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SYNOPSIS
Establishes mandatory domestic violence training for municipal prosecutors.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning domestic violence training and amending P.L.1999, c.349.

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

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

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

(2) Participation in such training programs shall be voluntary, except that participation in the domestic violence training program shall be mandatory in accordance with subsection b. of section 4 of P.L.1999, c.349 (C.2B:25-4). An attorney successfully completing a training program shall receive such certification or recognition as deemed appropriate by the Attorney General. A municipal prosecutor may satisfy the requirement of participating in the domestic violence training program if he successfully completes a training program offered by the Attorney General, a county prosecutor, or any other public entity that provides a training program that conforms to the requirements described in paragraph (3) of subsection b. of section 4 of P.L.1991, c.261 (C.2C:25-20).

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

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

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

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

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

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

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

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

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

   e. In accordance with applicable laws, ordinances and resolutions, a municipality may appoint additional municipal prosecutors as necessary to administer justice in a timely and effective manner in its municipal court. Such appointments shall be
subject to this act. This subsection also applies to joint municipal
courts and central municipal courts.
f. Any municipal court having two or more municipal
prosecutors shall have a "chief municipal prosecutor" who shall be
appointed by the governing body of the county or the municipality.
The chief municipal prosecutor of a joint municipal court shall be
appointed upon the concurrence of the governing bodies of each
municipality. The chief municipal prosecutor shall have authority
over other prosecutors serving that court with respect to the
performance of their duties.
g. (1) Nothing in this act shall affect the appointment of
municipal attorneys in accordance with N.J.S. 40A:9-139; provided,
however, that a person appointed to the positions of both municipal
prosecutor and municipal attorney shall be subject to all of the
provisions of this act while serving in the capacity of municipal
prosecutor.
(2) In addition to any other duties proscribed by the provisions
of this act, a person serving as both a municipal prosecutor and a
municipal attorney may prosecute county or municipal ordinance
violations.
(cf: P.L.1999, c.349, s.4)
3. This act shall take effect on the first day of the sixth month
following enactment.

STATEMENT

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

The bill amends this section to provide that the Attorney
General, in consultation with the county and municipal prosecutors,
shall develop or identify curricula for domestic violence training
and may develop or identify curricula for other training programs
for municipal prosecutors. Participation in such training programs
would be voluntary, except that participation in the domestic
violence training program would be mandatory.

A municipal prosecutor may satisfy the requirement of
participation in the domestic violence training program if he
successfully completes a training program offered by the Attorney
General, a county prosecutor, or any other public entity that
provides a training program that conforms to the requirements
described in paragraph (3) of subsection b. of section 4 of P.L.1991,
c.261 (C.2C:25-20), part of the domestic violence statutes. Nothing in the bill would preclude the provision of continuing legal education credits for the completion of such a training program.

The bill requires that the domestic violence training course and curriculum be reviewed at least every two years and modified by the Division of Criminal Justice from time to time as need may require. Nothing in the bill would limit the ability of a county prosecutor to modify the domestic violence training program that the prosecutor provides to municipal prosecutors in that county from time to time as need may require in order to conform to the particular practices and customs in that county.

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

Under the bill, no governing body shall appoint, and no person shall serve as, a municipal prosecutor unless that person has successfully completed the domestic violence training course set forth in the bill.

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

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