

February 4, 1971

LEGISLATIVE HISTORY OF R.S. 52:17B-97 to 52:17B-114
 52:17A-4
 52:17B-115 to 52:17B-117
 2A:158-4

("Criminal Justice Act")

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Commission to Study Crime created by:
 I. 1966, Chapter 84 - S386

Commission directed to implement recommendations of President's
 Commission on Law Enforcement.

SCR 18 of 1967 - Filed May 9, 1967.

Creation of Dept. of Criminal Justice recommended by:

974.90 N.J. Legislature. Joint Commission to
 C929 Study Crime ...
 1968b Report. April 22, 1968, p. 4 ff.
 See also: Hearings held by this Committee.

974.90 Lacey, Frederick B.
 C929 Recommendations to the 1970 ...
 1970 Legislature. p. 49 ff.

Bills to create a Department or Division of Criminal Justice
 introduced:

1968 - A828 (Dickey & others).
 Reached 2d reading in Assembly.
 Statement:

This bill is recommended by the Joint
 Legislative Committee to Study Crime and the
 System of Criminal Justice in New Jersey to
 implement its Recommendations Nos. 1, 12 and
 13 in its April 22, 1968 report.

1968 - S802 (Forsythe & others).
 Statement: Same as A828 of 1968.
 Reached 2d reading in Senate.
 Sept. 17 & 18, 1968 - Public hearings held:

974.90 N.J. Legislature. Senate. Committee on Law,
 C5815 Public Safety and Defense.
 1968c Public hearings on Senate bills no. 897,
 802 and 803 ...

1969 - A463 (Owens & others).

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1969 - S649 (Porsythe & others).
Died in Committee.

1970 - A144 (Owens).

L. 1970, Chapter 74 - A972

Introduced April 23 by Rinaldi, Dickey, Parker & others.
Not amended during passage.
No statement on the bill.

This bill was part of the anti-organized crime package (A971 through A974) all were introduced April 23, 1970. They were enacted into law in less than a month (Approved May 21, 1970). No hearings or reports on the bills themselves were located. Newspaper clippings on all bills filed with this Legislative History.

V.F.--N.J.--Organized Crime-Legislation

Cahill anti-crime bills cleared. 4/28/70 NEM
for assembly vote next week.

Assembly OKs crime bill, Senate passage expected. 5/5/70 NEM

Governor signs 5 crime bills. 5/21/70 NEM

OK predicted for anti-crime bill. 4/21/70 C-P

Cahill's war on crime plans are approved by Assembly. 5/5/70 APP

Assembly passes 4 crime bills. 5/5/70 NSL

Key crime bill passes Senate. 5/8/70 TET

Crime bill passes, widens power of Attorney General. 5/8/70 NEM

Cahill signs broad anti-crime legislation into law. 5/22/70 TET

Copies enclosed of above mentioned articles.

JH/PC

CHAPTER 74 LAWS OF N. J. 1970

APPROVED 5/21/70

ASSEMBLY, No. 972

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1970

By Assemblymen RINALDI, DICKEY, PARKER, KEAN, WILSON, FONTANELLA MORAITES, HOLLENBECK, TURNER, VANDER PLAAT, EVERS, McDONOUGH, THOMAS, GOLDFARB, FIORE, CAPUTO, HAELIG, BROWN, DENNIS, KALTENBACHER, RUSSO, VOLK, CONNELL, CRANE, Assemblywoman MARGETTS, Assemblymen De KORTE, COSTA, AZZOLINA, DAWES, FAY, LORDI, POLICASTRO, WEIDEL, MACRAE, KRAVARIK and GARIBALDI

Referred to Committee on Law, Public Safety and Defense

AN ACT establishing and concerning a Division of Criminal Justice in the Department of Law and Public Safety, revising parts of the statutory law pertaining to criminal justice and making an appropriation therefor.

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

1 1. This act shall be known and may be cited as the "Criminal
2 Justice Act of 1970."

