

2 B:12-1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Central municipal court--establishment)

NJSA: 2B:12-1

LAWS OF: 1996 CHAPTER: 95

BILL NO: A1416

SPONSOR(S): Kelly

DATE INTRODUCED: February 5, 1996

COMMITTEE: ASSEMBLY: Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Assembly committee substitute (2R) enacted. Amendments during passage denoted by superscript numbers.

DATE OF PASSAGE: ASSEMBLY: February 29, 1996
SENATE: June 13, 1996

DATE OF APPROVAL: July 26, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

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[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1416

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1996

Sponsored by Assemblyman KELLY and Assemblywoman Heck

1 AN ACT concerning the municipal courts, authorizing the
2 establishment of a court of limited jurisdiction in certain counties
3 and revising various parts of the statutory law.

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

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

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

19 b. Two or more municipalities, by ordinance, may enter into an
20 agreement establishing a single joint municipal court and providing for
21 its administration. A copy of the agreement shall be filed with the
22 Administrative Director of the Courts. As used in this act, "municipal
23 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, supplies
26 and employees for their municipal courts and agree to appoint the
27 same persons as judges and administrators without establishing a joint

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:

¹ Senate floor amendments adopted May 30, 1996.

² Senate floor amendments adopted June 13, 1996.

1 municipal court. Where municipal courts share facilities in this
2 manner, the identities of the individual courts shall continue to be
3 expressed in the captions of orders and process.

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

9 e. Any county¹ of the first class² with a population of over
10 825,000 and a population density of less than 4,000 persons per
11 square mile according to the latest federal decennial census², with a
12 county police department and force established in accordance with
13 N.J.S.40A:14-106 or a county park police system established in
14 accordance with P.L.1960, c.135 (C.40:37-261 et seq.), may establish,
15 by ordinance, a central municipal court, which shall be an inferior
16 court of limited jurisdiction, to adjudicate cases filed by agents of the
17 county health department, members of the county police department
18 and force or county park police system, or other cases within its
19 jurisdiction referred by the vicinage Assignment Judge pursuant to the
20 Rules of Court, and provide for its administration. A copy of that
21 ordinance shall be filed with the Administrative Director of the
22 Courts. As used in this act, "municipal court" includes a central
23 municipal court.

24 (cf: P.L.1993, c.293, s.1)

25

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

27 2B:12-2. Name of court. The name of a municipal court of a
28 single municipality shall be the "Municipal Court of (insert name of
29 municipality)." The name of a joint municipal court shall be specified
30 in the ordinances establishing the court. The name of a central
31 municipal court shall be the "Central Municipal Court of the County
32 of (insert name of county)" and shall be specified in the ordinance
33 establishing the court.

34 (cf: P.L.1993, c.293, s.1)

35

36 3. N.J.S.2B:12-4 is amended to read as follows:

37 2B:12-4. Judge of municipal court; term of office; appointment.

38 a. Each judge of a municipal court shall serve for a term of three years
39 from the date of appointment and until a successor is appointed and
40 qualified. Any appointment to fill a vacancy not caused by the
41 expiration of term shall be made for the unexpired term only.
42 However, if a county or municipality requires by ordinance that the
43 judge of the municipal court devote full time to judicial duties or limit
44 the practice of law to non-litigated matters, the first appointment after
45 the establishment of that requirement shall be for a full term of three
46 years.

1 b. In municipalities governed by a mayor-council form of
2 government, the municipal court judge shall be appointed by the mayor
3 with the advice and consent of the council. Each judge of a joint
4 municipal court shall be nominated and appointed by the Governor
5 with the advice and consent of the Senate. In all other municipalities,
6 the municipal judge shall be appointed by the governing body of the
7 municipality.

8 c. In a county that has established a central municipal court, the
9 judge of the central municipal court shall be nominated and appointed
10 by the Governor with the advice and consent of the Senate. In those
11 counties having a county executive, the county executive may submit
12 the names of judicial candidates for judge of the central municipal
13 court to the Governor. In all other counties, the governing body may
14 submit the names of judicial candidates for judge of the central
15 municipal court to the Governor.

