

18A:12- 1 et al

6/16/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:12- et al

(School boards-- membership-- disqualify people with certain criminal backgrounds)

LAWS OF: 1987

CHAPTER: 328

Bill No: S2230

Sponsor(s): Dumont

Date Introduced: June 5, 1986

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes

Amendments during passage denoted by asterisks.

Date of Passage: Assembly:

December 10, 1987

Senate:

December 15, 1986

Date of Approval: December 22, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 2230**STATE OF NEW JERSEY**

INTRODUCED JUNE 5, 1986

By Senator DUMONT

Referred to Committee on Education

AN ACT concerning the qualifications of members of boards of education, amending N. J. S. 18A:12-1, N. J. S. 18A:12-2.1, N. J. S. 18A:12-3 and N. J. S. 18A:14-10 and supplementing Title 18A 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. 18A:12-1 is amended to read as follows:

2 18A:12-1. Each member of any board of education shall be a
3 citizen and resident of the district, or of such constituent district
4 of a consolidated or regional district as may be required by law,
5 and shall have been such for at least *~~two years~~* *one year**
6 immediately preceding his appointment or election, ~~and~~ he shall
7 be able to read and write, *shall be registered to vote in the district,*
8 *and, notwithstanding the provisions of N. J. S. 20:51-1 or any*
9 *other law to the contrary, he* *~~shall never have been convicted of a~~*
10 *crime of the first, second or third degree** *is not disqualified as a*
11 *voter pursuant to R. S. 19:4-1*.*

1 2. N. J. S. 18A:12-2.1 is amended to read as follows:

2 18A:12-2.1. Each member of a board of education shall, before
3 entering upon the duties of his office, take and subscribe:

4 (1) An oath that he possesses the qualifications of membership
5 prescribed by law, *including a specific declaration that he* *~~has~~*
6 *never been convicted of a crime of the first, second or third degree**
7 *is not disqualified as a voter pursuant to R. S. 19:4-1**, and that
7A he will faithfully discharge the duties of this office, and also

8 (2) The oath prescribed by ~~section~~ *R. S. 41:1-3* of the Revised
9 Statutes.

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted November 17, 1986.

10 In the case of a Type I school district the oath shall be filed with
 11 the clerk of the municipality and in all other cases it shall be filed
 12 with the secretary of the board of education of the district.

1 3. N. J. S. 18A:12-3 is amended to read as follows:

2 18A:12-3. Whenever a member of a local or regional board of
 3 education shall cease to be a bona fide resident of the district, or
 4 of any constituent district of a consolidated or regional district
 5 which he represents, or shall become mayor or a member of the
 6 governing body of a municipality, his membership in the board
 7 shall immediately cease; and, any member who fails to attend three
 8 consecutive meetings of the board without good cause may be
 9 removed by it. Whenever a member of a county special service
 10 school district or a member of a county vocational school district
 11 shall cease to be a bona fide resident of the district, or shall hold
 12 office as a member of the governing body of a county, his member-
 13 ship on the board shall immediately cease.

14 *Notwithstanding the provisions of N. J. S. 2C:51-1 or any other*
 15 *law to the contrary, whenever a member of a board of education*
 16 **[is convicted of a crime of the first, second or third degree]* *is*
 17 *disqualified as a voter pursuant to R. S. 19:4-1*, or is convicted of*
 18 *false swearing as provided in section 5 of P. L. ..., c.*
 19 *(C.) (now pending before the Legislature as this*
 20 *bill), his membership on the board shall immediately cease.*

1 4. N. J. S. 18A:14-10 is amended to read as follows:

2 18A:14-10. Contents of petition. Each nominating petition shall
 3 be addressed to the secretary of the board of education of the
 4 district and therein shall be set forth:

5 a. A statement that the signers of the petition are all qualified
 6 voters of the school district or, in the case of a regional school
 7 district, qualified voters of the constituent district which the candi-
 8 date shall represent on the board of education of the regional
 9 district;

10 b. The name, residence and post office address of the person en-
 11 dorsed and the office for which he is endorsed;

12 c. That the signers of the petition endorse the candidate named
 13 in the petition for said office and request that his name be printed
 14 upon the official ballot to be used at the ensuing election; and z

15 d. That the person so endorsed is legally qualified to be elected
 16 to the office.

17 Accompanying the nominating petition and to be filed therewith,
 18 there shall be a certificate signed by the person endorsed in the
 19 petition, stating that:

20 a. He is qualified to be elected to the office for which he is
 21 nominated, *including a specific affirmation that he ***[has never been***
 22 *convicted of a crime of the first, second or third degree]* *is not*
 22A *disqualified as a voter pursuant to R. S. 19:4-1**;

23 b. He consents to stand as a candidate for election; and

24 c. If elected, he agree to accept and qualify into said office.

