

2C:45-1 to 2C:45-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:45-1 to 2C:45-3 (Code of Criminal Justice - Probation and probation officers)

LAWS OF 1979 CHAPTER 180

Bill No. S3330

Sponsor(s) Greenberg

Date Introduced June 14, 1979

Committee: Assembly -----

Senate Judiciary

Amended during passage . Yes .

**XX** Amendments during passage denoted by asterisks. Substituted for A3351 (not attached since identical to S3330)

Date of Passage: Assembly July 9, 1979

Senate June 25, 1979

Date of approval August 29, 1979

Following statements are attached if available:

Sponsor statement . Yes . **XX**

Committee Statement: Assembly **XX** No

Assembly Committee Substitute for A3351 (attached)

Senate . Yes . **XX**

Fiscal Note **XX** No

Veto message **XX** No

Message on signing **XX** Yes **XX**

Following were printed.

Reports **XX** No

Hearings **XX** No

See also:

Greenberg, Martin L., and Tumulty, John J., "Highlights of the New Code of Criminal Justice," 104 NJLJ 449 (attached)

(over)

EJ  
2/1/79

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Comments on legislation:

974.901 N.J. Supreme Court. Committee  
C86 on Probation.  
(In N.J. 1979 Judicial  
Conference Proceedings, 1979)

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SENATE, No. 3330

# STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1979

By Senator GREENBERG

Referred to Committee on Judiciary

AN ACT concerning probation and amending sections 2C:45-1,  
2C:45-2 and 2C:45-3 of the New Jersey Statutes.

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

1 1. N. J. S. 2C:45-1 is amended to read as follows:

2 2C:45-1. Conditions of Suspension or Probation. a. When the  
3 court suspends the imposition of sentence on a person who has  
4 been convicted of an offense or sentences him to be placed on proba-  
5 tion, it shall attach such reasonable conditions, authorized by this  
6 section, as it deems necessary to insure that he will lead a law-  
7 abiding life or is likely to assist him to do so. These conditions  
8 may be set forth in a set of standardized conditions promulgated by  
9 the county probation department and approved by the court.

10 b. The court, as a condition of its order, may require the  
11 defendant:

12 (1) To support his dependents and meet his family responsi-  
13 bilities;

14 (2) To find and continue in gainful employment;

15 (3) To undergo available medical or psychiatric treatment and  
16 to enter and remain in a specified institution, when required for  
17 that purpose;

18 (4) To pursue a prescribed secular course of study or vocational  
19 training;

20 (5) To attend or reside in a facility established for the instruc-  
21 tion, recreation or residence of persons on probation;

22 (6) To refrain from frequenting unlawful or disreputable places  
23 or consorting with disreputable persons;

24 (7) Not to have in his possession any firearm or other dangerous  
25 weapon unless granted written permission;

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

26 (8) To make restitution of the fruits of his offense, in an amount  
27 he can afford to pay, for the loss or damage caused thereby;

28 (9) To remain within the jurisdiction of the court and to notify  
29 the court or the probation officer of any change in his address or  
30 his employment;

31 (10) To report as directed to the court or the probation officer,  
32 to permit the officer to visit his home, and to answer all reasonable  
33 inquiries by the probation officer;

34 (11) *To pay a fine;*

35 [(11)] (12) To satisfy any other conditions reasonably related  
36 to the rehabilitation of the defendant and not unduly restrictive of  
37 his liberty or incompatible with his freedom of conscience[.];

38 (13) *To require the performance of community-related service.*

39 c. When the court sentences a person who has been convicted  
40 of [an offense, other than a petty disorderly persons offense,] to be  
41 placed on probation, it may require him to serve a term of imprison-  
42 ment not exceeding [90] 180 days as an additional condition of its  
43 order. *When the court sentences a person convicted of a disorderly*  
44 *persons offense \* [or a petty disorderly persons offense] \* to be*  
45 *placed on probation, it may require him to serve a term of imprison-*  
46 *ment not exceeding 90 days as an additional condition of its order.*  
47 The term of imprisonment imposed hereunder shall be treated as  
48 part of the sentence, and in the event of a sentence of imprisonment  
49 upon the revocation of probation, the term of imprisonment served  
50 hereunder shall be credited toward service of such subsequent  
51 sentence.