16 (cf: P.L.1993, c.293, s.1)

17
18 4. N.J.S.2B:12-5 is amended to read as follows:

19 2B:12-5. Additional municipal judges. a. With the written
20 consent of the Assignment Judge of the vicinage, a county or
21 municipality may:

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

24 b. A temporary judge is an additional judge of the municipal court
25 appointed to meet a special need of limited duration. The procedure
26 for appointment of temporary municipal judges shall be the same as
27 that for other municipal judges, but each term of a temporary judge
28 shall not exceed one year.

29 (cf: P.L.1993, c.293, s.1)

30
31 5. N.J.S.2B:12-6 is amended to read as follows:

32 2B:12-6. Designation of acting judges. Subject to the Rules of
33 Court, the Assignment Judge of the vicinage may appoint an acting
34 judge of each of the municipal courts in the vicinage to serve as judge
35 temporarily when the judge of that court is unable to hold the
36 municipal court or for other cause. A person appointed as an acting
37 judge shall be a judge of another municipal court or an
38 attorney-at-law. A copy of the appointment of an acting judge for a
39 municipal court shall be sent to the judge of that court and to the
40 Administrative Director of the Courts.

41 (cf: P.L.1993, c.293, s.1)

42
43 6. N.J.S.2B:12-7 is amended to read as follows:

44 2B:12-7. Qualifications of judges; compensation. a. Every judge,
45 temporary judge and acting judge of a municipal court shall be a
46 resident of this State and an attorney-at-law admitted to practice in

1 this State for at least five years provided, however, that this provision
2 shall not apply to any attorney-at-law serving as a judge of a municipal
3 court on the effective date of this act.

4 b. In lieu of any other fees, judges of municipal courts shall be
5 paid annual salaries set by ordinance or resolution of the counties or
6 municipalities establishing the court.

7 (cf: P.L.1993, c.293, s.1)

8

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

10 2B:12-8. Chief judge. Where there is more than one judge of a
11 municipal court, the county or municipality may designate one of the
12 judges as the chief judge of the court. The chief judge shall designate
13 the time and place of court and assign cases among the judges,
14 pursuant to the Rules of Court.

15 (cf: P.L.1993, c.293, s.1)

16

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

18 2B:12-9. Presiding judge of the municipal courts. If the Chief
19 Justice designates a judge of the Superior Court or a judge of one of
20 the municipal courts in a vicinage to serve as presiding judge of the
21 municipal courts for that vicinage, that judge may exercise powers
22 delegated by the Chief Justice or established by the Rules of Court.

23 If the presiding judge is a municipal court judge, the presiding
24 judge shall be paid by the State for the time devoted to duties as
25 Presiding Judge, unless that judge is also assigned duties at the request
26 of a county, in which case compensation, pension and other benefits
27 shall be as determined by the Assignment Judge and the governing
28 body of the county, with the approval of the Chief Justice.

29 (cf: P.L.1993, c.293, s.1)

30

31 9. N.J.S.2B:12-10 is amended to read as follows:

32 2B:12-10. Municipal court administrator and personnel. a. A
33 county or municipality shall provide for an administrator and other
34 necessary employees for the municipal court and for their
35 compensation. With approval of the Supreme Court, an employee of
36 the county or municipality, in addition to other duties, may be
37 designated to serve as administrator of the municipal court.

38 b. The judge of a municipal court may designate in writing an
39 acting administrator or deputy administrator to serve temporarily for
40 an absent administrator or deputy administrator until the absent
41 administrator or deputy administrator returns or a new administrator
42 or deputy administrator is appointed. The acting administrator or
43 acting deputy administrator shall be paid at a rate established by the
44 judge but not exceeding that established for the administrator or
45 deputy administrator.

