

2A:158-15.1

LEGISLATIVE HISTORY CHECKLIST

(Assistant prosecutors -- Allow them to teach law enforcement officers without remuneration)

NJSA 2A:158-15.1

LAWS OF 1979

CHAPTER 153

Bill No. S885

Sponsor(s) Perskie

Date Introduced February 23, 1978

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage according to Governor's recommendations Yes Amendments during passage XX denoted by asterisks.

Date of Passage: Assembly January 25, 1979 Re-enacted 6/28/79

Senate November 13, 1978 Re-enacted 6/18/79

Date of approval July 19, 1979

Following statements are attached if available:

Sponsor statement	Yes	XX
Committee Statement: Assembly	Yes	XX
Senate	XXX	No
Fiscal Note	XXX	No
Veto message	Yes	XX
Message on signing	XXX	No

Following were printed:

Reports	XXX	No
Hearings	XXX	No

OFFICE OF THE CLERK OF THE LEGISLATURE

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SENATE, No. 885

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1978

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT to amend "An act concerning county prosecutors and assistant county prosecutors of certain counties and supplementing chapter 158 of Title 2A of the New Jersey Statutes," approved February 9, 1970 (P. L. 1970, c. 6).

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

1 1. Section 3 of P. L. 1970, c. 6 (C. 2A:158-15.1) is amended to
2 read as follows:

3 3. In any county in which the county prosecutor is required or
4 elects to devote his entire time to the duties of his office, assistant
5 prosecutors shall devote their entire time to the duties of such
6 office and shall not engage in the practice of law or other gainful
7 employment; but such assistant prosecutors may be employed
8 ***[with]*** ****[*without*]**** **with** compensation by any institu-
9 tion of higher education in this State for teaching performed on an
10 adjunct or part-time basis as part of a program for the education
11 of law enforcement officers, when such teaching has been deemed
12 by the county prosecutor of said county as not inconsistent with the
13 duties of the office of assistant prosecutor.

1 2. This act shall take effect immediately.

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

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10 *of a program for the education of law enforcement officers, when*
11 *such teaching has been deemed by the county prosecutor of said*
12 *county as not inconsistent with the duties of the office of assistant*
13 *prosecutor.*

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STATEMENT

This bill would allow assistant county prosecutors to teach on an adjunct or part-time basis for remuneration in a program designed for the education of law enforcement officers. Academic programs in criminal justice and court administration are heavily dependent upon the teaching services of part-time faculty who are full-time professionals in the fields they teach. The assistant prosecutors are able to offer the student a practical perspective which is immensely important to the training of law enforcement officers.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 885
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 18, 1979

This bill would allow assistant county prosecutors to teach on an adjunct or part-time basis without remuneration in a program designed for the education of law enforcement officers. Academic programs in criminal justice and court administration are heavily dependent upon the teaching services of part-time faculty who are full-time professionals in the fields they teach. The assistant prosecutors are able to offer the student a practical perspective which is immensely important to the training of law enforcement officers.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

May 21, 1979

SENATE BILL NO. 885 (OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 885 (OCR) with my objections, for reconsideration.

Senate Bill No. 885 (OCR) purports to allow full-time assistant prosecutors to be employed without compensation on a part-time basis, in any institution of higher education to teach in programs for law enforcement officers. I do not believe this bill is necessary to accomplish this purpose. Present law (N.J.S. 2A:158-15.1) prohibits full-time assistant prosecutors from engaging "in the practice of law or other gainful employment..." (emphasis added). The law does not prohibit other employment, such as teaching, without remuneration. Furthermore, passage of this bill may give rise to an interpretation that full-time assistant prosecutors are prohibited from any and all other activities, even if not compensated, because the Legislature has deemed it necessary to expressly provide for an exception allowing them to teach in the specified programs without compensation. I do not believe this was intended by current law.

In conclusion, present law permits the activity provided for in this bill, making the bill unnecessary.

On the other hand, the law enforcement community and others, including educators, have for some time been advocating an amendment to the present law to permit full-time assistant prosecutors to be compensated for teaching in programs for law enforcement officers. The benefits to be derived by all parties involved in such a program and society at large are obvious. While there is nothing now prohibiting the voluntary participation of full-time assistant prosecutors in such programs, remuneration would certainly be an incentive.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

-2-

I agree that full-time prosecutors and their assistants should be generally discouraged and prohibited from engaging in other gainful employment because of the potential for conflict; however, I believe that the exception discussed above has merit. I note that the amendment, narrowly drawn to include only the teaching of law enforcement officers in institutions of higher education and requiring the prior approval of the County Prosecutor would insure against abuses.

Accordingly, I respectfully recommend the following change in Senate Bill No. 885 (OCR):

Section 1, line 8: Delete "without" before "compensation",
insert "with" in its place.

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Robert E. Mulcahy, III

CHIEF OF STAFF, SECRETARY