

2A:71-2

May 5, 1971

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LEGISLATIVE NOTES ON R.S. 2A:71-2
(Grand juries - Number judge selects from)

L. 1970, Chapter 160 - A411

Introduced January 29, 1970 by Thomas.
Bill had statement (copy enclosed).
Not amended during passage.

No clippings located at: V.F. - N.J. - Jury
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ASSEMBLY, No. 411

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1970

By Assemblyman THOMAS

Referred to Committee on Judiciary

AN ACT concerning grand jury panels and amending N. J. S.
2A:71-2.

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

1 1. N. J. S. 2A:71-2 is amended to read as follows:

2 2A:71-2. Immediately after the numbered pieces have been
3 deposited in the proper boxes, the boxes shall be shaken so as to
4 mix thoroughly the pieces therein. Thereupon and forthwith, the
5 jury commissioners or one of them, in the presence of the assign-
6 ment judge or the judge designated by him, shall draw singly from
7 the grand jury box **[between 35 and 50,]** *such number of pieces*
8 *as the [assignment] judge may direct[, of the pieces therein,]*
9 and as each number is drawn, the name, occupation and place of
10 abode of the person whose name is found on the grand jury list
11 opposite the number shall be announced publicly. The persons
12 whose names are announced shall constitute the panel of grand
13 jurors for service for the county at the opening of the next ensuing
14 stated session of the courts thereof.

15 In a similar manner and immediately thereafter, there shall be
16 drawn singly from the petit jury box such number of pieces as
17 the judge shall direct, and as each number is drawn, the name,
18 occupation and place of abode of the person whose name is found
19 on the petit jury list opposite the number shall be announced
20 publicly. The persons whose names are announced shall constitute
21 the panel of petit jurors for service in the county for the next
22 ensuing stated session of the courts therein, or for such part
23 thereof as the assignment judge may direct.

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.**

STATEMENT

It is the purpose of this bill to minimize one of the practical problems arising out of the changes, made in early 1969, in the methods used to select members of grand juries. See *State v. Forer*, 104 N. J. Super. 481 (Law Division, 1969) for a discussion of the major constitutional problems.

The existing statute, limiting the size of the grand jury panel to 35 to 50 persons chosen at random from a list ranging from 125 to 300, set those numbers at a time when it was not unusual in some areas to make up the grand jury list from persons willing and able to serve for 6 weeks or more. This practice is no longer in use, and as a result, a panel of 50 has been found to be too small to provide the requisite 23 members, if those who have a fair basis for requesting to be excused are compelled to serve at a considerable burden and inconvenience to them and others. In part, this problem is aggravated by the nominal compensation (\$5.00 per day) allowed to grand jurors. As the service and duty is for public purposes, it would be unreasonable to place the economic burden on all employers, many of whom already accept it voluntarily, and nothing less than a more realistic system of compensation can meet the problem of the self-employed individual, the person whose earnings are contingent on activities such as commission salesmen, and the like. This bill does not deal with that aspect. What it does is to enable the assignment judge to recognize valid requests to be excused from duty without being rendered unable to compose a grand jury of 23 from a panel of 50. It is a temporary but necessary solution until a new system of fair compensation can be developed and enacted.