46 (cf: P.L.1993, c.293, s.1)

1 10. N.J.S.2B:12-15 is amended to read as follows:

2 2B:12-15. Courtrooms and equipment. Suitable courtrooms,
3 chambers, offices, equipment and supplies for the municipal court, its
4 administrator's office and its violations bureau shall be provided by the
5 municipality or by a county that has established a central municipal
6 court.

7 (cf: P.L.1993, c.293, s.1)

8

9 11. N.J.S.2B:12-16 is amended to read as follows:

10 2B:12-16. Territorial jurisdiction. a. A municipal court of a
11 single municipality shall have jurisdiction over cases arising within the
12 territory of that municipality. A joint municipal court shall have
13 jurisdiction over cases arising within the territory of any of the
14 municipalities which the court serves. The territory of a municipality
15 includes any premises or property located partly in and partly outside
16 of the municipality. A central municipal court shall have jurisdiction
17 over cases arising within the territorial boundaries of the county.

18 b. A municipal court judge, serving as an acting judge in any other
19 municipal court in the county, may also hear matters arising out of that
20 other court, while sitting in the court where the acting judge holds a
21 regular appointment.

22 (cf: P.L.1993, c.293, s.1)

23

24 12. N.J.S.2B:12-17 is amended to read as follows:

25 2B:12-17. Jurisdiction of specified offenses. A municipal court
26 has jurisdiction over the following cases within the territorial
27 jurisdiction of the court:

28 a. Violations of county or municipal ordinances;

29 b. Violations of the motor vehicle and traffic laws;

30 c. Disorderly persons offenses, petty disorderly persons offenses
31 and other non-indictable offenses except where exclusive jurisdiction
32 is given to the Superior Court;

33 d. Violations of the fish and game laws;

34 e. Proceedings to collect a penalty where jurisdiction is granted by
35 statute; **[and]**

36 f. Violations of laws regulating boating; and

37 **[f.] g.** Any other proceedings where jurisdiction is granted by
38 statute.

39 (cf: P.L.1993, c.293, s.1)

40

41 13. N.J.S.2B:12-23 is amended to read as follows:

42 2B:12-23. Default in payment of fine; community service. a. A
43 person, sentenced by a municipal court to pay a fine, who defaults in
44 payment may be ordered to perform community service in lieu of
45 incarceration or other modification of the sentence with the person's
46 consent.

1 b. The county or municipal official in charge of the community
2 service program shall report to the municipal court any failure of a
3 person subject to a court work order to report for work or to perform
4 the assigned work. Upon receipt of the report, the court may revoke
5 its community service order and impose any sentence consistent with
6 the original sentence.

7 (cf: P.L.1993, c.293, s.1)

8
9 14. (New section) A county or municipality may employ an
10 attorney-at-law as a prosecutor, under the supervision of the Attorney
11 General or county prosecutor, who may represent the State, county or
12 municipality in any matter within the jurisdiction of the central
13 municipal court or any other municipal court.

14
15 15. N.J.S.2B:12-28 is amended to read as follows:

16 2B:12-28. Defense of indigents.

17 a. A county or municipality may employ attorneys-at-law on a
18 full-time, part-time or per-case basis to provide for the representation
19 of persons entitled by law to appointment of counsel.

20 b. A county or municipality may, by ordinance, require a person
21 applying for representation by a municipal public defender to pay an
22 application fee of not more than \$50.00. The municipal court may
23 waive any required application fee, in whole or in part, if the court
24 determines, in its discretion, that the application fee represents an
25 unreasonable burden on the person seeking representation.

26 (cf: P.L.1993, c.293, s.1)

27
28 16. R.S.39:5-41 is amended to read as follows:

29 39:5-41. a. All fines, penalties and forfeitures imposed and
30 collected under authority of law for any violations of R.S.39:4-63 and
31 R.S.39:4-64 shall be forwarded by the judge to whom the same have
32 been paid to the proper financial officer of a county, if the violation
33 occurred within the jurisdiction of that county's central municipal
34 court, established pursuant to N.J.S.2B:12-1 et seq.or the municipality
35 wherein the violation occurred, to be used by the county or
36 municipality to help finance litter control activities in addition to or
37 supplementing existing litter pickup and removal activities in the
38 municipality.

