costs and collected on execu-
29 tion, writ of attachment or order in the nature of an execution on
30 any final judgment, or on a valid and subsisting levy of an execution
31 or attachment which may be the effective cause in producing pay-
32 ment or settlement of a judgment or attachment.

33 For advertising property under execution or any order, ~~[\$0.35]~~
34 *\$3.00*.

35 For selling property under execution or any order, ~~[\$0.50]~~ *\$5.00*.

36 On every dollar of the first \$1,000.00 collected on execution, writ
37 of attachment or any order, \$0.10, and on every dollar of any
38 amount in excess thereof, \$0.05.

1 2. This act shall take effect July 1, 1980.

STATEMENT

The purpose of this bill is to increase the various fees payable to county district court constables and sergeants-at-arms or other officers designated as process servers under N. J. S. 2A:18-5.

SENATE, No. 810

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Senator SKEVIN

Referred to Committee on Judiciary

AN ACT concerning fees payable to constables or sergeants-at-arms
of county district courts and amending N. J. S. 22A:2-38.

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

1 1. N. J. S. 22A:2-38 is amended to read as follows:

2 22A:2-38. From the fees mentioned in section 22A:2-37 of this
3 Title, the clerk of the county district court shall pay to constables,
4 **[or]** sergeants-at-arms *or other officers designated as process*
5 *servers pursuant to the provisions of N. J. S. 2A:18-5* the following
6 fees:

7 Serving summons or notice on one defendant, **[\$0.60]** \$2.00.

8 Serving summons on every additional defendant **[\$0.30]** \$1.00.

9 Warrant to arrest, capias, or commitment, for each defendant
10 served, **[\$0.75]** \$10.00.

11 Serving writ and summons in replevin, taking bond and any in-
12 ventory, against one defendant, **[\$2.50]** \$5.00. Against each addi-
13 tional defendant, **[\$0.30]** \$1.00.

14 Serving writ in replevin when issued subsequent to service of
15 summons, **[\$1.50]** \$3.00.

16 Every execution, or any order in the nature of an execution on a
17 judgment or execution against the body, for each defendant, **[\$0.75]**
18 \$1.50.

19 Writ of attachment and making inventory, **[\$1.85]** \$3.00.

20 Warrant for possession, **[\$2.00]** \$5.00.

21 For every mile of travel in serving any summons or capias
22 against the body, execution, subpoena, notice or order, the distance
23 to be computed by counting the number of miles in and out, by the
24 most direct route from the place where process is issued, at the
25 same rate per mile set by the county board of chosen freeholders
26 for other county employees.

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

27 In additon to the foregoing, the following fees for constables and
28 sergeants-at-arms shall be taxed in the costs and collected on execu-
29 tion, writ of attachment or order in the nature of an execution on
30 any final judgment, or on a valid and subsisting levy of an execution
31 or attachment which may be the effective cause in producing pay-
32 ment or settlement of a judgment or attachment.

33 For advertising property under execution or any order, **[\$0.35]**
34 *\$3.00*.

35 For selling property under execution or any order, **[\$0.50]** *\$5.00*.

36 On every dollar of the first \$1,000.00 collected on execution, writ
37 of attachment or any order, \$0.10, and on every dollar of any
38 amount in excess thereof, \$0.05.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to increase the various fees payable to county district court constables and sergeants-at-arms or other officers designated as Process Servers pursuant to N. J. S. 2A :18-5.

JUNE 20, 1980

PATRICK SWEENEY

Governor Brendan Byrne today signed the following bills:

S-621, sponsored by Senator Joseph A. Maressa (D-Gloucester), which changes the name of the Medical-Vision Advisory Panel in the Division of Motor Vehicles to the Medical Advisory Panel. The panel, comprised totally of medical doctors with various specialties, advises the Division of Motor Vehicles on the licensure of people with physical or mental disorders.

S-710, sponsored by Senator Barry T. Parker (R-Burlington), which permits the purchasers of individual life and health insurance policies to return the policies and cancel the insurance within ten days after receipt of the policy. The ten day period is intended to give the purchaser the opportunity to recover from a possible "hard sell" on the part of an insurance agent, and to provide time to examine the specific provisions of the policy to insure that it actually meets the purchaser's insurance need.

S-820 and S-835, sponsored by Senator John M. Skevin (D-Bergen), which are companion bills concerning the fees collected for the clerks of the County District Courts and the fees paid to process servers of the County District Courts.

S-835, increases the filing fees for civil actions in the County District Courts. The fees increased are those which require the serving of papers. They include: executions, summonses, capias and advertisements. The bill takes effect 30 days after enactment. The summons fee is raised from \$7.60 to \$9.60 for the first defendant and from \$.40 to \$1.40 for each additional defendant. If the amount in question exceeds \$600, the increase for the first defendant is from \$10 to \$12.

S-820, increases the fees paid to sergeants-at-arms and constables for the serving of the process of the County District Courts. The bill also amends the law to permit payment of the same fees to such officers as may be designated as process servers for the County District Courts by N.J.S.A.:18-5. The fees are doubled or tripled in some cases, but they have remained essentially unchanged since 1957. The bill takes effect July 1, 1980.

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S-1002, sponsored by Senator Carmen A. Orechio (D-Essex), which prohibits reappointment, under certain circumstances, of former municipal policemen who are over the age of 45 as of the date of his reappointment.

The bill eliminates the maximum age re-entry requirement for police officers who have been laid off. In addition, a technical amendment permits a rehired policeman to become a member of the Police and Firemen's Retirement System making contributions based on his current age.

S-1062, sponsored by Senator Joseph P. Merlino, (D-Mercer), which permits counties of the second class having a population of 400,000 or under to appoint up to three lieutenants of county detectives. The former law limited such counties to one lieutenant of county detectives.

SJR-11, sponsored by Senator William J. Hamilton, Jr. (D-Middlesex), which extends the existence of the Mobile Home Study Commission to September 30, 1980. The Commission, under former law, had been due to expire April 19, 1980. The Commission, chaired by Senator Hamilton, was created on October 19, 1977 for the purpose of studying the problems of restrictive zoning regulations, financing and taxation of mobile homes.

SJR-16, sponsored by Senator James H. Wallwork (R-Essex), which designates the week of June 15th through the 21st of this year as "Battle of Springfield" week in New Jersey, in honor of the 200th anniversary of that battle.

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STATUTES CONSIDERED

A. RECOMMENDED STATUTORY AMENDMENTS

1. Amendment to N.J.S.A. 22A:2-37.

It has been brought to the Committee's attention that N.J.S.A. 22A:2-37, which governs the fees charged for the service of process in the county district court, has not been amended in the past in keeping with the amendments made to N.J.S.A. 22A:2-38, which establishes the fees paid to constables or other designated officers as compensation for serving process. The Committee recommends that N.J.S.A. 22A:2-37 be amended accordingly and that such amendment be endorsed and forwarded by the Supreme Court. (See Appendix A).

2. Merger of the County District Court with Superior Court

On the questions of merger, the Committee unanimously agreed and endorsed the merger of the county district courts with the Superior Court in order to unify the court system, better serve the public, and avoid the lack of uniformity which has plagued the county district court system over the past 30 years.

B. CONSIDERATION OF PENDING LEGISLATION; RECOMMENDED

1. Senate Bill 810.

Senate Bill 810, which would amend N.J.S.A. 22A:2-38, was referred to the Committee for its recommendation. The Committee by an eight to seven vote supported the increase of fees paid to constables and other designated officers as set forth therein, provided there was a corollary amendment to N.J.S.A. 22A:2-37 authorizing the clerk of the county district court to charge the increased fees.