52 d. The defendant shall be given a copy of the terms of his proba-  
53 tion or suspension of sentence and any requirements imposed pur-  
54 suant to this section, stated with sufficient specificity to enable him  
55 to guide himself accordingly. The defendant shall acknowledge, in  
56 writing, his receipt of these documents and his consent to their  
57 terms.

1 2. N. J. S. 2C:45-2 is amended to read as follows:

2 2C:45-2. Period of Suspension or Probation; Modification of  
3 Conditions; Discharge of Defendant. a. When the court has sus-  
4 pended *imposition of* sentence or has sentenced a defendant to be  
5 placed on probation, the period of the suspension [or probation]  
6 shall be fixed by the court at not to exceed the maximum term which  
7 could have been imposed or more than 5 years whichever is lesser.  
8 *The period of probation shall be fixed by the court at not less than*  
9 *1 year nor more than 5 years.* The court, on application of a proba-  
10 tion officer or of the defendant, or on its own motion, may discharge  
11 the defendant at any time.

12 b. During the period of the suspension or probation, the court,  
 13 on application of a probation officer or of the defendant, or on its  
 14 own motion, may (1) modify the requirements imposed on the  
 15 defendants; or (2) add further requirements authorized by sec-  
 16 tion 2C:45-1. The court shall eliminate any requirement that  
 17 imposes an unreasonable burden on the defendant.

18 c. Upon the termination of the period of suspension or probation  
 19 or the earlier discharge of the defendant, the defendant shall be  
 20 relieved of any obligations imposed by the order of the court and  
 21 shall have satisfied his sentence for the offense *except that this sub-*  
 22 *section shall not apply if the defendant has failed to fulfill con-*  
 23 *ditions imposed pursuant to subsections 2C:45-1 (8) or (11) in*  
 24 *which event the court may order that the probationary period be*  
 25 *extended for an additional period not to exceed that authorized by*  
 26 *subsection 2C:45-2a.*

27 *The extension may be entered by the court without the defendant's*  
 28 *personal appearance if the defendant agrees to the extension.*

1 3. N. J. S. 2C:45-3 is amended to read as follows:

2 2C:45-3. Summons or Arrest of Defendant Under Suspended  
 3 Sentence or on Probation; Commitment Without Bail; Revocation  
 4 and Resentence. a. At any time before the discharge of the defend-  
 5 ant or the termination of the period of suspension or probation:

6 (1) The court may summon the defendant to appear before it  
 7 or may issue a warrant for his arrest;

8 (2) A *probation officer or peace officer, upon request of the chief*  
 9 *probation officer or otherwise* having probable cause to believe that  
 10 the defendant has failed to comply with a requirement imposed as a  
 11 condition of the order or that he has committed another offense,  
 12 may arrest him without a warrant;

13 (3) The court, if there is probable cause to believe that the  
 14 defendant has committed another offense or if he has been held to  
 15 answer therefor, may commit him without bail, pending a deter-  
 16 mination of the charge by the court having jurisdiction thereof;

17 (4) The court, if satisfied that the defendant has inexcusably  
 18 failed to comply with a substantial requirement imposed as a  
 19 condition of the order or if he has been convicted of another offense,  
 20 may revoke the suspension or probation and sentence or resentence  
 21 the defendant, as provided in this section. *No revocation of*  
 22 *suspension or probation shall be based on failure to pay a fine or*  
 23 *make restitution, unless the failure was willful.*

24 b. When the court revokes a suspension or probation, it may  
 25 impose on the defendant any sentence that might have been im-  
 26 posed originally for the offense of which he was convicted, except

27 that the defendant shall not be sentenced to imprisonment unless:

28 (1) He has been convicted of another offense; or

29 (2) The facts supporting the revocation indicate that his con-  
30 tinued liberty involves excessive risk that he will commit another  
31 offense].

1 4. This act shall take effect on September 1, 1979.

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28 (1) He has been convicted of another offense; or  
 29 (2) The facts supporting the revocation indicate that his con-  
 30 tinued liberty involves excessive risk that he will commit another  
 31 offense].

1 4. This act shall take effect on September 1, 1979.

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SPONSOR STATEMENT 53330 (1979)

This bill would amend the New Jersey Code of Criminal Justice with regard to probation and probation officers.