39 b. Except as otherwise provided by subsection a. of this section,
40 all fines, penalties and forfeitures imposed and collected under
41 authority of law for any violations of the provisions of this Title, other
42 than those violations in which the **【complainant】** complaining witness
43 is the director, a member of his staff, a member of the State Police, a
44 member of a county police department and force or a county park
45 police system in a county that has established a central municipal
46 court, an inspector of the Board of Public Utilities, or a law

1 enforcement officer of any other State agency, shall be forwarded by
2 the judge to whom the same have been paid as follows: one-half of the
3 total amount collected to the financial officer, as designated by the
4 local governing body, of the respective municipalities wherein the
5 violations occurred, to be used by the municipality for general
6 municipal use and to defray the cost of operating the municipal court;
7 and one-half of the total amount collected to the proper financial
8 officer of the county wherein they were collected, to be used by the
9 county as a fund for the construction, reconstruction, maintenance and
10 repair of roads and bridges, snow removal, the acquisition and
11 purchase of rights-of-way, and the purchase, replacement and repair
12 of equipment for use on said roads and bridges therein. Up to 25% of
13 the money received by a municipality pursuant to this subsection, but
14 not more than the actual amount budgeted for the municipal court,
15 whichever is less, may be used to upgrade case processing.

16 All fines, penalties and forfeitures imposed and collected under
17 authority of law for any violations of the provisions of this Title, in
18 which the complaining witness is a member of a county police
19 department and force or a county park police system in a county that
20 has established a central municipal court, shall be forwarded by the
21 judge to whom the same have been paid to the financial officer,
22 designated by the governing body of the county, for all violations
23 occurring within the jurisdiction of that court, to be used for general
24 county use and to defray the cost of operating the central municipal
25 court.

26 Whenever any county has deposited moneys collected pursuant to
27 this section in a special trust fund in lieu of expending the same for the
28 purposes authorized by this section, it may withdraw from said special
29 trust fund in any year an amount which is not in excess of the amount
30 expended by the county over the immediately preceding three-year
31 period from general county revenues for said purposes. Such moneys
32 withdrawn from the trust fund shall be accounted for and used as are
33 other general county revenues.

34 (cf: P.L.1993, c.293, s.5)

35

36 17. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
37 as follows:

38 3. a. All fines, assessments imposed pursuant to section 2 of
39 P.L.1979, c.396 (C.2C:43-3.1) and restitution shall be collected as
40 follows:

41 (1) All fines, assessments imposed pursuant to section 2 of
42 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by the
43 Superior Court or otherwise imposed at the county level, shall be
44 collected by the county probation division except when such fine,
45 assessment or restitution is imposed in conjunction with a custodial
46 sentence to a State correctional facility or in conjunction with a term

1 of incarceration imposed pursuant to section 25 of P.L.1982, c.77
2 (C.2A:4A-44) in which event such fine, assessment or restitution shall
3 be collected by the Department of Corrections or the Juvenile Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170). An adult prisoner of a State correctional institution
6 or a juvenile serving a term of incarceration imposed pursuant to
7 section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an
8 assessment imposed pursuant to section 2 of P.L.1979, c.396
9 (C.2C:43-3.1) or restitution shall have the assessment or restitution
10 deducted from any income the inmate receives as a result of labor
11 performed at the institution or on any type of work release program
12 or, pursuant to regulations promulgated by the Commissioner of the
13 Department of Corrections or the Juvenile Justice Commission, from
14 any personal account established in the institution for the benefit of the
15 inmate.

16 (2) All fines, assessments imposed pursuant to section 2 of
17 P.L.1979, c.396 (C.2C:43-3.1) and restitution imposed by a municipal
18 court shall be collected by the municipal court **[clerk]** administrator
19 except if such fine, assessments imposed pursuant to section 2 of
20 P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition
21 of probation in which event it shall be collected by the county
22 probation division.

