

# 2B:12-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2008                    **CHAPTER:** 2

**NJSA:** 2B:12-1                  (Authorizes each municipality that shares courtroom facilities with one or more municipalities to appoint a judge and an administrator)

**BILL NO:** S335 (Substituted for A1518)

**SPONSOR(S)** Kean and Others

**DATE INTRODUCED:** January 8, 2008

**COMMITTEE:**                  **ASSEMBLY:** ---

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                  **ASSEMBLY:** March 13, 2008

**SENATE:** March 3, 2008

**DATE OF APPROVAL:** March 26, 2008

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL (First reprint enacted)**

**S335**

**SPONSOR'S STATEMENT:** (Begins on page 3 of original bill) Yes

**COMMITTEE STATEMENT:**                                  **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

**A1518/A1430**

**SPONSOR'S STATEMENT (A1518):** (Begins on page 3 of original bill) Yes

**SPONSOR'S STATEMENT (A1430):** (Begins on page 3 or original bill) Yes

**COMMITTEE STATEMENT:**                                  **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW

P.L. 2008, CHAPTER 2, *approved March 26, 2008*  
Senate, No. 335 (*First Reprint*)

1 AN ACT concerning municipal courts and amending N.J.S.2B:12-1  
2 <sup>1</sup>[and N.J.S.2B:12-5]<sup>1</sup>.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. N.J.S.2B:12-1 is amended to read as follows:

8 2B:12-1. Establishment of municipal courts.

9 a. Every municipality shall establish a municipal court. If a  
10 municipality fails to maintain a municipal court or does not enter  
11 into an agreement pursuant to subsection b. or c. of this section, the  
12 Assignment Judge of the vicinage shall order violations occurring  
13 within its boundaries heard in any other municipal court in the  
14 county until such time as the municipality establishes and maintains  
15 a municipal court. The municipality without a municipal court shall  
16 be responsible for all administrative costs specified in the order of  
17 the Assignment Judge pending the establishment of its municipal  
18 court.

19 b. Two or more municipalities, by ordinance, may enter into an  
20 agreement establishing a single joint municipal court and providing  
21 for its administration. A copy of the agreement shall be filed with  
22 the Administrative Director of the Courts. As used in this act,  
23 "municipal court" includes a joint municipal court.

24 c. Two or more municipalities, by ordinance or resolution, may  
25 agree to provide jointly for courtrooms, chambers, equipment,  
26 supplies and employees for their municipal courts and agree to  
27 appoint **[the same persons as]** judges and administrators without  
28 establishing a joint municipal court. Where municipal courts share  
29 facilities in this manner, the identities of the individual courts shall  
30 continue to be expressed in the captions of orders and process.

31 d. An agreement pursuant to subsection b. or c. of this section  
32 may be terminated as provided in the agreement. If the agreement  
33 makes no provision for termination, it may be terminated by any  
34 party with reasonable notices and terms as determined by the  
35 Assignment Judge of the vicinage.

36 e. Any county of the first class with a population of over  
37 825,000 and a population density of less than 4,000 persons per  
38 square mile according to the latest federal decennial census, with a  
39 county police department and force established in accordance with  
40 N.J.S.40A:14-106 or a county park police system established in  
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted February 14, 2008.

1 establish, by ordinance, a central municipal court, which shall be an  
2 inferior court of limited jurisdiction, to adjudicate cases filed by  
3 agents of the county health department, members of the county  
4 police department and force or county park police system, or other  
5 cases within its jurisdiction referred by the vicinage Assignment  
6 Judge pursuant to the Rules of Court, and provide for its  
7 administration. A copy of that ordinance shall be filed with the  
8 Administrative Director of the Courts. As used in this act,  
9 "municipal court" includes a central municipal court.  
10 (cf: P.L.1996, c.95, s.1)

11

12 '2. N.J.S.2B:12-5 is amended to read as follows:

13 2B:12-5. Additional municipal judges. a. **【With the written**  
14 **consent of the Assignment Judge of the vicinage, a】** A county or  
15 municipality may:

16 (1) increase the number of judgeships of the municipal court, or

17 (2) appoint one or more temporary municipal judges.

18 b. A temporary judge is an additional judge of the municipal  
19 court appointed to meet a special need of limited duration. The  
20 procedure for appointment of temporary municipal judges shall be  
21 the same as that for other municipal judges, but each term of a  
22 temporary judge shall not exceed one year.

23 (cf: P.L.1996, c.95, s.4)']<sup>1</sup>

24

25 '3.] 2.<sup>1</sup> This act shall take effect immediately.

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29

30 Authorizes each municipality that shares courtroom facilities  
31 with one or more municipalities to appoint a judge and an  
32 administrator.

