

2A: 74-1 and 2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:74-1 and 2A:74-2

Laws of 1975 Chapter 270

Bill No. S 1019

Sponsor(s) Dunn & Musto

Date Introduced April 1, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly Nov. 24, 1975

Senate Sept. 30, 1974

Date of approval Jan. 8, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings No

For Background see:

974.90 NJ N.J. Criminal Law Revision Comm.
C929 or TB89 Six-member juries, 1971
1971a J9
N548

over

10/4/76

MAR 1977

974.90
C866
1973c

NJ Legislature. Senate. Judiciary Comm.
Public Hearing on SCR 2010 (Constitutional
Amend. Allowing six-member juries), held
March 30, 1973. 15p.

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[OFFICIAL COPY REPRINT]
SENATE, No. 1019

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1974

By Senators DUNN and MUSTO

Referred to Committee on Judiciary

AN ACT to authorize petit juries of six members in certain civil causes and amending N. J. S. 2A:74-1 and 2A:74-2.

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

1 1. N. J. S. 2A:74-1 is amended to read as follows:

2 2A:74-1. Selection of trial jury from general panel; procedure.
3 The name of each person summoned and returned by a sheriff or
4 other proper officer as a petit juror shall be written or printed on
5 separate pieces of paper of as nearly as possible uniform size, color
6 and shape. The sheriff or other proper officer or the clerk of the
7 court, or a person designated by the sheriff, officer or clerk for that
8 purpose, shall roll up each piece of paper separately and deposit
9 it in a box.

10 When a jury is required for the trial of a cause, either civil or
11 criminal, the box in which the names have been placed shall be
12 shaken so as to intermix thoroughly the pieces of paper therein,
13 and the sheriff, clerk or other person shall, by direction of the
14 court, publicly and in open court, draw from the box, one at a time,
15 the pieces of paper therein, until 12 persons *or six persons in such*
16 *civil causes as may be authorized by the New Jersey Court Rules,*
17 whose names are found written thereon, shall appear. If any of
18 the 12 persons so appearing are successfully challenged or excused
19 from serving on that jury, the drawing shall be continued until
20 12 persons *or six persons in an appropriate civil cause* not so
21 challenged or excused appear, and they, being severally sworn,
22 shall constitute the jury for the trial of such cause.

1 2. N. J. S. 2A:74-2 is amended to read as follows:

2 2A:74-2. When the trial of any civil or criminal case is likely
3 to be protracted, the court in its discretion may direct the impanel-

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

4 ing of a jury ***[not to exceed 14]*** **of such additional** members
5 **[or eight in a civil cause in which six are authorized by the New*
6 *Jersey Court Rules]** **as it determines to be appropriate**, all
7 having the same qualifications and impaneled and sworn in the same
8 manner as a jury of 12 *or six*. All the jurors shall sit and hear the
9 case, but the court for good cause may excuse any of them from
10 service provided the number of jurors is not reduced to less than
11 12 *or six in an appropriate civil cause*. If more than **[12]** *the*
12 *prescribed number* are left on the jury at the conclusion of the
13 court's charge, the clerk of the court in its presence shall put their
14 names on slips folded to conceal the names, shall place the slips
15 in a suitable box, and from it draw **[12]** *such number of* names of
16 jurors *as will reduce the jury to the number required* to determine
the issues.

1 3. This act shall take effect 30 days after enactment.

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STATEMENT

This bill implements the amendment to the New Jersey Constitution approved by the voters in the general election held November, 1973 authorizing six-member juries in the trial of civil causes. The six-member jury would save time and expense for the judiciary and the litigants alike. This bill authorizes six-member juries in those types of cases authorized by the New Jersey Court Rules, which are promulgated by the New Jersey Supreme Court. The Supreme Court would be entitled to retain 12-member juries in those types of cases, currently unforeseen, requiring such juries.

The effective date of 30 days after enactment will provide time for the adoption of the necessary rules of court.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1019

WITH COMMITTEE AMENDMENTS

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1974

This bill implements the amendment to the New Jersey Constitution approved by the voters in November, 1973 which authorized the Legislature to provide for 6-member juries in the trial of civil cases.

This bill would allow such juries in those types of cases which are authorized by the New Jersey Rules of Court which are promulgated by the Supreme Court.

The committee amendments were made in order to conform the statute to present practice as currently set forth in the Rules of Court.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 1019

—◆—
STATE OF NEW JERSEY
—◆—

ADOPTED SEPTEMBER 19, 1974

Amend page 2, section 2, line 4, after the word "jury" delete "not to exceed 14", and insert "of such additional".

Amend page 2, section 2, lines 4 and 5, after the word "members" delete "or eight in a civil cause in which six are authorized by the New Jersey Court Rules", and insert "as it determines to be appropriate".

FROM THE OFFICE OF THE GOVERNOR

JANUARY 8, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill which provides for six-member juries in certain civil court cases.

The measure, S-1019, sponsored by Senator Thomas G. Dunn, D-Union, authorizes the State Supreme Court to establish rules providing for the six-member juries for certain civil cases.

"This bill will speed jury selection, and will reduce the demand on the public to serve on juries," said the Governor.

Approval of the six-member jury bill was urged by the Governor last year in his Annual Message to the Legislature.

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