23 b. Except as provided in subsection c. with respect to fines
24 imposed on appeals following convictions in municipal courts, all fines
25 imposed by the Superior Court or otherwise imposed at the county
26 level, shall be paid over by the officer entitled to collect same to:

27 (1) The county treasurer with respect to fines imposed on
28 defendants who are sentenced to and serve a custodial term, including
29 a term as a condition of probation, in the county jail, workhouse or
30 penitentiary except where such county sentence is served concurrently
31 with a sentence to a State institution; or

32 (2) The State Treasurer with respect to all other fines.

33 c. All fines imposed by municipal courts, except a central
34 municipal court established pursuant to N.J.S.2B:12-1 on defendants
35 convicted of crimes, disorderly persons offenses and petty disorderly
36 persons offenses, and all fines imposed following conviction on appeal
37 therefrom, and all forfeitures of bail shall be paid over by the officer
38 entitled to collect same to the treasury of the municipality wherein the
39 municipal court is located.

40 In the case of an intermunicipal court, fines shall be paid into the
41 municipal treasury of the municipality in which the offense was
42 committed, and costs, fees, and forfeitures of bail shall be apportioned
43 among the several municipalities to which the court's jurisdiction
44 extends according to the ratios of the municipalities' contributions to
45 the total expense of maintaining the court.

46 In the case of a central municipal court, established by a county

1 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail
2 shall be paid into the county treasury of the county where the central
3 municipal court is located.

4 d. All assessments imposed pursuant to section 2 of P.L.1979,
5 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in
6 that section.

7 e. All mandatory Drug Enforcement and Demand Reduction
8 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and
9 deposited as provided for in that section.

10 f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20
11 shall be forwarded and deposited as provided for in that section.

12 g. All restitution ordered to be paid to the Victims of Crime
13 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded to
14 the Board for deposit in the Victims of Crime Compensation Board
15 Account.

16 h. All assessments imposed pursuant to section 11 of P.L.1993,
17 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in
18 that section.

19 (cf: P.L.1995, c.281, s.2)

20
21 18. This act shall take effect on the 90th day after enactment.
22
23
24
25

26 _____
Permits establishment of a central municipal court in certain counties.

ASSEMBLY, No. 1416

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblyman KELLY

1 AN ACT authorizing the establishment of a court of limited jurisdiction
2 in certain counties and supplementing Title 2B of the New Jersey
3 Statutes.

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

7
8 1. As authorized pursuant to Article VI, Section I, paragraph 1 of
9 the New Jersey Constitution, the governing body of any county with
10 a county police department and force established in accordance with
11 N.J.S.40A:14-106 or a county park police system established in
12 accordance with P.L.1960, c.135 (C.40:37-261 et seq.) may establish,
13 by ordinance or resolution, a court of limited jurisdiction as hereinafter
14 provided.

15
16 2. A court established pursuant to this act:

17 a. shall have, consistent with the provisions of subsection b. of this
18 section, jurisdiction over cases arising within the territorial boundaries
19 of the county wherein it is situated; and

20 b. shall have and exercise, concurrently with the municipal courts
21 of the county, all of the powers and jurisdiction conferred upon those
22 municipal courts with respect to complaints made by members of the
23 county police department and force or county park police, as the case
24 may be, for:

25 (1) Disorderly persons offenses, petty disorderly persons offenses
26 and other non-indictable offenses except where exclusive jurisdiction
27 is given to the Superior Court;

28 (2) Violations of motor vehicle offenses;

29 (3) Violations of a county traffic, parking or park ordinance, or any
30 other ordinance for which a penalty is prescribed; and

31 (4) Violations of the fish and game laws.

32
33 3. a. Each judge of a court established pursuant to this act shall be
34 appointed by the governing body of the county and shall serve for a
35 term of three years from the date of appointment and until a successor
36 is appointed and qualified. Any appointment to fill a vacancy not

1 caused by the expiration of a term shall be made for the unexpired
2 term only. However, if the county requires by ordinance or resolution,
3 as is appropriate, that the judge of the court devote full time to judicial
4 duties or limit the practice of law to non-litigated matters, the first
5 appointment after the establishment of that requirement shall be for a
6 full term of three years.