1 2. The Legislature recognizes that the existence of organized
2 crime presents a serious threat to our political, social and economic
3 institutions and helps bring about a loss of popular confidence in
4 the agencies of government. Accordingly, it is hereby declared
5 to be the public policy of this State to encourage cooperation
6 among law enforcement officers and to provide for the general
7 supervision of criminal justice by the Attorney General as chief
8 law enforcement officer of the State, in order to secure the benefits
9 of a uniform and efficient enforcement of the criminal law and the
10 administration of criminal justice throughout the State. All the
11 provisions of this act shall be liberally construed to achieve these
12 ends and administered and enforced with a view to carrying out the
13 above declaration of policy.

1 3. There is hereby established in the State Department of Law
2 and Public Safety the Division of Criminal Justice. The division
3 shall be under the immediate supervision of a director who shall

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 be appointed by and serve at the pleasure of the Attorney General
5 and who shall administer the work of the division under the direc-
6 tion and supervision of the Attorney General. The Attorney
7 General shall fix the compensation of the director within the limits
8 of available appropriations.

1 4. The Attorney General shall organize the work of the division
2 in such bureaus and other organizational units as he may determine
3 to be necessary for efficient and effective operation and shall assign
4 to the division such employees in the Department of Law and
5 Public Safety as may be necessary to assist the director in the
6 performance of his duties.

1 5. All the functions, powers and duties of the Attorney General
2 relating or pertaining to the enforcement and prosecution of the
3 criminal business of the State and of any county of the State shall
4 be exercised by the Attorney General through the Division of
5 Criminal Justice established hereunder.

1 6. The powers and duties of the Attorney General with respect
2 to the enforcement of the criminal laws of the State shall be the
3 powers and duties now or hereafter conferred upon or required of
4 the Attorney General, either by the Constitution or by the common
5 or statutory law of the State, and as specifically but not exclusively
6 detailed in this act.

1 7. The Attorney General shall consult with and advise the
2 several county prosecutors in matters relating to the duties of
3 their office and shall maintain a general supervision over said
4 county prosecutors with a view to obtaining effective and uniform
5 enforcement of the criminal laws throughout the State. He may
6 conduct periodic evaluations of each county prosecutor's office in-
7 cluding audits of funds received and disbursed in the office of each
8 county prosecutor.

1 8. The Attorney General shall prosecute the criminal business
2 of the State in any county having no county prosecutor.

1 9. Any county prosecutor may request in writing the assistance
2 of the Attorney General in the conduct of any criminal investiga-
3 tion or proceeding. The Attorney General may thereafter take
4 whatever action he deems necessary to assist the county prosecutor
5 in the discharge of his duties. Whenever the Attorney General
6 shall take any such action, he shall be authorized to exercise all
7 the powers and perform all the duties which by law are conferred
8 upon or required of the county prosecutor making such request.

1 10. Whenever requested in writing by the Governor, the At-
2 torney General shall, and whenever requested in writing by a grand
3 jury or the board of chosen freeholders of a county or the assign-

4 ment judge of the superior court for the county, the Attorney
5 General may supersede the county prosecutor for the purpose of
6 prosecuting all of the criminal business of the State in said county,
7 intervene in any investigation, criminal action, or proceeding in-
8 stituted by the county prosecutor, and appear for the State in any
9 court or tribunal for the purpose of conducting such investigations,
10 criminal actions or proceedings as shall be necessary for the pro-
11 tection of the rights and interests of the State.

12 Whenever the Attorney General shall have superseded a county
13 prosecutor as aforesaid, the county prosecutor, the assistant county
14 prosecutors and other members of the staff of the county prosecutor
15 shall exercise only such powers and perform such duties as are
16 required of them by the Attorney General.

1 11. a. Whenever in the opinion of the Attorney General the
2 interests of the State will be furthered by so doing, the Attorney
3 General may (1) supersede a county prosecutor in any investiga-
4 tion, criminal action or proceeding, (2) participate in any investiga-
5 tion, criminal action or proceeding, or (3) initiate any investigation,
6 criminal action or proceeding. In such instances, the Attorney
7 General may appear for the State in any court or tribunal for the
8 purpose of conducting such investigations, criminal actions or pro-
9 ceedings as shall be necessary to promote and safeguard the public
10 interests of the State and secure the enforcement of the laws of
11 the State.