Section 1 adds to the authorized conditions of probation the requirement that the defendant pay a fine if the court so orders or perform community service. Section 1 would, also, increase from the term of imprisonment a defendant convicted of a crime may be required to serve as a condition of probation from 90 to 180 days. The 90 days limit would be retained for those convicted of disorderly or petty disorderly persons offenses.

Section 2 provides that probation or suspension shall not terminate if a defendant has failed to fulfill the conditions of payment of a fine or restitution. In that event, the court could order the probationary period to be extended for an additional period not exceeding that authorized initially. Such extension could be granted without a court appearance by the defendant if the defendant agrees to the extension.

Also, in Section 2, the minimum length of probation was set at 1 year for all offenses. The Code had provided that "the period of the suspension or probation shall be fixed by the court not to exceed the maximum term which could have been imposed or more than 5 years, whichever is lesser". Probation officers had argued that, particularly in cases of petty disorderly and disorderly persons, the maximum term which could have been imposed was too short for a meaningful period of probation.

Section 3 authorizes probation officers to arrest defendants who violate conditions of probation. Section 3 also eliminates restrictions on the court's ability to impose the original sentence whenever the defendant violates conditions of parole. The Code would have allowed the judge to impose the original sentence only if the defendant had been convicted of another offense, or if the facts supporting the revocation indicate a likelihood that the defendant would commit another offense.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO  
SENATE, No. 3330

STATE OF NEW JERSEY

DATED: JUNE 18, 1979

As amended by the committee, this bill would amend the New Jersey Code of Criminal Justice with regard to probation and probation officers.

Section 1 adds to the authorized conditions of probation the requirements that the defendant pay a fine, if the court so orders, or perform community service. Section 1 would, also, increase from 90 to 180 days the term of imprisonment a defendant convicted of a crime may be required to serve as a condition of probation. The 90-days limit would be retained for those convicted of disorderly persons offenses.

Section 2 provides that probation or suspension shall not terminate, if a defendant has failed to fulfill the conditions of payment of a fine or restitution. In that event, the court could order the probationary period to be extended for an additional period not exceeding that authorized initially. Such extension could be granted without a court appearance by the defendant if the defendant agrees to the extension.

Also, in Section 2, the minimum length of probation was set at 1 year for all offenses. The code had provided that "the period of the suspension or probations shall be fixed by the court not to exceed the maximum term which could have been imposed or more than 5 years whichever is lesser." Probation officers had argued that, particularly in cases of petty disorderly and disorderly persons, the maximum term which could have been imposed was too short for a meaningful period of probation.

Section 3 authorizes probation officers to arrest defendants who violate conditions of probation. Section 3 also eliminates restrictions on the court's ability to impose the original sentence whenever the defendant violates conditions of parole. The code would have allowed the judge to impose the original sentence only if the defendant had been convicted of another offense, or if the facts supporting the revocation indicate a likelihood that the defendant would commit another offense.



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ASSEMBLY, No. 3351

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1979

By Assemblyman HERMAN

Referred to Committee on Judiciary, Law, Public Safety  
and Defense

\*[AN ACT concerning probation and amending the "New Jersey Code of Criminal Justice," approved August 10, 1978 (P .L. 1978, c. 95).]\* \*AN ACT concerning probation and amending sections 2C:45-1, 2C:45-2, and 2C:45-3 of the New Jersey Statutes.\*

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

1 1. N. J. S. 2C:45-1 is amended to read as follows:

2 2C:45-1. Conditions of Suspension or Probation. a. When the  
3 court suspends the imposition of sentence on a person who has  
4 been convicted of an offense or sentences him to be placed on proba-  
5 tion, it shall attach such reasonable conditions, authorized by this  
6 section, as it deems necessary to insure that he will lead a law-  
7 abiding life or is likely to assist him to do so. These conditions  
8 may be set forth in a set of standardized conditions promulgated by  
9 the county probation department and approved by the court.

