

2A:73A-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:73A-2

Laws of 1972 Chapter 178, Sec. 1

Bill No. S 910

Sponsor(s) Woodcock & 6 others.

Date Introduced April 17, 1972

Committee: Assembly _____

Senate Judiciary

Amended during passage Yes ~~no~~ Original bill and amendment enclosed.

Date of passage: Assembly Nov. 29, 1972

Senate May 11, 1972

Date of approval Dec. 1, 1972

Following statements are attached if available:

Sponsor statement Yes ~~no~~

Committee Statement: Assembly ~~Yes~~ No

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

Recommended in:

974.90/ Gov. Cahill's Second Annual Message, January 11, 1972.

G52 Page 41 - copy enclosed.

~~VF--NJ--~~ Grand Jury

Bill sets full-time state Grand Jury. Jersey J. 4/14/72

Jury Regularity. Bergen Record 5/12/72

State Grand Jury will be permanent. Bergen Record 11/30/72

Permanent jury bill passed. Asbury Park Press 11/30/72

Permanent state grand jury OK'D. Trenton Eve. Times 12/3/72

10/4/76

SECOND CORRECTED COPY

[OFFICIAL COPY REPRINT]

SENATE, No. 910

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1972

By Senators WOODCOCK, PARKER, THOMAS, CAFIERO,
DeROSE, LAZZARA and BATE

Referred to Committee on Judiciary

AN ACT to amend the "State Grand Jury Act," approved December 16, 1968 (P. L. 1968, c. 361) and making an appropriation.

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

1 1. Section 2 of P. L. 1968, c. 361 (C. 2A:73A-2) is amended to
2 read as follows:

3 2. *There shall be at least one grand jury which shall have juris-*
4 *isdiction extending throughout the State serving at all times. Such*
5 *State grand jury shall be impaneled by an assignment judge of the*
6 *superior court designated for this purpose by the Chief Justice.*

7 Whenever the Attorney General or the Director of the Division of
8 Criminal Justice deems it to be in the public interest to convene **[a]**
9 one or more additional State grand **[jury]** juries **[which shall have**
10 jurisdiction extending beyond the boundaries of any single county],
11 he may **[petition an]** apply in writing to the aforementioned assign-
12 ment judge **[of the superior court designated for such purpose by**
13 the Chief Justice] for an order in accordance with provisions of
14 this act. Said assignment judge **[may, for good cause shown,]**
15 ***[shall]*** **may, for good cause shown,** order the impaneling of
16 **[a]** such additional State grand **[jury]** juries in accordance with
17 said application, in which event each said grand jury shall have
18 Statewide jurisdiction. **[In making his determination as to the**
19 need for impaneling a State grand jury, the judge shall require,
20 among other things, a showing that the matter cannot be effectively
21 handled by a county grand jury.]

1 2. Section 9 of P. L. 1968, c. 361 (C. 2A:73A-9) is amended to
2 read as follows:

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

3 9. A. The costs and expenses of impaneling a State grand jury
4 and for the performing of its functions and duties shall be paid by
5 the State out of funds appropriated *for this purpose* to the
6 **[Judiciary]** *Department of Law and Public Safety, Division of*
7 *Criminal Justice.*

8 B. *All costs and expenses incurred by a county arising out of the*
9 *prosecution and trial of State grand jury indictments shall, upon*
10 *application by the county treasurer to the assignment judge of said*
11 *county who shall certify and fix the amount of same, be paid by the*
12 *State out of funds appropriated for this purpose to the Department*
13 *of Law and Public Safety, Division of Criminal Justice.*

1 3. There is hereby appropriated to the Department of Law and
2 Public Safety, Division of Criminal Justice for the purpose of this
3 act the sum of \$500,000.00 for the period ending June 30, 1972. Any
4 unexpended portion of the foregoing appropriation as of June 30,
5 1972 is hereby reappropriated until June 30, 1973.

1 4. This act shall take effect immediately.

