

41:2A-1 et al

LEGISLATIVE HISTORY CHECKLIST

(Superior Court Judges-
allows administration of
oath of office to other
Superior Court Judges)

NJSA 41:2A-1 et al

LAWS 1981

CHAPTER 428

Bill No. S3163

Sponsor(s) Perskie

Date Introduced March 23, 1981

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage XXX No

Date of Passage: Assembly Jan. 4, 1982

Senate June 22, 1981

Date of approval January 9, 1982

Following statements are attached if available:

Sponsor statement Yes XX

Committee Statement: Assembly Yes XX

Senate Yes XX

Not attached since identical to
Assembly Committee Statement

Fiscal Note XXX No

Veto Message XXX No

Message on signing XXX No

Following were printed:

Reports XXX No

Hearings XXX No

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NOV 73

CHAPTER 428 LAWS OF N. J. 1981
APPROVED 1-9-82

CORRECTED COPY
SENATE, No. 3163

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senator PERSKIE

Referred to Committee on Judiciary

AN ACT concerning the oaths to be taken by certain judicial officers and amending sections 1, 3 and 4 of P. L. 1948, c. 335 (C. 41:2A-1, 41:2A-3 and 41:2A-4) and section 1 of P. L. 1951, c. 351 (C. 41:2A-6).

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

1 1. Section 1 of P. L. 1948, c. 335 (C. 41:2A-1) is amended to
2 read as follows:

3 1. The Chief Justice and each Associate Justice of the [new]
4 Supreme Court and each judge of the Superior Court [and of the
5 county courts], before entering upon the duties of his office, shall
6 take and subscribe the oath of allegiance prescribed by R. S. 41:1-1,
7 and the oath of office required to be taken by judicial officers.

1 2. Section 3 of P. L. 1948, c. 335 (C. 41:2A-3) is amended to
2 read as follows:

3 3. Any justice of the Supreme Court may administer the oaths
4 to a person appointed Chief Justice of the Supreme Court[,] or
5 associate justice of the Supreme Court [or judge of the Superior
6 Court,] and any justice of the Supreme Court or judge of the
7 Superior Court may administer the oaths to a person appointed a
8 judge of the [County] Superior Court. Any judge of [any County]
9 the Superior Court may administer the oaths to a person appointed
10 a judge of any juvenile and domestic relations court, county
11 district court [or criminal judicial district court] or the judge [or
12 magistrate] of any other court, and any surrogate, deputy surro-
13 gate or special deputy surrogate.

1 3. Section 4 of P. L. 1948, c. 335 (C. 41:2A-4) is amended to
2 read as follows:

3 4. The oaths shall also be subscribed by the judicial officer taking
4 the oaths and, if the judicial officer is a Supreme Court Justice or
5 judge of the Superior Court, shall be filed in the office of the

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

6 Secretary of State], and if a judge of a County Court shall be filed
 7 in the office of the county clerk of the particular county and a copy
 8 thereof shall be sent within 20 days by the county clerk to the
 9 Secretary of State, who shall file such copy].

1 4. Section 1 of P. L. 1951, c. 351 (C. 41:2A-6) is amended to
 2 read as follows:

3 1. The Chief Justice, the Associate Justices of the Supreme
 4 Court, the judges of the Superior Court, [the judges of the county
 5 courts,] the judges of the county district courts, the judges [speci-
 6 ally appointed for] of the juvenile and domestic relations courts
 7 [for certain counties, the judges of the criminal judicial district
 8 courts], the [magistrates] *judges* of the municipal courts, the
 9 judges of all other courts and the surrogate, deputy surrogates and
 10 special deputy surrogates shall, before entering upon the execution
 11 of their respective offices, take and subscribe the following oath:

12 "I,, do solemnly swear that I will
 13 support the Constitution of this State and the Constitution of the
 14 United States, and will perform the duties of my office, faithfully,
 15 impartially and justly, to the best of my ability. So help me God."

