

[First Reprint]  
ASSEMBLY, No. 1448

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen BATEMAN and COHEN

1 AN ACT concerning salaries of county prosecutors and assistant  
2 prosecutors <sup>1,1</sup> amending N.J.S.2A:158-10, <sup>1</sup>[P.L.1970, c.6,  
3 N.J.S.2A:158-16] repealing various sections of Title 2A of the New  
4 Jersey Statutes<sup>1</sup> and making an appropriation.

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

8  
9 1. N.J.S.2A:158-10 is amended to read as follows:  
10 2A:158-10. County prosecutors shall receive annual salaries to be  
11 fixed by the governing body of the county at [not less than  
12 \$100,00.00] \$115,000.00.

13 There shall be appropriated annually to the Department of  
14 Community Affairs for payment to each county for additional salary  
15 costs resulting from the increase in the salary of county prosecutors an  
16 amount equal to the amount by which the annual salary paid to the  
17 county prosecutor under this section exceeds \$100,000.00 <sup>1,1</sup>  
18 (cf: P.L.1995, c.424, s.2)

19  
20 <sup>1</sup>[2. Section 4 of P.L.1970, c.6 (C.2A:158-15.2) is amended to  
21 read as follows:

22 4. a. Notwithstanding the provisions of N.J.S.2A:158-16 assistant  
23 prosecutors appointed prior to the effective date of P.L. .c. (now  
24 pending before the Legislature as this bill) and required to devote their  
25 entire time to the duties of their office shall receive annual salaries, to  
26 be fixed by the board of chosen freeholders on recommendation of the  
27 county prosecutor, as follows:

28 [a.] (1) The first assistant prosecutor or the assistant prosecutor  
29 serving as the county prosecutor's principal assistant, not less than  
30 30% nor more than 90% of the amount of the annual salary of the  
31 county prosecutor in effect on the day immediately preceding to the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AJU committee amendments adopted May 2, 1996.

1 effective date of P.L. .c. (now pending before the Legislature as  
2 this bill); and

3 [b.] (2) Other assistant prosecutors, not less than 30% nor more  
4 than 90% of the amount of the annual salary of the county prosecutor  
5 in effect on the day immediately preceding to the effective date of  
6 P.L. c. (now pending before the Legislature as this bill).

7 The annual salary of assistant prosecutors appointed prior to the  
8 effective date of P.L. c. (now pending before the Legislature as  
9 this bill), who, pursuant to this act, devote their entire time to the  
10 duties of such office, shall be based upon the annual salary of county  
11 prosecutors required to devote their entire time to the duties of such  
12 office, whether or not the respective county prosecutor is required to  
13 devote his entire time to the duties of such office.

14 b. Notwithstanding the provisions of N.J.S.2A:158-16, a first  
15 assistant prosecutor, a county prosecutor's principal assistant or an  
16 assistant prosecutor appointed on or after the effective date of  
17 P.L. c. (now pending before the Legislature as this bill) and  
18 required to devote their entire time to the duties of their office shall  
19 receive an annual salary, to be fixed by the board of chosen freeholders  
20 on recommendation of the county prosecutor. In addition, a first  
21 assistant prosecutor, a county prosecutor's principal assistant or an  
22 assistant prosecutor appointed prior to the effective date of P.L. c.  
23 (now pending before the Legislature as this bill) may be granted an  
24 annual salary by the board of chosen freeholders on recommendation  
25 of the county prosecutor in excess of the maximum limits set in  
26 paragraphs (1) and (2) of subsection a. of this section.

27 (cf: P.L.1979, c.355, s.1)]<sup>1</sup>

28

29 <sup>1</sup>[3. N.J.S.2A:158-16 is amended to read as follows:

30 2A:158-16. a. Assistant prosecutors appointed under authority of  
31 [section] N.J.S.2A:158-15 prior to the effective date of P.L. c.  
32 (now pending before the Legislature as this bill) shall receive annual  
33 salaries, to be fixed by resolution of the board of chosen freeholders  
34 on recommendation of the county prosecutor, as follows:

35 [a.] (1) The first assistant prosecutor or the assistant prosecutor,  
36 serving as the county prosecutor's principal assistant, not less than  
37 60% nor more than 90% of the amount of the annual salary of the  
38 county prosecutor in effect on the day immediately preceding the  
39 effective date of P.L. c. (now pending before the Legislature as this  
40 bill), but this provision shall not authorize a reduction in the annual  
41 salary of any first assistant prosecutor or assistant prosecutor serving  
42 as the county prosecutor's principal assistant now in office.

43 [b.] (2) All other assistant prosecutors, not less than 50% nor  
44 more than 80% of the amount of the annual salary of the county  
45 prosecutor in effect on the day immediately preceding the effective  
46 date of P.L. c. (now pending before the Legislature as this bill) but

1 this provision shall not authorize the reduction in the annual salary of  
2 any assistant prosecutor now in office.

3 b. A first assistant prosecutor, a county prosecutor's principal  
4 assistant or an assistant prosecutor appointed on or after the effective  
5 date of P.L. , c. (now pending before the Legislature as this bill)  
6 shall receive an annual salary, to be fixed by the board of chosen  
7 freeholders on recommendation of the county prosecutor. In addition,  
8 a first assistant prosecutor, a county prosecutor's principal assistant  
9 or an assistant prosecutor appointed prior to the effective date of  
10 P.L. c. (now pending before the Legislature as this bill) may be  
11 granted an annual salary by the board of chosen freeholders on  
12 recommendation of the county prosecutor in excess of the maximum  
13 limits set in paragraphs (1) and (2) of subsection a. of this section.

14 c. In each county the salaries of the assistant prosecutors shall be  
15 paid at the same times and in the same manner as other county salaries  
16 are paid, and shall be in lieu of all fees and other compensation or  
17 allowances whatever.

18 All fees allowed by law to assistant prosecutors shall be paid into  
19 the treasury of the respective counties for the use thereof.

20 (cf: P.L.1961, c.41, s.3)]<sup>1</sup>

21

22 <sup>1</sup>2. (New section) a. The annual salary of a first assistant  
23 prosecutor, a county prosecutor's principal assistant or an assistant  
24 prosecutor shall be determined by the board of chosen freeholders on  
25 recommendation of the county prosecutor.

26 b. The salary of any person serving as a first assistant prosecutor,  
27 a county prosecutor's principal assistant or an assistant prosecutor  
28 prior to the effective date of P.L. , c. (C. ) (now pending  
29 before the Legislature as this bill) may not be reduced pursuant to the  
30 provisions of subsection a. of this section.<sup>1</sup>

31

32 <sup>1</sup>[4.] <sup>1</sup>3. (New section) There is appropriated \$157,500.00 to the  
33 Department of Community Affairs to reimburse counties for additional  
34 salary costs through June 30, 1996, resulting from the increase in the  
35 salary of the county prosecutor pursuant to P.L. c. (now pending  
36 before the Legislature as this bill).

37

38 <sup>1</sup>4. Section 4 of P.L.1970, c. 6 (C.2A:158-15.2), N.J.S.2A:158-16  
39 and section 1 of P.L.1957, c.128 (C.2A:158-16.1) are repealed.<sup>1</sup>

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41 5. This act shall take effect immediately and shall be retroactive to  
42 January 1, 1996.

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3 Increases county prosecutor's salaries; changes salary structure of  
4 assistant county prosecutors; makes an appropriation.