7 b. The governing body of the county may appoint one or more
8 temporary judges to meet a special need of limited duration. The
9 procedure for appointment of temporary judges shall be the same as
10 that for other judges appointed under this act, but the term for each
11 temporary judge shall not exceed one year.

12
13 4. a. Every judge and temporary judge appointed under the
14 provisions of this act shall be a resident of this State and an
15 attorney-at-law admitted to practice in this State for at least five years.

16 b. In lieu of any other fees, judges appointed pursuant to this act
17 shall be paid annual salaries set by ordinance or resolution, as is
18 appropriate, of the governing body of the county.

19 c. Where there is more than one judge of a court established
20 pursuant to this act, the governing body of the county may designate
21 one of those judges as the chief judge of the court. The chief judge
22 shall designate the time and place of court and assign cases among the
23 judges.

24
25 5. a. The county shall provide for an administrator and other
26 necessary employees for the court and for their compensation.

27 b. The county shall provide suitable courtrooms, chambers,
28 officers, equipment and supplies for the court.

29
30 6. Any law enforcement officer, or any other person authorized by
31 law, may act in the service, execution and return of process, orders,
32 warrants and judgments issued by a court established pursuant to this
33 act.

34
35 7. a. The court may order that a sentence of imprisonment be
36 served periodically on particular days, rather than consecutively. The
37 person imprisoned shall be given credit for each day or fraction of a
38 day to the nearest hour served.

39 b. A person sentenced by the court to pay a fine, who defaults in
40 payment, may be ordered to perform community service in lieu of
41 incarceration or other modification of the sentence with the person's
42 consent.

43 The county official in charge of community service shall report to
44 the court any failure of a person subject to a court work order to
45 report for work or to perform the assigned work. Upon receipt of the
46 report, the court may revoke its community service order and impose

1 any sentence consistent with the original sentence.

2

3 8. The Supreme Court may promulgate Rules of Court to
4 effectuate the purposes of this act.

5

6 9. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill permits counties that have county police forces or county
12 park police forces to establish special limited jurisdiction courts to
13 hear matters related solely to summonses written by those county
14 police or park police officers.

15 Under the provisions of the bill, the governing body of any county
16 having a county police or park police force may establish a special
17 county court which would have jurisdiction over motor vehicle
18 offenses; violations of county ordinances; disorderly persons offenses,
19 petty disorderly persons offenses and other non-indictable offenses
20 except where exclusive jurisdiction is given to the Superior Court; and
21 fish and game laws when the summons for the violation is written by
22 a county police officer or park police officer.

23 Without such a centralized court, county police and park police
24 officers must travel to each municipality where they wrote a summons
25 and appear before that municipal court. The scheduling problems
26 facing individual officers can be difficult; the overtime costs for the
27 county, substantial.

28 The bill specifies that the county is solely responsible for any such
29 court. The governing body appoints the judges; provides the
30 employees and facilities; and assumes all responsibilities for the
31 associated costs.

32 As provided in Section VI, Section I, paragraph 6 of the New
33 Jersey Constitution, limited jurisdiction courts, like those permitted
34 under this bill, may be authorized and established by law.

35

36

37

38

39 _____
Permits establishment of a limited jurisdiction court in certain counties.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1416

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1996

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill No. 1416.

This substitute would authorize counties with county police forces or county park police forces to establish by ordinance a central municipal court, an inferior court of limited jurisdiction. The central municipal court would hear matters filed by agents of the county health departments, summonses written by county police or park police officers or other cases referred to the court by the vicinage Assignment Judge.

Under the provisions of the substitute, the judges of the central municipal court would be nominated and appointed by the Governor with the advice and consent of the Senate. In those counties having a county executive, the county executive may submit the names of the judicial candidates to the Governor. In all other counties, the governing body could submit the names to the Governor.