10 b. The court, as a condition of its order, may require the  
11 defendant:

12 (1) To support his dependents and meet his family responsi-  
13 bilities;

14 (2) To find and continue in gainful employment;

15 (3) To undergo available medical or psychiatric treatment and  
16 to enter and remain in a specified institution, when required for  
17 that purpose;

18 (4) To pursue a prescribed secular course of study or vocational  
19 training;

20 (5) To attend or reside in a facility established for the instruc-  
21 tion, recreation or residence of persons on probation;

22 (6) To refrain from frequenting unlawful or disreputable places  
23 or consorting with disreputable persons;

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

24 (7) Not to have in his possession any firearm or other dangerous  
25 weapon unless granted written permission;

26 (8) To make restitution of the fruits of his offense, in an amount  
27 he can afford to pay, for the loss or damage caused thereby;

28 (9) To remain within the jurisdiction of the court and to notify  
29 the court or the probation officer of any change in his address or  
30 his employment;

31 (10) To report as directed to the court or the probation officer,  
32 to permit the officer to visit his home, and to answer all reasonable  
33 inquiries by the probation officer;

34 (11) *To pay a fine;*

35 **[(11)]** (12) To satisfy any other conditions reasonably related  
36 to the rehabilitation of the defendant and not unduly restrictive of  
37 his liberty or incompatible with his freedom of conscience\***[.]**\* \*;\*

37A \*(13) *To require the performance of community-related service.\**

38 c. When the court sentences a person who has been convicted  
39 of **\*[an offense, other than a petty disorderly persons offense,]**\*  
40 *\*a crime\** to be placed on probation, it may require him to serve  
41 a term of imprisonment not exceeding **\*[90]**\* *\*180\** days as an  
42 additional condition of its order. *\*When the court sentences a*  
43 *person convicted of a disorderly persons offense to be placed on*  
44 *probation, it may require him to serve a term of imprisonment not*  
45 *exceeding 90 days as an additional condition of its order.\** The  
46 term of imprisonment imposed hereunder shall be treated as part  
46A of the sentence, and in the event of a sentence of imprisonment  
46B upon the revocation of probation, the term of imprisonment served  
46C hereunder shall be credited toward service of such subsequent  
46D sentence.

47 d. The defendant shall be given a copy of the terms of his proba-  
48 tion or suspension of sentence and any requirements imposed pur-  
49 suant to this section, stated with sufficient specificity to enable him  
50 to guide himself accordingly. The defendant shall acknowledge, in  
51 writing, his receipt of these documents and his consent to their  
52 terms.

1 2. N. J. S. 2C:45-2 is amended to read as follows:

2 2C:45-2. Period of Suspension or Probation; Modification of  
3 Conditions; Discharge of Defendant. a. When the court has sus-  
4 pended *\*imposition of\** sentence or has sentenced a defendant to be  
5 placed on probation, the period of the suspension **\*[or probation]**\*  
6 shall be fixed by the court at not to exceed the maximum term  
7 which could have been imposed or more than 5 years whichever is  
8 lesser. *\*The period of probation shall be fixed by the court at not*

9 *less than 1 year nor more than 5 years.\** The court, on application  
 9A of a probation officer or of the defendant, or on its own motion,  
 9B may discharge the defendant at any time.

10 b. During the period of the suspension or probation, the court,  
 11 on application of a probation officer or of the defendant, or on its  
 12 own motion, may (1) modify the requirements imposed on the  
 13 defendants; or (2) add further requirements authorized by sec-  
 14 tion 2C:45-1. The court shall eliminate any requirement that  
 15 imposes an unreasonable burden on the defendant.

16 c. Upon the termination of the period of suspension or probation  
 17 or the earlier discharge of the defendant, the defendant shall be  
 18 relieved of any obligations imposed by the order of the court and  
 19 shall have satisfied his sentence for the offense *except that this*  
 20 *subsection shall not apply if the defendant has failed to fulfill con-*  
 21 *ditions imposed pursuant to subsections 2C:45-1 (8) or (11) in*  
 22 *which event the court may order that the probationary period be*  
 23 *extended for an additional period not to exceed that authorized by*  
 24 *subsection \***[2C:48-2(a)]**\* \*2C:45-2a. The extension may be en-*  
 25 *tered by the court without defendant's personal appearance if the*  
 26 *defendant agrees to the extension.\**

1 3. N. J. S. 2C:45-3 is amended to read as follows:

2 2C:45-3. Summons or Arrest of Defendant Under Suspended  
 3 Sentence or on Probation; Commitment Without Bail; Revocation  
 4 and Resentence. a. At any time before the discharge of the defend-  
 5 ant or the termination of the period of suspension or probation:

