

**ASSEMBLY, No. 860**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

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**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Pinkin, Assemblyman Johnson, Assemblywomen Caride, McKnight, Assemblyman Lagana, Assemblywoman Muoio, Assemblymen McKeon, Wimberly, Houghtaling and Assemblywoman Murphy**

**SYNOPSIS**

Establishes mandatory domestic violence training for municipal prosecutors.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/30/2018)**

1 AN ACT concerning domestic violence training and amending  
2 P.L.1999, c.349.

3

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

6

7 1. Section 10 of P.L.1999, c.349 (C.2B:25-10) is amended to  
8 read as follows:

9 10. a. (1) the Attorney General in consultation with the county  
10 and municipal prosecutors [may] shall develop curricula for  
11 domestic violence training programs for all municipal prosecutors  
12 and may develop or identify curricula for other training programs  
13 for municipal prosecutors.

14 (2) Participation in such training programs shall be voluntary,  
15 except that participation in the domestic violence training program  
16 shall be mandatory in accordance with subsection b. of section 4 of  
17 P.L.1999, c.349 (C.2B:25-4). An attorney successfully completing  
18 a training program shall receive such certification or recognition as  
19 deemed appropriate by the Attorney General. A municipal  
20 prosecutor may satisfy the requirement of participating in the  
21 domestic violence training program if he successfully completes a  
22 training program offered by the Attorney General, a county  
23 prosecutor, or any other public entity that provides a training  
24 program that conforms to the requirements described in paragraph  
25 (3) of subsection b. of section 4 of P.L.1991, c.261 (C.2C:25-20).  
26 Nothing in this section shall preclude the provision of continuing  
27 legal education credits for the completion of such a training  
28 program.

29 b. The domestic violence training course and curriculum shall be  
30 reviewed at least every two years and modified by the Division of  
31 Criminal Justice from time to time as need may require, provided  
32 that nothing in this section shall limit the ability of a county  
33 prosecutor to modify the domestic violence training program that  
34 the prosecutor provides to municipal prosecutors in that county  
35 from time to time as need may require in order to conform to the  
36 particular practices and customs in that county.

37 The county prosecutor shall be responsible for confirming that  
38 all persons appointed as or serving as municipal prosecutors within  
39 the county have complied with the requirement to attend an initial  
40 domestic violence training within 90 days of appointment or  
41 transfer and annual training of at least four hours as described in  
42 paragraph (3) of subsection b. of section 4 of P.L.1991, c.261  
43 (C.2C:25-20) and required by subsection b. of section 4 of  
44 P.L.1999, c.349 (C.2B:25-4).

45 (cf: P.L.1999, c.349, s.10)

**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.

1       2. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read  
2 as follows:

3       4. a. Each municipal court in this State shall have at least one  
4 municipal prosecutor appointed by the governing body of the  
5 municipality, municipalities or county in accordance with  
6 applicable laws, ordinances and resolutions.

7       b. A municipal prosecutor shall be an attorney-at-law of this  
8 State in good standing, and shall serve for a term of one year from  
9 the date of his or her appointment, except as determined by the  
10 governing body of a county or a city of the first class with a  
11 population greater than 270,000, according to the latest federal  
12 decennial census, or the governing body of a city of the second  
13 class with a population of greater than 30,000 but less than 43,000,  
14 according to the latest decennial census, which city of the second  
15 class is located in a county of the first class with a population less  
16 than 600,000 according to the latest federal decennial census, and  
17 may continue to serve in office pending re-appointment or  
18 appointment of a successor. No governing body shall appoint, and  
19 no person shall serve as, a municipal prosecutor unless that person  
20 has successfully completed a domestic violence training course of at  
21 least four hours as described in paragraph (3) of subsection b. of  
22 section 4 of P.L. 1991, c.261 (C.2C:25-20). A municipal prosecutor  
23 may be appointed to that position in one or more municipal courts.  
24 The provisions of this act shall apply to each such position held.

25       c. (1) A municipal prosecutor of a joint municipal court shall  
26 be appointed upon the concurrence of the governing bodies of each  
27 of the municipalities in accordance with applicable laws, ordinances  
28 or resolutions.

29       (2) A municipal prosecutor of a central municipal court shall be  
30 appointed by the governing body of the county.