12 b. The Attorney General may in his discretion act for any county
13 prosecutor in representing the interests of the State in any and
14 all appeals and applications for post-conviction remedies.

1 12. Whenever the Attorney General, personally or by his
2 deputies or assistants, shall attend in any county for the prosecu-
3 tion of all or any part of the criminal business of the State in said
4 county, he shall have all the power and authority of the county
5 prosecutor, including the investigation of alleged crimes, the at-
6 tendance before the criminal courts and grand juries of the county,
7 the preparation and trial of indictments for crimes, the representa-
8 tion of the State in all proceedings in criminal cases on appeal or
9 otherwise in the courts of this State, and in addition, shall have the
10 power to appoint such temporary assistants, aides, investigators
11 or other personnel and incur such expenses as he shall deem
12 necessary.

13 Whenever the criminal business or any part of the criminal
14 business of any county is prosecuted by the Attorney General, per-
15 sonally or by his deputies or assistants, there shall be paid by the
16 treasurer of the county such sum for that service, including the

17 compensation of any deputy or assistant Attorney General, as the
18 assignment judge of the superior court of the county or a judge of
19 the county court of said county shall certify and fix on the applica-
20 tion of the Attorney General; provided that the compensation
21 allowed shall not exceed that provided by law for the payment by
22 said county for the same or similar services.

1 13. Except as provided in this act, the powers and duties con-
2 ferred upon or required of the Attorney General by this act shall
3 not be construed to deprive the county prosecutors of any of their
4 authority in respect to criminal prosecutions, or relieve them from
5 any of their duties to enforce the criminal laws of the State.

1 14. In addition to any and all methods now provided by law for
2 the removal from office of a county prosecutor, a county prosecutor
3 may be removed from office by the Governor for cause after a public
4 hearing and upon due notice and an opportunity to be heard in his
5 defense.

1 15. a. The Attorney General shall annually submit to the Gov-
2 ernor and to the Legislature a report setting forth the activities
3 of the Division of Criminal Justice during the preceding calendar
4 year, together with suggestions and recommendations for the ade-
5 quate and uniform enforcement of the criminal laws of the State.
6 The Attorney General shall include in his report an abstract of the
7 annual reports of the several county prosecutors.

8 b. Each county prosecutor shall annually submit to the Attorney
9 General a written report for the last preceding calendar year,
10 covering such items of information and such dispositions of com-
11 plaints, investigations, criminal actions and proceedings as the
12 Attorney General shall prescribe. The Attorney General may also
13 require the several county prosecutors to submit, from time to time,
14 reports as to any matters pertaining to the duties of their office.

1 16. a. It shall be the duty of the several county prosecutors
2 to cooperate with and aid the Attorney General in the performance
3 of his duties.

4 b. It shall be the duty of the police officers of the several coun-
5 ties and municipalities of this State and all other law enforcement
6 officers to cooperate with and aid the Attorney General and the
7 several county prosecutors in the performance of their respective
8 duties.

9 c. The Attorney General may, from time to time, and as often
10 as may be required, call into conference the county prosecutors,
11 the chiefs of police of the several counties and municipalities and
12 any other law enforcement officers of this State or such of them
13 as he may deem advisable, for the purpose of discussing the duties

14 of their respective offices with a view to the adequate and uniform
15 enforcement of the criminal laws of this State.

1 17. The Attorney General is authorized and empowered to make
2 studies and surveys of the organization, procedures and methods
3 of operation and administration of all law enforcement agencies
4 within the State, including any bi-State agency, with a view toward
5 preventing crime, improving the administration of criminal justice,
6 and securing the improved enforcement of the criminal law.

1 18. This act is declared to be supplementary to all existing acts,
2 excepting those specifically repealed by section 22, and shall be
3 interpreted as conferring independent authority, unconditioned by
4 any existing act.

