

2A: 8-21 and 2A: 8-22

LEGISLATIVE HISTORY CHECKLIST

WJSA 2A:8-21 and 2A:8-22 (Code of Criminal Justice - Certain offenses - Municipal Courts)

LAWS OF 1979 CHAPTER 184

Bill No. A3451

Sponsor(s) Thompson and others

Date Introduced June 18, 1979

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate -----

Amended during passage Yes No

Date of Passage: Assembly June 21, 1979

Senate June 25, 1979

Date of approval August 29, 1979

Following statements are attached if available:

| | | | |
|-------------------------------|----------------|----------------|---|
| Sponsor statement | Yes | Yes | |
| Committee Statement: Assembly | Yes | Yes | (not attached since identical to sponsor's statement) |
| Senate | Yes | No | |
| Fiscal Note | Yes | No | |
| Veto message | Yes | No | |
| Message on signing | Yes | No | |

Following were printed:

| | | |
|----------|----------------|----|
| Reports | Yes | No |
| Hearings | Yes | No |

EJ

9/1/78

20 of 25 as to which no indictment by a grand jury is required.

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

ASSEMBLY, No. 3451

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1979

By Assemblymen THOMPSON, FLYNN, Assemblywoman SCANLON,
Assemblymen BROWN, BURSTEIN, CODEY, HERMAN,
BATE and KERN

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the jurisdiction of municipal courts and amend-
ing N. J. S. 2A:8-21 and N. J. S. 2A-22.

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

1 1. N. J. S. 2A:8-21 is amended to read as follows:

2 2A:8-21. Each municipal court, and the [magistrate or magis-
3 trates] *judge or judges* thereof, shall have jurisdiction of the
4 following offenses occurring within the territorial jurisdiction of
5 the court:

6 a. Violations of the motor vehicle and traffic laws;

7 b. Violations of the fish and game laws;

8 c. Violations of the ordinances of the municipality wherein the
9 municipal court is located or of the municipalities to which its
10 jurisdiction extends;

11 d. Violations of [the "disorderly persons law," subtitle 12 of
12 this Title] *disorderly persons offenses and petty disorderly persons*
13 *offenses in Title 2C of the New Jersey Statutes or any other dis-*
14 *orderly persons or petty disorderly persons offense as defined by*
15 *the laws of this State;*

16 e. Violations of chapters one and four of Title 44, Poor, of the
17 Revised Statutes;

18 f. Violations of chapters six and seventeen of Title 9, Children,
19 of the Revised Statutes;

20 [g. Violations of article four of chapter five of Title 30, Institu-
21 tions and Agencies, of the Revised Statutes;] and

22 [h.] *g.* Offenses [of a lesser grade or degree than a misdemeanor
23 or] as to which no indictment by a grand jury is required.

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

1 2. N. J. S. 2A :8-22 is amended to read as follows:

2 2A :8-22. Each municipal court, and the [magistrate or magis-
3 trates] *judge or judges* thereof, shall also have jurisdiction of the
4 following crimes or offenses occurring within the territorial juris-
5 diction of the court, where the person charged shall in writing
6 waive indictment and trial by jury *and the county prosecutor con-*
7 *sents in writing:*

8 a. All [cases of malicious mischief or other similar offense,
9 brought under chapter 122 of Title 2A of the New Jersey Statutes,
10 and larceny or other stealing, brought under chapter 119 of said
11 Title 2A and embezzlement, conversion, or misappropriation,
12 brought under any of sections 2A :102-2 to 2A-102-12 inclusive]
13 *crimes enumerated in chapters 17, 18, 20 and 21 of Title 2C* of the
14 New Jersey Statutes, where the price or value of the article, prop-
15 erty or thing alleged to have been taken or stolen or the damage
16 alleged to have been inflicted, or the sum, or price or value of the
17 thing alleged to have been embezzled, converted or misappropriated,
18 is under \$500.00;

19 [b. Obtaining money or property under false pretenses where the
20 amount or value of the article, property or thing alleged to have
21 been obtained is under \$500.00;