# SENATE, No. 335

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator SEAN T. KEAN**

**District 11 (Monmouth)**

**Senator JOHN H. ADLER**

**District 6 (Camden)**

**Co-Sponsored by:**

**Senator Van Drew**

**SYNOPSIS**

Authorizes municipalities that share courtroom facilities to appoint additional judges to municipal court.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/15/2008)**

1 AN ACT concerning municipal courts and amending N.J.S.2B:12-1  
2 and N.J.S.2B:12-5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2B:12-1 is amended to read as follows:

8 2B:12-1. Establishment of municipal courts.

9 a. Every municipality shall establish a municipal court. If a  
10 municipality fails to maintain a municipal court or does not enter  
11 into an agreement pursuant to subsection b. or c. of this section, the  
12 Assignment Judge of the vicinage shall order violations occurring  
13 within its boundaries heard in any other municipal court in the  
14 county until such time as the municipality establishes and maintains  
15 a municipal court. The municipality without a municipal court shall  
16 be responsible for all administrative costs specified in the order of  
17 the Assignment Judge pending the establishment of its municipal  
18 court.

19 b. Two or more municipalities, by ordinance, may enter into an  
20 agreement establishing a single joint municipal court and providing  
21 for its administration. A copy of the agreement shall be filed with  
22 the Administrative Director of the Courts. As used in this act,  
23 "municipal court" includes a joint municipal court.

24 c. Two or more municipalities, by ordinance or resolution, may  
25 agree to provide jointly for courtrooms, chambers, equipment,  
26 supplies and employees for their municipal courts and agree to  
27 appoint **[the same persons as]** judges and administrators without  
28 establishing a joint municipal court. Where municipal courts share  
29 facilities in this manner, the identities of the individual courts shall  
30 continue to be expressed in the captions of orders and process.

31 d. An agreement pursuant to subsection b. or c. of this section  
32 may be terminated as provided in the agreement. If the agreement  
33 makes no provision for termination, it may be terminated by any  
34 party with reasonable notices and terms as determined by the  
35 Assignment Judge of the vicinage.

36 e. Any county of the first class with a population of over  
37 825,000 and a population density of less than 4,000 persons per  
38 square mile according to the latest federal decennial census, with a  
39 county police department and force established in accordance with  
40 N.J.S.40A:14-106 or a county park police system established in  
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may  
42 establish, by ordinance, a central municipal court, which shall be an  
43 inferior court of limited jurisdiction, to adjudicate cases filed by  
44 agents of the county health department, members of the county

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

**Matter underlined thus is new matter.**

1 police department and force or county park police system, or other  
2 cases within its jurisdiction referred by the vicinage Assignment  
3 Judge pursuant to the Rules of Court, and provide for its  
4 administration. A copy of that ordinance shall be filed with the  
5 Administrative Director of the Courts. As used in this act,  
6 "municipal court" includes a central municipal court.  
7 (cf: P.L.1996, c.95, s.1)

8

9 2. N.J.S.2B:12-5 is amended to read as follows:

10 2B:12-5. Additional municipal judges. a. **【**With the written  
11 consent of the Assignment Judge of the vicinage, a**】** A county or  
12 municipality may:

13 (1) increase the number of judgeships of the municipal court, or

14 (2) appoint one or more temporary municipal judges.

15 b. A temporary judge is an additional judge of the municipal  
16 court appointed to meet a special need of limited duration. The  
17 procedure for appointment of temporary municipal judges shall be  
18 the same as that for other municipal judges, but each term of a  
19 temporary judge shall not exceed one year.

20 (cf: P.L.1996, c.95, s.4)

21

22 3. This act shall take effect immediately.

23

24

#### 25 STATEMENT

26

27 This bill authorizes municipalities that share courtroom facilities  
28 to appoint additional judges to municipal court.

29 Under the provisions of N.J.S.2B:12-1, two or more  
30 municipalities, by ordinance or resolution, may agree to provide  
31 jointly for courtrooms, chambers, equipment, supplies and  
32 employees for their municipal courts without establishing a joint  
33 municipal court. The statute also provides that the municipalities  
34 may "agree to appoint the same persons as judges and  
35 administrators."

36 This bill would delete the language concerning "the same  
37 persons" in order to clarify that, if the municipalities agree, they  
38 could each make separate appointments for judges and  
39 administrators. The bill would also amend language in  
40 N.J.S.2B:12-5 which provides that "With the written consent of the  
41 Assignment Judge of the vicinage, a county or municipality may  
42 increase the number of judgeships of the municipal court, or  
43 appoint one or more temporary municipal judges." Under the bill,  
44 the consent of the Assignment Judge of the vicinage would no  
45 longer be required.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 335**

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2008

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 335.

