

LEGISLATIVE HISTORY OF R.S. 2A:162-5 (Bill)

1954 Amendment

L. 1954 - Ch. 233 - S. 95

Introduced February 15, by Senator Stout
Bill had statement (copies enclosed)

August 2 - Conditionally vetoed by Governor. (message enclosed)

November 15 - Amendment adopted (copies enclosed)

No hearing or reports on this legislative were located.

We searched the following without success:
New Jersey Judicial Conference, 1953, 1954.

RS/ei
1/18/66

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SENATE, No. 93

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1954

By Mr. STOUT

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning bail and recognizances, and amending section 2A:162-5 of
the New Jersey Statutes.

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

1 1. Section 2A:162-5 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:162-5. All recognizances of bail made or entered into before any
4 court, judge or magistrate having criminal jurisdiction, which have been or
5 shall be forfeited, but upon which no writ of scire facias or other process to
6 enforce or collect the same shall have been issued and prosecuted to final
7 judgment within a period of 6 years after the same shall have been filed
8 and recorded in the clerk's office, and all recognizances of bail which have
9 not been forfeited, shall, after 6 years from the date of the filing and
10 recording of any such recognizances of bail in the clerk's office, no longer be
11 *enforceable as a claim or as a lien or charge upon or against any [real*
12 *estate] property* of which any principal or surety named in any such
13 recognizance was or shall have been seized at the time of his entering into
14 such recognizance or at any time thereafter.

1 2. This act shall take effect immediately.

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

STATEMENT

In N. J. S. 2A:162-5 the object and purpose is to establish a statute of limitations.

The purpose is defeated because very little surety accepted by the courts today consists of real property. The trend is to surety bonds.

The present law does act as a statute of limitations but limits itself merely to liens on real estate which allows the records to be cluttered up because liens against surety companies are not taken into consideration.

This is unfair and discriminatory to surety companies and also defeats the original purpose of the legislation.

The purpose of this bill is to bring the statute more realistically within the scope of the present practice and does not in any way change the original intent but broadens the scope of the statute so as to include all recognizances posted.

STATE OF NEW JERSEY
Executive Department

August 2, 1954

SENATE BILL NO. 93

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 93 herewith, with my objections, for reconsideration.

The statute which this bill would amend, N.J.S. 2A:162-5, provides for a period of limitation of 6 years after which no recognition of bail shall be a lien or charge upon or against any real property. This amendment would extend this period of limitation to all property, real or personal, employed as security for a recognition of bail.

While the object of this legislation is desirable, the bill makes no provision for a reasonable time within which to prosecute existing claims which would otherwise be barred or for which the time for enforcement would be curtailed by the proposed amendment. Such a saving clause is required by considerations of due process. I regard six months as a reasonable period for this purpose.

Accordingly, I am returning the bill herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 14, delete the period and insert in lieu thereof the following: "; provided that any claim, lien, or charge against personal property affected by any of the provisions of this act may be prosecuted or enforced within 6 months from the effective date hereof."

Respectfully,

ROBERT B. MEYNER

(Seal)

GOVERNOR

Attest:

ROBERT J. BURKHARDT

Secretary to the Governor

AMENDMENT TO
SENATE, No. 93

STATE OF NEW JERSEY

ADOPTED NOVEMBER 15, 1954

Amend page 1, section 1, line 14, delete the period and insert in lieu thereof the following: “; provided that any claim, lien, or charge against personal property affected by any of the provisions of this act may be prosecuted or enforced within 6 months from the effective date hereof.”

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SENATE, No. 93

STATE OF NEW JERSEY

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12 *estate] property* of which any principal or surety named in any such
13 recognizance was or shall have been seized at the time of his entering into
14 such recognizance or at any time thereafter[.] ; *provided that any claim,*
15 *lien, or charge against personal property affected by any of the provisions*

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

16 of this act may be prosecuted or enforced within 6 months from the effective date hereof.

1 2. This act shall take effect immediately.