6 (1) The court may summon the defendant to appear before it  
 7 or may issue a warrant for his arrest;

8 (2) A *probation officer or peace officer, upon request of the chief*  
 9 *probation officer or otherwise* having probable cause to believe that  
 10 the defendant has failed to comply with a requirement imposed as a  
 11 condition of the order or that he has committed another offense,  
 12 may arrest him without a warrant;

13 (3) The court, if there is probable cause to believe that the  
 14 defendant has committed another offense or if he has been held to  
 15 answer therefor, may commit him without bail, pending a deter-  
 16 mination of the charge by the court having jurisdiction thereof;

17 (4) The court, if satisfied that the defendant has inexcusably  
 18 failed to comply with a substantial requirement imposed as a  
 19 condition of the order or if he has been convicted of another offense,  
 20 may revoke the suspension or probation and sentence or resentence  
 21 the defendant, as provided in this section. *\*No revocation of sus-*  
 21A *pension or probation shall be based on failure to pay a fine or make*  
 21B *restitution, unless the failure was willful.\**

22 b. When the court revokes a suspension or probation, it may  
23 impose on the defendant any sentence that might have been im-  
24 posed originally for the offense of which he was convicted], except  
25 that the defendant shall not be sentenced to imprisonment unless:

26 (1) He has been convicted of another offense; or

27 (2) The facts supporting the revocation indicate that his con-  
28 tinued liberty involves excessive risk that he will commit another  
29 offense].

1 4. This act shall take effect on September 1, 1979.

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Sponsors

4

A3351 (1979)

STATEMENT

This bill makes a number of amendments regarding probation and probation officers to the New Jersey Code of Criminal Justice, P. L. 1978, c. 95.

Section 1 amends N. J. S. 2C:45-1 by adding to the authorized conditions of probation the requirement that the defendant pay a fine if the court so orders.

Section 2 amends N. J. S. 2C:45-2 to provide that probation or suspension shall not terminate if a defendant has failed to fulfill the conditions of payment of a fine or restitution. In that event, the court may order the probationary period to be extended for an additional period not exceeding that authorized initially.

Section 3 amends N. J. S. 2C:45-3 to authorize probation officers to arrest defendants who violate conditions of probation. Section 3 also eliminates restrictions on the court's ability to impose the original sentence when the defendant violates conditions of parole. The amendment will allow judges to exercise the discretion in this area that they now may under existing law.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
AND DEFENSE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3351**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 28, 1979

This bill makes a number of amendments, regarding probation and probation officers, to the New Jersey Code of Criminal Justice, P. L. 1978, c. 95.

Section 1 adds to the authorized conditions of probation the requirement that the defendant pay a fine if the court so orders. By committee amendment, section 1 would also increase the term of imprisonment a defendant convicted of a crime may be required to serve as a condition of probation from 90 to 180 days. The 90-day limit would be retained for those convicted of disorderly persons offenses. A committee amendment also provides that the defendant perform community-related service if the court so orders.

Section 2 provides that probation or suspension shall not terminate if a defendant has failed to fulfill the conditions of payment of a fine or restitution. In that event, the court could order the probationary period to be extended for an additional period not exceeding that authorized initially. By committee amendment, such extension could be granted without a court appearance by the defendant if the defendant agrees to the extension.

Also, by committee amendment to section 2, the minimum length of probation was set at 1 year for all offenses. The Code had provided that "the period of the suspension or probation shall be fixed by the court not to exceed the maximum term which could have been imposed or more than 5 years whichever is lesser." Probation officers had argued that, particularly in cases of petty disorderly and disorderly persons, the maximum term which could have been imposed was too short for a meaningful period of probation.

Section 3 authorizes probation officers to arrest defendants who violate conditions of probation. Section 3 also eliminates restrictions on the court's ability to impose the original sentence whenever the defendant violates conditions of parole. The code would have allowed the judge to impose the original sentence only if the defendant had been convicted of another offense, or if the facts supporting the revocation indicated a likelihood that the defendant would commit another offense.

