

2B:2A-1

LEGISLATIVE HISTORY CHECKLIST
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(Judges--removal from
office--revision)

NJSA: 2B:2A-1

LAWS OF: 1993 **CHAPTER:** 142

BILL NO: A38

SPONSOR(S) Heck and Weinberg

DATE INTRODUCED: March 22, 1993

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 29, 1993

SENATE: June 10, 1993

DATE OF APPROVAL: June 18, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

KBG:pp

1 AN ACT supplementing Title 2B of the New Jersey Statutes by
2 enactment of an additional Chapter 2A, Judges, Removal From
3 Office.

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

7 1. An additional chapter, chapter 2A, is added to Title 2B:

8
9 TITLE 2B

10 CHAPTER 2A. JUDGES, REMOVAL FROM OFFICE

11
12 2B:2A-1. Definitions.

13 2B:2A-2. Cause for removal.

14 2B:2A-3. Institution of removal proceedings.

15 2B:2A-4. Prosecution of removal proceedings.

16 2B:2A-5. Suspension pending determination.

17 2B:2A-6. Preparation of defense; counsel; production of
18 witnesses and evidence.

19 2B:2A-7. Taking of evidence.

20 2B:2A-8. Rules governing.

21 2B:2A-9. Removal.

22 2B:2A-10. Suspension prior to leaving.

23 2B:2A-11. Impeachment proceedings.

24
25 2B:2A-1. Definitions. As used in this chapter, "judge" means
26 any judge of the Superior Court, the Tax Court or a municipal
27 court.

28 Source: C.2A:1B-1 (P.L.1970, c.151, s.1)

29 2B:2A-2. Cause for removal. A judge may be removed from
30 office by the Supreme Court for misconduct in office, willful
31 neglect of duty, or other conduct evidencing unfitness for judicial
32 office, or for incompetence.

33 Source: C.2A:1B-2 (P.L.1970, c.151, s.2)

34 2B:2A-3. Institution of removal proceedings. A proceeding for
35 removal may be instituted by either house of the Legislature
36 acting by a majority of all its members, or the Governor, by the
37 filing of a complaint with the clerk of the Supreme Court, or such
38 proceedings may be instituted by the Supreme Court on its own
39 motion.

40 Source: C.2A:1B-3 (P.L.1970, c.151, s.3)

41 2B:2A-4. Prosecution of removal proceedings. The Attorney
42 General or his representative shall prosecute the proceedings
43 unless the Supreme Court shall specially designate an attorney
44 for that purpose.

45 Source: C.2A:1B-4 (P.L.1970, c.151, s.4)

46 2B:2A-5. Suspension pending determination. The Supreme

1 Court may suspend a judge from office, with or without pay,
2 pending the determination of the proceeding

3 Source: C.2A:1B-5 (P.L.1970, c.151, s.5)

4 2B:2A-6. Preparation of defense; counsel; production of
5 witnesses and evidence. The judge shall be given a reasonable
6 time to prepare his defense and shall be entitled to be
7 represented by counsel. The prosecuting attorney and the judge
8 shall have the right of compulsory process to compel the
9 attendance of witnesses and the production of evidence at the
10 hearing.

11 Source: C.2A:1B-6 (P.L.1970, c.151, s.6)

12 2B:2A-7. Taking of evidence. Evidence may be taken either
13 before the Supreme Court sitting en banc, or before three
14 justices or judges, or a combination thereof, specially designated
15 therefor by the Chief Justice.

16 Source: C.2A:1B-7 (P.L.1970, c.151, s.7)

17 2B:2A-8. Rules governing. Except as otherwise provided in
18 the chapter, proceedings shall be governed by rules of the
19 Supreme Court.

20 Source: C.2A:1B-8 (P.L.1970, c.151, s.8)

21 2B:2A-9. Removal. If the Supreme Court finds beyond a
22 reasonable doubt that there is cause for removal, it shall remove
23 the judge from office. A judge so removed shall not hereafter
24 hold judicial office.

25 Source: C.2A:1B-9 (P.L.1970, c.151, s.9)

26 2B:2A-10. Suspension prior to hearing. No hearing to remove
27 a judge from office as provided for in this act shall be held until
28 the cause for suspension, if the cause is a result of an
29 independent civil, criminal or administrative action against the
30 judge, is finally decided in a tribunal in which the judge had an
31 opportunity to prepare his defense and was entitled to be
32 represented by counsel.

33 Source: C.2A:1B-10 (P.L.1970, c.151, s.10)

34 2B:2A-11. Impeachment proceedings. The action of the
35 Supreme Court may not extend further than removal from office,
36 but proceedings under this act shall not preclude the institution
37 of impeachment proceedings against a judge pursuant to Article
38 VII, Section III of the Constitution or subjecting a judge to such
39 criminal or penal proceedings as may be authorized by law.

40 Source: C.2A:1B-11 (P.L. 1970, c.151, s.11)

41 2. This act shall take effect immediately.

42

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STATEMENT

44

45 P.L.1991, chapter 119 established Title 2B and revised those
46 statutes relating to the operation and structure of New Jersey's
47 court system. Chapter 119 inadvertently repealed statutes
48 enacted in 1970 dealing with the grounds and procedures for
49 removing judges from office. This bill would re-enact those
50 statutes as part of Title 2B.

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52

53

54 Re-enacts statutes dealing with removal of judges from office
55 for cause.

1 Court may suspend a judge from office, with or without pay,
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ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 38

STATE OF NEW JERSEY

DATED: MARCH 22, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 38.

P.L.1991, chapter 119 established Title 2B and revised those statutes relating to the operation and structure of New Jersey's court system. Chapter 119 inadvertently repealed statutes enacted in 1970 dealing with the grounds and procedures for removing judges from office. This bill would re-enact those statutes as part of Title 2B.

"Judge" as used in the bill means any judge of the Superior Court, the Tax Court or a municipal court. A judge may be removed from office by the Supreme Court for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for judicial office, or for incompetence. A proceeding for removal may be instituted by either house of the Legislature acting by a majority of all its members, or the Governor, by the filing of a complaint with the clerk of the Supreme Court, or such proceedings may be instituted by the Supreme Court on its own motion.

The Attorney General or his representative shall prosecute the proceedings unless the Supreme Court shall specially designate an attorney for that purpose. The Supreme Court may suspend a judge from office, with or without pay, pending the determination of the proceeding. The judge shall be given a reasonable time to prepare his defense and shall be entitled to be represented by counsel. If the Supreme Court finds beyond a reasonable doubt that there is cause for removal, it shall remove the judge from office.

This bill is identical to Senate Bill No. 1211 [1R].