1 5. (New section) Any member of a board of education who falsely
 2 affirms or declares that he ****[has never been convicted of a crime of***
 3 *the first, second or third degree]* *is not disqualified as a voter*
 4 *pursuant to R. S. 19:4-1** is, in addition to immediate disqualifica-
 5 tion for office, guilty of a crime of false swearing and is subject to
 6 the penalty provided pursuant to N. J. S. 2C:28-2.

1 6. (New section) Any candidate for membership on a board of
 2 education who falsely affirms or declares that he ****[has never been***
 3 *convicted of a crime of the first, second or third degree]* *is not*
 4 *disqualified as a voter pursuant to R. S. 19:4-1** is, in addition to
 5 immediate disqualification for office, guilty of a crime of false
 6 swearing and is subject to the penalty provided pursuant to N. J. S.
 7 2C:28-2.

1 7. This act shall take effect immediately.

EDUCATION—GENERAL

Disqualifies from school board membership persons convicted of
 certain crimes.

1 5. (New section) Any member of a board of education who falsely
2 affirms or declares that he has never been convicted of a crime of
3 the first, second or third degree is, in addition to immediate dis-
4 qualification for office, guilty of a crime of false swearing and is
5 subject to the penalty provided pursuant to N. J. S. 2C:28-2.

1 6. (New section) Any candidate for membership on a board of
2 education who falsely affirms or declares that he has never been
3 convicted of a crime of the first, second or third degree is, in addi-
4 tion to immediate disqualification for office, guilty of a crime of
5 false swearing and is subject to the penalty provided pursuant to
6 N. J. S. 2C:28-2.

1 7. This act shall take effect immediately.

STATEMENT

This bill provides that an individual who has been convicted of a crime of the first, second or third degree is disqualified from membership on a board of education. Such a conviction would result in an individual's removal from the board.

Further, a candidate would have to specifically affirm that he had never been convicted of such a crime upon filing a nominating petition for board membership, and make a similar declaration upon taking the oath of office. A false declaration would be a crime of the fourth degree, and make the individual subject to a fine of up to \$7,500.00 and a prison sentence of up to 18 months.

EDUCATION—GENERAL

Disqualifies from school board membership persons convicted of certain crimes.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2230

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STATE OF NEW JERSEY

DATED: MAY 18, 1987

The Assembly Education Committee favorably reports Senate Bill No. 2230 OCR.

This bill provides that an individual who has lost the right to vote because he is serving a sentence or is on probation or parole as the result of a conviction for any indictable offense under State or federal law would be disqualified from membership on a board of education. Such a conviction would result in the removal of the individual from the board. Moreover, a candidate would be required to affirm that he was eligible to vote when filing a nominating petition for board membership, and make a similar declaration when taking the oath of office. A false declaration would be a crime of the fourth degree, and make the individual subject to a fine of up to \$7,500.00 and a prison sentence of up to 18 months.

Currently, a board of education member is automatically removed from office if he ceases to be a resident of the district or if he is elected mayor or a member of the governing body of the municipality in which the district is located. If the member fails to attend three consecutive meetings of the board without good cause, then he may be removed by the board.

The bill also amends current law to require that board members be registered to vote in the district. A Senate amendment to the bill conforms the bill to P. L. 1986, c. 98 which changed the residency requirement for board of education members from two years to one year.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2230

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 17, 1986

The Senate Education Committee favorably reports Senate Bill No. 2230 with Senate committee amendments.

As amended, this bill provides that an individual who has lost the right to vote because he is serving a sentence or is on probation or parole as the result of a conviction of any indictable offense under State or federal law would be disqualified from membership on a board of education. Such a conviction would result in the removal of the individual from the board. Moreover, a candidate would be required to affirm that he was eligible to vote when filing a nominating petition for board membership, and make a similar declaration when taking the oath of office. A false declaration would be a crime of the fourth degree, and make the individual subject to a fine of up to \$7,500.00 and a prison sentence of up to 18 months.

Currently, a board of education member is automatically removed from office if he ceases to be a resident of the district, is elected mayor or a member of the governing body of the municipality in which the district is located. If the member fails to attend three consecutive meetings of the board without good cause, then he may be removed by the board.

The committee amendments specify that an individual would be removed from the board if that individual was disenfranchised, pursuant to R. S. 19:4-1, while serving a sentence or on probation or parole. The bill originally provided that removal of a board member from office would occur if the individual was convicted of a "high misdemeanor" which, under New Jersey law, is a crime of the third degree or above (N. J. S. A. 2C:4-1).

Further, on August 27, 1986, the Governor signed into law Assembly Bill No. 143 OCR, which changed the residency requirement for board of education members from two years to one year (P. L. 1986, c. 98). Therefore, it is necessary to amend this bill to conform to that statute.

Also, in June, the committee released Senate Bill No. 956, which added the requirement that board members must be registered to vote in the district. The committee may wish to incorporate that amendment in this bill, so that the bills will not be in conflict.