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6 *superior court designated for this purpose by the Chief Justice.*

7 Whenever the Attorney General or the Director of the Division of
8 Criminal Justice deems it to be in the public interest to convene [a]
9 one or more additional State grand [jury] juries [which shall have
10 jurisdiction extending beyond the boundaries of any single county],
11 extending beyond the boundaries of any single county], he may
12 [petition an] apply in writing to the aforementioned assignment
13 judge [of the superior court designated for such purpose by the
14 Chief Justice] for an order in accordance with provisions of this
15 act. Said assignment judge [may, for good cause shown,] shall
16 order the impaneling of [a] such additional State grand [jury]
17 juries in accordance with said application, in which event each said
18 grand jury shall have Statewide jurisdiction. [In making his de-
19 termination as to the need for impaneling a State grand jury, the
20 judge shall require, among other things, a showing that the matter
21 cannot be effectively handled by a county grand jury.]

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

6 **[Judiciary]** *Department of Law and Public Safety, Division of*
7 *Criminal Justice.*

8 *B. All costs and expenses incurred by a county arising out of the*
9 *prosecution and trial of State grand jury indictments shall, upon*
10 *application by the county treasurer to the assignment judge of said*
11 *county who shall certify and fix the amount of same, be paid by the*
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4 unexpended portion of the foregoing appropriation as of June 30,
5 1972 is hereby re-appropriated until June 30, 1973.

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STATEMENT

This bill establishes the State grand jury as a permanent institution with at least one panel sitting at all times, and simplifies procedures for impaneling additional grand juries as deemed in the public interest. Since the Division of Criminal Justice presents matters to the State grand jury, the director of the division is authorized, along with the Attorney General, to request impaneling of additional juries.

The experience of the last 2 years demonstrates that there is a sufficient volume of matters including organized crime and misconduct in office to require at least one continuous State grand jury without establishing this need anew in each application. State grand juries are imperative for successful handling of matters which extend beyond individual county lines, have Statewide significance and impact or should, in the judgment of the Attorney General or the director, be dealt with at the State level.

This bill also provides that costs and expenses arising out of the operation of State grand juries and the prosecution and trial of their indictments be paid by the State.

Under the existing statute, costly trials and appeals arising out of State grand jury indictments have placed a substantial burden on the several counties. Since the purpose of State grand juries is to improve the effectiveness of prosecutions in matters of Statewide significance, the State should assume the costs of both prosecution and trial of these cases. This bill authorizes reimbursement of costs incurred by prosecutors' offices and by the county judicial system, and is designed to relieve burdens already placed on several counties by State grand jury cases.

SENATE COMMITTEE AMENDMENT TO
SENATE, No. 910

STATE OF NEW JERSEY

ADOPTED MAY 4, 1972

Amend page 1, section 1, line 15, omit "shall", and insert "may, for good cause shown,".

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 4, 1972

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill has signed into law a bill establishing permanent State grand juries with at least one panel sitting at all times.

Senate Bill 910, sponsored by Senator Joseph C. Woodcock (R., Bergen), also permits the Director of the Division of Criminal Justice and the Attorney General to request impaneling additional juries.

The State grand juries handle criminal matters which extend beyond individual county lines, have statewide significance and impact or should, in the judgment of the Attorney General, be dealt with at the State level.

Also signed into law were:

Senate Bill 353, sponsored by Senator Peter W. Thomas (R., Morris), authorizes the Division of Investment to increase from ten per cent to 60 per cent the portion of certain funds which may be invested in common stocks. The funds are the 1837 Surplus Revenue Fund, the Trustees for the Support of Public Schools and the major pension system funds.

Senate Bill 845, sponsored by Senator William J. Bate (D., Passaic), retains the number of district court judges in Passaic County consistent with the change in population as a result of the 1970 census.

Senate Bill 1072, sponsored by Senator Michael A. Giuliano (R., Essex), amends the Essex County Retirement System Act to restore language inadvertently omitted in a recent amendment of the law, which language provided for a special computation of benefits for persons who were members of this system prior to 1943. The bill will insure that these long-time members of this pension system receive the benefits to which they are entitled.