This bill authorizes a municipality that shares courtroom facilities with one or more other municipalities to appoint a municipal judge or administrator for that municipality. Sharing judges or administrators with other municipal courts in the sharing arrangement would not be a requirement.

Under the provisions of N.J.S.2B:12-1, two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court. The statute also provides that the municipalities may “agree to appoint the same persons as judges and administrators.” This bill would delete the language concerning “the same persons” to clarify that, if the municipalities agree, they could each make separate appointments for judges and administrators. This statutory change responds to the decision in In Re Municipal Court of Borough of East Newark, 390 N.J.Super. 513 (Law Div. 2006) which stated that if the Legislature intended to allow municipalities choosing to share court services to also retain the ability to appoint individual judges for each shared court, it would have stated so explicitly. This bill provides that explicit statement.

The committee amendments omit section 2 of the bill which would have amended language in N.J.S.2B:12-5 to provide that the written consent of the Assignment Judge of the vicinage would no longer be required for a county or municipality to increase the number of judgeships of the municipal court or appoint one or more temporary municipal judges. That aspect of the statutory law will remain unchanged by this bill.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



**ASSEMBLY, No. 1518**

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**STATE OF NEW JERSEY**

**213th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman DAVID P. RIBLE**

**District 11 (Monmouth)**

**Assemblywoman MARY PAT ANGELINI**

**District 11 (Monmouth)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Essex, Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblyman Holzapfel**

**SYNOPSIS**

Authorizes municipalities that share courtroom facilities to appoint additional judges to municipal court.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 2/26/2008)**

1 AN ACT concerning municipal courts and amending N.J.S.2B:12-1  
2 and N.J.S.2B:12-5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2B:12-1 is amended to read as follows:

8 2B:12-1. Establishment of municipal courts.

9 a. Every municipality shall establish a municipal court. If a  
10 municipality fails to maintain a municipal court or does not enter  
11 into an agreement pursuant to subsection b. or c. of this section, the  
12 Assignment Judge of the vicinage shall order violations occurring  
13 within its boundaries heard in any other municipal court in the  
14 county until such time as the municipality establishes and maintains  
15 a municipal court. The municipality without a municipal court shall  
16 be responsible for all administrative costs specified in the order of  
17 the Assignment Judge pending the establishment of its municipal  
18 court.

19 b. Two or more municipalities, by ordinance, may enter into an  
20 agreement establishing a single joint municipal court and providing  
21 for its administration. A copy of the agreement shall be filed with  
22 the Administrative Director of the Courts. As used in this act,  
23 "municipal court" includes a joint municipal court.

24 c. Two or more municipalities, by ordinance or resolution, may  
25 agree to provide jointly for courtrooms, chambers, equipment,  
26 supplies and employees for their municipal courts and agree to  
27 appoint **[the same persons as]** judges and administrators without  
28 establishing a joint municipal court. Where municipal courts share  
29 facilities in this manner, the identities of the individual courts shall  
30 continue to be expressed in the captions of orders and process.

31 d. An agreement pursuant to subsection b. or c. of this section  
32 may be terminated as provided in the agreement. If the agreement  
33 makes no provision for termination, it may be terminated by any  
34 party with reasonable notices and terms as determined by the  
35 Assignment Judge of the vicinage.

36 e. Any county of the first class with a population of over  
37 825,000 and a population density of less than 4,000 persons per  
38 square mile according to the latest federal decennial census, with a  
39 county police department and force established in accordance with  
40 N.J.S.40A:14-106 or a county park police system established in  
41 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may  
42 establish, by ordinance, a central municipal court, which shall be an  
43 inferior court of limited jurisdiction, to adjudicate cases filed by  
44 agents of the county health department, members of the county  
45 police department and force or county park police system, or other

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

**Matter underlined thus is new matter.**

1 cases within its jurisdiction referred by the vicinage Assignment  
2 Judge pursuant to the Rules of Court, and provide for its  
3 administration. A copy of that ordinance shall be filed with the  
4 Administrative Director of the Courts. As used in this act,  
5 "municipal court" includes a central municipal court.  
6 (cf: P.L. 1996, c.95, s.1)

7  
8 2. N.J.S.2B:12-5 is amended to read as follows:

9 2B:12-5. Additional municipal judges. a. **【**With the written  
10 consent of the Assignment Judge of the vicinage, a A county or  
11 municipality may:

- 12 (1) increase the number of judgeships of the municipal court, or  
13 (2) appoint one or more temporary municipal judges.

14 b. A temporary judge is an additional judge of the municipal  
15 court appointed to meet a special need of limited duration. The  
16 procedure for appointment of temporary municipal judges shall be  
17 the same as that for other municipal judges, but each term of a  
18 temporary judge shall not exceed one year.

19 (cf: P.L.1996, c.95, s.4)

20

21 3. This act shall take effect immediately.