22 c. Receiving stolen property where the value of the article, prop-
23 erty or thing alleged to have been received is under \$500.00;

24 d. Unlawful conversion, where the property or thing alleged to
25 have been converted is under the value of \$500.00;

26 e. Fornication and adultery;

27 f. Defrauding hotel keepers and landlords;

28 g. Overdrawing credit on checking account in amounts of \$200.00
29 or more;]

30 [h.] b. Other criminal offenses where the penalty that may be
31 imposed therefor does not exceed a fine of \$1,000.00 or imprisonment
32 for a term not exceeding 1 year; provided, that where the [magis-
33 trate] *judge* is not an attorney-at-law the municipal court shall not
34 have such jurisdiction to try and determine an indictable offense
35 even though the person charged offers to waive in writing indict-
36 ment and trial by jury. In such case, and in any case in which the
37 municipal [magistrate] *judge* is not required by this section to try
38 the same, the municipal [magistrate] *judge* may commit, or if the
39 offense charged is bailable in law, admit the person charged to bail
40 with sufficient surety to appear before such court as shall have
41 jurisdiction in such case to hear and determine the crime or offense

42 charged, but in any case in which any person so waiving indictment
 43 and trial by jury is charged with a violation of any offense above
 44 described [under subsections a to h, both inclusive, of this section],
 45 if the municipal [magistrate] judge is an attorney-at-law, and the
 46 county prosecutor consents, such person shall be tried therefor in
 47 the municipal court.

1 3. This act shall take effect September 1, 1979.

STATEMENT

The purpose of this bill is to provide jurisdiction in the municipal courts for certain crimes and offenses under the "New Jersey Code of Criminal Justice." Section 1 amends N. J. S. 2A:8-21 to give municipal courts jurisdiction to try disorderly persons and petty disorderly persons offenses under the Code. Section 2 amends N. J. S. 2A:8-22 to indicate those indictable offenses which may be tried in municipal courts, upon waiver of indictment and trial by jury. The amendment would permit the trial at the municipal level of crimes in violation of Chapters 17 (arson, criminal mischief and other property destruction), 18 (burglary and other criminal intrusion), 20 (theft and related offenses) and 21 (forgery and fraudulent practices) of the Code, provided that the injury or loss to the victim is \$500.00 or less. The requirement of the prosecutor's consent in writing is new and will allow the prosecutor to prevent waiver of the more serious offenses within the four chapters.

A 3451 (1979)

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 29, 1979

PAT SWEENEY

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In a public ceremony in his office, Governor Brendan Byrne today signed four bills which are amendments to the Penal Code.

"The amendments make the New Jersey Code of Criminal Justice the most modern in the country. It replaces vagueness and uncertainty with a sureness in sentencing that should eliminate any disparity in penalties imposed on similar crimes.

"This is the first major revision of the New Jersey criminal laws in two centuries. It is a good revision, but it will take some experience before we can see if it's exactly what New Jersey needs," the Governor said.

"The new Penal Code is tough on street crime, firm and precise on sentencing, and more streamlined because of its elimination of unnecessary and archaic laws," Byrne said. The Code takes effect September 1, 1979.

S-3203, known as the Consensus Amendments, was sponsored by Senator Martin L. Greenberg (D-Essex) and Assemblyman Martin A. Herman (D-Gloucester), implements 13 major improvements, including:

- It provides prosecutors, to the extent constitutionally permitted, the right to appeal, including the right to challenge sentences which are manifestly too lenient;
- It strengthens the murder provisions by adding a section on aggravated manslaughter and redefining the intent requirement for murder;
- It modifies the sex offenses provisions to retain the "age of consent" at 16. A provision prohibiting "impairing the morals of a minor" was added in connection with the "age of consent" section.
- It adds a provision making it a second degree offense to dispose of hazardous waste illegally, carrying severe penalties with the offense;
- It adds prohibitions on bringing stolen property into the State;
- It adds comprehensive credit card fraud provisions;
- It strengthens and makes more comprehensive the bribery and misconduct serious violations.

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