31       d. Municipal prosecutors shall be compensated either on an  
32 hourly, per diem, annual or other basis as the county, municipality  
33 or municipalities provide. In the case of a joint municipal court,  
34 municipalities shall, by similar ordinances, enter into an agreement  
35 fixing the compensation of the municipal prosecutor and providing  
36 for its payment. In the case of a central municipal court, the county  
37 shall fix the compensation of the municipal prosecutor and provide  
38 for its payment.

39       The compensation of municipal prosecutors shall be in lieu of  
40 any and all other fees; provided, however that when a municipal  
41 prosecutor is assigned to prosecute a de novo appeal in the Superior  
42 Court, the prosecutor shall be entitled to additional compensation  
43 unless the municipality expressly provides otherwise at the time the  
44 compensation is fixed.

45       e. In accordance with applicable laws, ordinances and  
46 resolutions, a municipality may appoint additional municipal  
47 prosecutors as necessary to administer justice in a timely and  
48 effective manner in its municipal court. Such appointments shall be

1 subject to this act. This subsection also applies to joint municipal  
2 courts and central municipal courts.

3 f. Any municipal court having two or more municipal  
4 prosecutors shall have a "chief municipal prosecutor" who shall be  
5 appointed by the governing body of the county or the municipality.  
6 The chief municipal prosecutor of a joint municipal court shall be  
7 appointed upon the concurrence of the governing bodies of each  
8 municipality. The chief municipal prosecutor shall have authority  
9 over other prosecutors serving that court with respect to the  
10 performance of their duties.

11 g. (1) Nothing in this act shall affect the appointment of  
12 municipal attorneys in accordance with N.J.S.40A:9-139; provided,  
13 however, that a person appointed to the positions of both municipal  
14 prosecutor and municipal attorney shall be subject to all of the  
15 provisions of this act while serving in the capacity of municipal  
16 prosecutor.

17 (2) In addition to any other duties proscribed by the provisions  
18 of this act, a person serving as both a municipal prosecutor and a  
19 municipal attorney may prosecute county or municipal ordinance  
20 violations.

21 (cf: P.L.1999, c.349, s.4)

22

23 3. This act shall take effect on the first day of the sixth month  
24 following enactment.

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#### STATEMENT

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29 This bill amends the existing law concerning training programs  
30 for municipal prosecutors. Presently, section 10 of P.L. 1999, c.349  
31 (C.2B:25-10) provides that the Attorney General, in consultation  
32 with the county and municipal prosecutors, may develop curricula  
33 for training programs for all municipal prosecutors. Participation in  
34 such training is voluntary.

35 The bill provides that the Attorney General in consultation with  
36 the county and municipal prosecutors shall develop or identify  
37 curricula for domestic violence training and may develop or identify  
38 curricula for other training programs for municipal prosecutors.  
39 Participation in such training programs would be voluntary, except  
40 that participation in the domestic violence training program would  
41 be mandatory.

42 A municipal prosecutor may satisfy the requirement of  
43 participating in the domestic violence training program if he  
44 successfully completes a training program offered by the Attorney  
45 General, a county prosecutor, or any other public entity that  
46 provides a training program that conforms to the requirements  
47 described in paragraph (3) of subsection b. of section 4 of P.L.1991,  
48 c.261 (C.2C:25-20), part of the domestic violence statutes. Nothing

1 in the bill would preclude the provision of continuing legal  
2 education credits for the completion of such a training program.

3 The bill provides that the domestic violence training course and  
4 curriculum would be reviewed at least every two years and  
5 modified by the Division of Criminal Justice from time to time as  
6 need may require, provided that nothing in the bill would limit the  
7 ability of a county prosecutor to modify the domestic violence  
8 training program that the prosecutor provides to municipal  
9 prosecutors in that county from time to time as need may require in  
10 order to conform to the particular practices and customs in that  
11 county.

12 The county prosecutor would be responsible for confirming that  
13 all persons appointed as or serving as municipal prosecutors within  
14 the county have complied with the requirement to attend an initial  
15 domestic violence training within 90 days of appointment or  
16 transfer and annual training of at least four hours.

17 Under the bill, no governing body shall appoint, and no person  
18 shall serve as, a municipal prosecutor unless that person has  
19 successfully completed a domestic violence training course of at  
20 least four hours as described in paragraph (3) of subsection b. of  
21 section 4 of P.L. 1991, c.261 (C.2C:25-20).

22 This bill embodies recommendation 17 of the Report of the  
23 Supreme Court Ad Hoc Committee on Domestic Violence issued  
24 June 2016.

25 The bill would take effect on the first day of the sixth month  
26 following enactment.