22

23

24

#### STATEMENT

25

26 This bill authorizes municipalities that share courtroom facilities  
27 to appoint additional judges to municipal court.

28 Under the provisions of N.J.S.2B:12-1, two or more  
29 municipalities, by ordinance or resolution, may agree to provide  
30 jointly for courtrooms, chambers, equipment, supplies and  
31 employees for their municipal courts without establishing a joint  
32 municipal court. The statute also provides that the municipalities  
33 may "agree to appoint the same persons as judges and  
34 administrators."

35 This bill would delete the language concerning "the same  
36 persons" in order to clarify that, if the municipalities agree, they  
37 could each make separate appointments for judges and  
38 administrators. The bill would also amend language in  
39 N.J.S.2B:12-5 which provides that "With the written consent of the  
40 Assignment Judge of the vicinage, a county or municipality may  
41 increase the number of judgeships of the municipal court, or appoint  
42 one or more temporary municipal judges." Under the bill, the  
43 consent of the Assignment Judge of the vicinage would no longer  
44 be required.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1518 and 1430**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 25, 2008

The Assembly Housing and Local Government Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 1518 and 1430.

This committee substitute authorizes municipalities that share courtroom facilities to appoint additional judges to municipal court.

Under the provisions of N.J.S.2B:12-1, two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court. The statute also provides that the municipalities may “agree to appoint the same persons as judges and administrators.”

This committee substitute would delete the language concerning “the same persons” in order to clarify that, if the municipalities agree, they could each make separate appointments for judges and administrators.

# ASSEMBLY, No. 1430

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Permits municipalities to agree to share municipal court services while each appointing their own municipal court judge.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning municipal courts and amending N.J.S.2B:12-1.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

5

6 1. N.J.S.2B:12-1 is amended to read as follows:

7 2B:12-1. Establishment of municipal courts. a. Every  
8 municipality shall establish a municipal court. If a municipality  
9 fails to maintain a municipal court or does not enter into an  
10 agreement pursuant to subsection b. or c. of this section, the  
11 Assignment Judge of the vicinage shall order violations occurring  
12 within its boundaries heard in any other municipal court in the  
13 county until such time as the municipality establishes and maintains  
14 a municipal court. The municipality without a municipal court shall  
15 be responsible for all administrative costs specified in the order of  
16 the Assignment Judge pending the establishment of its municipal  
17 court.

18 b. Two or more municipalities, by ordinance, may enter into an  
19 agreement establishing a single joint municipal court and providing  
20 for its administration. A copy of the agreement shall be filed with  
21 the Administrative Director of the Courts. As used in this act,  
22 "municipal court" includes a joint municipal court.

23 c. Two or more municipalities, by ordinance or resolution, may  
24 agree to provide jointly for courtrooms, chambers, equipment,  
25 supplies and employees for their municipal courts and may agree to  
26 appoint the same persons as judges and administrators without  
27 establishing a joint municipal court. Where municipal courts share  
28 facilities in this manner, the identities of the individual courts shall  
29 continue to be expressed in the captions of orders and process.

30 d. An agreement pursuant to subsection b. or c. of this section  
31 may be terminated as provided in the agreement. If the agreement  
32 makes no provision for termination, it may be terminated by any  
33 party with reasonable notices and terms as determined by the  
34 Assignment Judge of the vicinage.

35 e. Any county of the first class with a population of over  
36 825,000 and a population density of less than 4,000 persons per  
37 square mile according to the latest federal decennial census, with a  
38 county police department and force established in accordance with  
39 N.J.S.40A:14-106 or a county park police system established in  
40 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may  
41 establish, by ordinance, a central municipal court, which shall be an  
42 inferior court of limited jurisdiction, to adjudicate cases filed by  
43 agents of the county health department, members of the county  
44 police department and force or county park police system, or other  
45 cases within its jurisdiction referred by the vicinage Assignment

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

**Matter underlined thus is new matter.**

1 Judge pursuant to the Rules of Court, and provide for its  
2 administration. A copy of that ordinance shall be filed with the  
3 Administrative Director of the Courts. As used in this act,  
4 "municipal court" includes a central municipal court.  
5 (cf: P.L.1996, c.95, s.1.)  
6

7 2. This act shall take effect immediately.  
8  
9

10 STATEMENT  
11

12 This bill permits municipalities to agree to share municipal court  
13 services while each appointing their own municipal court judge.  
14 The bill is in response to In the Matter of the Municipal Court of the  
15 Borough of East Newark, 390 N.J.Super. 513 (Law Div. 2006) in  
16 which the court held that subsection c. of N.J.S.2B:12-1 requires  
17 municipalities sharing municipal court services under that provision  
18 to also share a municipal court judge.