

ASSEMBLY, No. 2920

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1997

By Assemblymen WEINGARTEN and O'TOOLE

1 AN ACT concerning certain county expenses and amending
2 N.J.S.2A:158-7.

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

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7 1. N.J.S.2A:158-7 is amended to read as follows:

8 2A:158-7. All necessary expenses incurred by the prosecutor for
9 each county in the detection, arrest, indictment and conviction of
10 offenders against the laws shall, upon being certified to by the
11 prosecutor and approved, under his hand, by a judge of the Superior
12 Court, be paid by the county treasurer whenever the same shall be
13 approved by the board of chosen freeholders of such county. The
14 amount or amounts to be expended shall not exceed the amount fixed
15 by the board of chosen freeholders in its regular or emergency
16 appropriation[, unless such expenditure is specifically authorized by
17 order of the assignment judge of the Superior Court for such county].
18 (cf: P.L.1991, c.91, s.126)

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill would grant the county governing body the final authority
26 to set the budget for the county prosecutor's office.

27 Under current law, disagreements between the county governing
28 body and the county prosecutor's office concerning the amount of
29 expenditures for the prosecutor's office are resolved by the Superior
30 Court assignment judge for the county. If authorized by the
31 assignment judge, prosecutor's office expenditures may exceed the
32 amount approved by the county governing body. The assignment
33 judge's authority in this regard was affirmed by the New Jersey
34 Supreme Court in In re Application of Bigley, 55 N.J. 53 (1969).

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.

1 This bill would negate the effect of Bigley by deleting the language
2 in N.J.S.A.2A:158-7 which authorizes the assignment judge to
3 approve expenditures for the prosecutor's office which exceed the
4 amounts approved by the county governing body.

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9 Eliminates assignment judge's power to authorize expenditures for
10 county prosecutor's office which exceed county appropriations.