The judges would be paid annual salaries set by the ordinance or resolution which established the court. The county would be required to provide the court with suitable courtrooms, chambers, offices, equipment and supplies.

The central municipal court would have jurisdiction over matters involving violations of county or municipal ordinances, motor vehicle offenses, disorderly persons offenses, petty disorderly persons offenses and other non-indictable offenses except where exclusive jurisdiction is given to the Superior Court, fish and game laws, certain proceedings to collect a penalty and boating laws. This is the same jurisdiction currently given to municipal courts but with the addition of jurisdiction to hear violations of boating laws. By amending N.J.S.A.2B:12-17 this substitute extends this jurisdiction over violations of boating laws to all municipal courts.

The substitute would also authorize a county or municipality to employ an attorney who would serve as the prosecutor, under the supervision of the Attorney General or county prosecutor. The prosecutor would represent the State, county or municipality in any matter of the central municipal court or any other municipal court. This is a new section. Currently the statutes governing the municipal

courts do not have this provision. The substitute would also authorize the county to appoint a public defender to represent indigents by amending N.J.S.A.2B:12-28.

The substitute also provides that any fines, penalties and forfeitures when the county police department or county park police is the complaining witness would be forwarded to the county (provided the county has established a central municipal court) to be used to defray the cost of operating the central municipal court.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1416

STATE OF NEW JERSEY

DATED: MAY 2, 1996

The Senate Judiciary Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 1416.

This bill would authorize counties with county police forces or county park police forces to establish by ordinance a central municipal court. The central municipal court would hear matters filed of county health departments, summonses written by county police or park police officers or other cases referred to the court by the Assignment Judge of the vicinage in which the court is located.

Under the provisions of these bills, the judges of the central municipal court would be nominated and appointed by the Governor with the advice and consent of the Senate. In those counties having a county executive, the county executive is authorized to submit the names of judicial candidates to the Governor. In all other counties, the governing body would be authorized to submit the names of candidates to the Governor.

The judges would be paid an annual salary set by the ordinance or resolution which established the court. The county would be required to provide the court with suitable courtrooms, chambers, offices, equipment and supplies.

The central municipal court would have jurisdiction over matters involving violations of county or municipal ordinances, motor vehicle offenses, disorderly persons offenses, petty disorderly persons offenses and other non-indictable offenses except where exclusive jurisdiction is given to the Superior Court, fish and game laws, and certain penalty collection proceedings. This is the same jurisdiction currently granted to municipal courts.

These bills would also authorize municipalities and counties which have established central municipal courts to employ attorneys who would serve as prosecutors. Currently the statutes governing municipal courts do not specifically authorize such appointments. These bills would also authorize a county to appoint a public defender to represent indigents in matters before a central municipal court.

These bills also provide that if a county has established a central municipal court, any fines, penalties and forfeitures collected in connection with complaints and summonses issued by county law

enforcement personnel would be forwarded to the county to be used to defray the cost of operating the central municipal court.

In addition to authorizing the creation of central municipal courts, these bill would extend the jurisdiction of municipal courts, including central municipal courts, to violations of statutes regulating boating.

Governor's Message on signing

A-1416/S-865, sponsored by Assemblyman John Kelly (R-Bergen/Essex/Passaic) and Senator Louis Kosco (R-Bergen), permits counties, with a population of over 825,000 and a population density of less than 4,000 persons per square mile, and a county police force or a county park police force, to establish a central municipal court to hear matters involving violations of county and municipal ordinances, motor vehicle offenses, disorderly persons offenses, and other non-indictable offenses.

S-686/A-1627 and 1681, sponsored by Senators Peter Inverso (R-Mercer/Middlesex) and John Bennett (R-Monmouth) and Assemblymen Paul Kramer (R-Mercer/Middlesex) and Gary Stuhltrager (R-Salem/Cumberland/Gloucester), revises the method of selection for the county chairman and secretary board of election positions. Additionally, the bill redefines the term "seniority" so that it refers to a board member's time of service, rather than to a senior board member's age.