1 5. This act shall take effect immediately.

STATEMENT

Presently, only justices of the Supreme Court may administer the oaths of office to persons appointed to Superior Court judges. Because of the schedules of Supreme Court Justices and the distances that have to be travelled, this requirement often proves inconvenient. Therefore, this bill would allow all Superior Court judges to administer oaths of office to other persons appointed to the Superior Court. The bill also deletes a number of obsolete references in the statutes governing the taking of oaths by judicial officers.

SENATE, No. 3163

STATE OF NEW JERSEY

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4 Supreme Court and each judge of the Superior Court **[and of the**
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7 Superior Court may administer the oaths to a person appointed a
8 judge of the **[County] Superior Court**. Any judge of **[any County]**
9 *the Superior Court* may administer the oaths to a person appointed
10 a judge of any juvenile and domestic relations court, county
11 district court **[or criminal judicial district court]** or the judge **[or**
12 **magistrate]** of any other court, and any surrogate, deputy surro-
13 gate or special deputy surrogate.

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4 Court, the judges of the Superior Court, [the judges of the county
5 courts,] the judges of the county district courts, the judges [speci-
6 ally appointed for] of the juvenile and domestic relations courts
7 [for certain counties, the judges of the criminal judicial district
8 courts], the [magistrates] judges of the municipal courts, the
9 judges of all other courts and the surrogate, deputy surrogates and
10 special deputy surrogates shall, before entering upon the execution
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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3163

STATE OF NEW JERSEY

DATED: APRIL 27, 1981

Presently, only Supreme Court Justices are authorized to administer the oaths of office to Superior Court judges. Senate Bill No. 3163 would permit Superior Court judges to administer the oath of office to other Superior Court judges.

Senate Bill No. 3163 also deletes some obsolete references in the statutes governing the taking of oaths by judicial officers.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 3163

STATE OF NEW JERSEY

DATED: DECEMBER 7, 1981

Presently, only Supreme Court Justices are authorized to administer the oaths of office to Superior Court judges. Senate Bill No. 3163 would permit Superior Court judges to administer the oath of office to other Superior Court judges.

Senate Bill No. 3163 also deletes some obsolete references in the statutes governing the taking of oaths by judicial officers.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JANUARY 11, 1982

FOR FURTHER INFORMATION:

DAVE DE MAIO

BOB DOWD

Governor Brendan Byrne today signed the following bills:

S-3259, sponsored by Senator Laurence S. Weiss (D-Middlesex), requiring the Senate and Assembly to fill any legislative vacancies by a special election 37 to 43 days after a respective house has issued a writ--the writ to be issued within ten days after the vacancy is created. The requirement applies at all times except during the last three months of the second legislative year. During that period, the affected house would have the discretion--as they now do--of filling a vacant seat.

Under the bill, the State would pick up the costs of any special election.

S-1232, sponsored by Senator James P. Vreeland Jr. (R-Morris), allowing members of certain closely related professions to form professional corporations. Under current law, only members of professions rendering the same service may incorporate.

This bill would specifically allow, for example, architects, land surveyors and land planners or physicians, dentists and surgeons to form professional corporations.

S-3348, sponsored by Senator Carmen Orechio (D-Essex), permitting an individual who interrupts his service as a teacher to enroll in the U.S. Peace Corps to continue his membership in the Teachers' Pension and Annuity Fund (TPAF), provided that the person returns to teaching service within five years and has not withdrawn his accumulated deductions. The teacher would be required to buy back the pension time lost in his Peace Corps service.

Under the bill, if the teacher has withdrawn his contributions to the TPAF, he can buy back his Peace Corps time if he also buys back the time he previously served in a TPAF-covered position.

S-3163, sponsored by Senator Steven P. Perskie (D-Atlantic), allowing all Superior Court judges to administer oaths of office to other appointees to superior court. Currently, only Supreme Court justices may administer the oath of office to superior court appointees.