The bill does not alter the code's provisions on the right of probation officers to carry guns. Under the current gun laws, 2A :151-43, probation officers are exempted from the ordinary licensing requirements in order to carry guns in the course of their duties. However, for the last 5 years, the Chief Justice of the New Jersey Supreme Court has not permitted probation officers to carry guns in the course of their duties. The code's gun provisions, 2C:39-6, reflect the Chief Justice's decision by withdrawing the probation officers' licensing exemption.

The Assembly Judiciary, Law, Public Safety and Defense Committee heard testimony on this issue. The probation officers argued the hazardous nature of their tasks, and the consequent need for guns. The Administrative Office of the Courts argued that the nature of a probation officer's job has changed from primarily surveillance and law enforcement to primarily service and support, and that, therefore, guns are not necessary. There was testimony that in recent years there has been a nationwide trend, which is almost unanimous, away from having probation officers carry guns, and, in fact, in the 15 to 20 years prior to the Chief Justice's current ban, most individual New Jersey court jurisdictions had refused to allow the probation officers to carry guns. In the absence of any evidence that the lack of guns has hindered or endangered probation officers, the committee felt obliged to honor the request of the court. If a new Chief Justice were to elaborate a new policy on this issue, the committee would respond accordingly.

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AUGUST 29, 1979

PAT SWEENEY

S 3203 - PAGE 2

In a public ceremony in his office, Governor Brendan Byrne today signed four bills which are amendments to the Penal Code.

"The amendments make the New Jersey Code of Criminal Justice the most modern in the country. It replaces vagueness and uncertainty with a sureness in sentencing that should eliminate any disparity in penalties imposed on similar crimes.

"This is the first major revision of the New Jersey criminal laws in two centuries. It is a good revision, but it will take some experience before we can see if it's exactly what New Jersey needs," the Governor said.

"The new Penal Code is tough on street crime, firm and precise on sentencing, and more streamlined because of its elimination of unnecessary and archaic laws," Byrne said. The Code takes effect September 1, 1979.

S-3203, known as the Consensus Amendments, was sponsored by Senator Martin L. Greenberg (D-Essex) and Assemblyman Martin A. Herman (D-Gloucester), implements 13 major improvements, including:

-- It provides prosecutors, to the extent constitutionally permitted, the right to appeal, including the right to challenge sentences which are manifestly too lenient;

-- It strengthens the murder provisions by adding a section on aggravated manslaughter and redefining the intent requirement for murder;

-- It modifies the sex offenses provisions to retain the "age of consent" at 16. A provision prohibiting "impairing the morals of a minor" was added in connection with the "age of consent" section.

-- It adds a provision making it a second degree offense to dispose of hazardous waste illegally, carrying severe penalties with the offense;

-- It adds prohibitions on bringing stolen property into the State;

-- It adds comprehensive credit card fraud provisions;

-- It strengthens and makes more comprehensive the bribery and misconduct in office provisions;

-continued-



- It recognizes community service as a sentencing alternative;
- It requires that the judge consider the parole release date in imposing sentence and clarifies sentencing for drug offenses;
- It establishes a comprehensive statutory scheme for the expungement of criminal records;
- It establishes a procedure for the expeditious return of stolen property to victims; and
- It corrects the repealer section of the Code by maintaining the Sunday closing laws as they presently exist.

S-3329, known as the Firearms Amendments, also sponsored by Senator Greenberg and Assemblyman Herman, effects amendments that accommodate concerns of sports and collector enthusiasts without compromising one of the nation's strictest gun control provisions.

S-3330, known as the Probation Amendments, also sponsored by Senator Greenberg and Assemblyman Herman, strengthens the Code's probation provisions to allow more adequate court supervision over probationers. It gives probation officers powers of arrest. It also gives the court power to impose a custodial sentence for a violation of the terms of probation and to increase the probationary term under appropriate circumstances.

A-3451, sponsored by Eugene H. Thompson (D-Essex), amends the municipal courts jurisdiction statutes in two respects:

- It gives the courts jurisdiction over the Penal Code's disorderly and petty disorderly persons offenses, and
- It enumerates those indictable offenses which may be tried in municipal courts upon waiver of indictment and trial by jury by making reference to the appropriate Penal Code chapters. This section also adds a new provision requiring the written consent of the county prosecutor before the municipal court can exercise jurisdiction over indictable offenses. This provision is intended to prevent waiver of the more serious violations.

1      2- Any person who violates this act shall be guilty of a misdemeanor.      ###