

**ASSEMBLY CONCURRENT  
RESOLUTION No. 43**

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**STATE OF NEW JERSEY  
218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblymen DeAngelo, Schaer, S.Kean, Giblin, Rumpf, Assemblywomen Gove, Sumter, Assemblymen Space, Harold J. Wirths and Assemblywoman Murphy**

**SYNOPSIS**

Proposes constitutional amendment authorizing statute transferring probation functions from Judiciary to State Parole Board.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 10/16/2018)**



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	<p>YES</p>	<p>AMENDS CONSTITUTION TO AUTHORIZE CREATION OF BUREAU OF PROBATION IN STATE PAROLE BOARD AND TRANSFER CERTAIN PROBATION FUNCTIONS AND PROBATION OFFICERS TO THE BUREAU.</p> <p>Do you approve the proposed amendment to the New Jersey Constitution authorizing the Legislature to enact a law that would establish a Bureau of Probation in the State Parole Board? This law would transfer from the Judiciary to the Bureau of Probation all of the functions, powers, duties and responsibilities concerning probation. It also transfers the probation officers and other employees who perform probation-related functions.</p>
	<p>NO</p>	<p>INTERPRETIVE STATEMENT</p> <p>Adoption of this amendment authorizes the Legislature to pass a law to create the Bureau of Probation in the State Parole Board. The law will transfer the functions, powers, duties and responsibilities concerning probation from the Judiciary to the Bureau of Probation. The law also will transfer probation officers and other employees who perform probation-related functions from the Judiciary to the Bureau of Probation. The terms and conditions of existing contracts will not be altered or abrogated by this transfer. The transfer also will not affect the status of existing exclusive employee bargaining representatives.</p>

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STATEMENT

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6 This Concurrent Resolution proposes to amend the State  
 7 Constitution to authorize the Legislature to enact a statute to  
 8 establish a Bureau of Probation in the State Parole Board. The  
 9 constitutional amendment transfers all of the functions, powers,  
 10 duties and responsibilities concerning probation, and the probation  
 11 officers and other professional supervisors, case workers, and case-  
 12 related employees who perform probation functions from the  
 13 Judiciary to this new Bureau of Probation.

14 Under this proposed constitutional amendment, existing  
 15 contractual terms and conditions would remain unchanged, as  
 16 would the status of exclusive employee bargaining representatives.

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1 The units and contracts, as well as the contract representatives,  
2 would be continued in the Bureau of Probation.

3 In 2001, the Legislature enacted a law (P.L.2001, c.362;  
4 C.2B:10A-1 et al.) to establish a “Probation Officer Community  
5 Safety Unit” consisting of at least 200 probation officers authorized  
6 to carry a firearm in accordance with the provisions of paragraph  
7 (17) of subsection c. of N.J.S.2C:39-6 and regulations adopted by  
8 the Attorney General. The legislation also granted these probation  
9 officers the authority to arrest probationers, enforce the criminal  
10 laws of this State, and enforce warrants for the apprehension and  
11 arrest of probationers who violate conditions of probation.

12 In April 2006, the New Jersey Supreme Court ruled that  
13 P.L.2001, c.362 (C.2B:10A-1 et al.) was unconstitutional because it  
14 violated the separation of powers doctrine. The court stated that it  
15 is the responsibility of the Judiciary to define the duties of  
16 probation officers. The court also reiterated its position that  
17 probation officers are not law enforcement officers, but impartial  
18 agents of the Judiciary.