1 19. Section 4 of P. L. 1944, chapter 20 (C. 52:17A-4) is amended
2 to read as follows:

3 4. The powers and duties of the Division of Law shall be the
4 powers and duties now or hereafter conferred upon or required
5 of the Attorney General, either by the Constitution or by the com-
6 mon and statutory law of the State, and as specifically but not
7 exclusively as detailed herein, to wit:

8 a. Be present at the seat of the government during the sessions
9 of the Legislature;

10 b. Give to the Governor, to the members of the Senate and the
11 General Assembly, and to all other officers, departments, boards,
12 bodies, commissions and instrumentalities of the State Govern-
13 ment, legal advice on such matters as they may from time to time
14 require;

15 c. Examine and decide all legal matters submitted to him by the
16 Governor or the Legislature and act for them in any matter in
17 which they may be interested, and shall exclusively attend to and
18 control all litigation and controversies to which the State is a
19 party or in which its rights and interests are involved;

20 d. Carry out and enforce the provisions of the New Jersey
21 Securities Law; also the Civil Rights Law;

22 e. Act as the sole legal adviser, attorney or counsel, notwith-
23 standing the provisions of any other law, for all officers, depart-
24 ments, boards, bodies, commissions and instrumentalities of the
25 State Government in all matters other than those requiring the
26 performance of administrative functions entailing the enforcement,
27 prosecution and hearing of issues as imposed by law upon them;
28 and represent them in all proceedings or actions of any kind which
29 may be brought for or against them in any court of this State;
30 and shall likewise interpret all statutes and legal documents, in-

31 spect and approve contracts and titles and otherwise control their
32 legal activities;

33 f. **Render aid in the prosecution of the criminal business of**
34 any county at the written request of the county prosecutor; prose-
35 cute the criminal business of the State in a county having no county
36 prosecutor; attend for the trial of homicide cases and other high
37 crimes and misdemeanors, or for the prosecution of the criminal
38 business of the State, in any county, on the written request of an
39 assignment judge of the superior court or of the board of chosen
40 freeholders of the county; and attend for the prosecution of a
41 specific investigation or of a particular criminal case in any county
42 on the written request of the Governor. **】** (*Deleted by amendment.*);

43 g. Attend generally to all legal matters in which the State or any
44 officer, department, board, body, commission or instrumentality of
45 the State Government is a party or in which its rights or interests
46 are involved;

47 h. Enforce the provisions of the Constitution and all other laws
48 of the State, as well as perform all the duties conferred and im-
49 posed by law upon the Attorney General.

1 20. N. J. S. 2A:158-4 is amended to read as follows:

2 2A:158-4. The criminal business of the State shall be prosecuted
3 **【exclusively】** by *the Attorney General and the county* prosecu-
4 tors**【**, except in counties where, for the time being, there may be
5 no prosecutor, or where the prosecutor desires the aid of the At-
6 torney General, or as otherwise provided by law**】**.

1 21. Nothing in this act shall be construed to deprive any person
2 of any tenure rights or of any right or protection provided him
3 by Title 11 of the Revised Statutes, Civil Service, or under any
4 pension law or retirement system .

1 22. N. J. S. 2A:158-14, sections 5 and 15 of P. L. 1944, chapter
2 20 (C. 52:17A-5, C. 52:17A-15) and all acts and parts of acts in-
3 consistent with any of the provisions of this act are, to the extent
4 of such inconsistency, superseded and repealed.

1 23. If any clause, sentence, paragraph or part of this act be
2 adjudged by a court of competent jurisdiction to be invalid, such
3 judgment shall not affect, impair or invalidate the remainder of
4 this act, and it is hereby declared to be the legislative intent that
5 this act would have been adopted had such invalid provision not
6 been included herein.

1 24. There is hereby appropriated to the Department of Law
2 and Public Safety the sum of \$300,000.00 to carry out the purposes
3 of this act for the period ending June 30, 1971.

1 25. The provisions of this act shall become operative at the be-
2 ginning of the biweekly pay period next following enactment.
3 Anticipatory action to effect the establishment of the division may
4 be taken in advance thereof including the making of authorized
5 appointments and, within the limits of appropriations available to
6 the division, the expenditure of funds for payment of salaries and
7 expenses incident thereto.

1 26. This act shall take effect immediately.