

§2 C.2A:158-15.3
§3 Approp.
§4 Repealer
§5 Note to §§ 1-4

P.L. 1996, CHAPTER 99, *approved August 12, 1996*
Senate No. 490 (*First Reprint*)

1 AN ACT concerning salaries of county prosecutors and assistant
2 prosecutors ^{1,1} amending N.J.S.2A:158-10, ¹[P.L.1970, c.6,
3 N.J.S.2A:158-16] repealing various sections of Title 2A¹ and
4 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^{1,1}
18 (cf: P.L.1995, c.424, s.2)

19
20 ¹[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. .
24 (now pending before the Legislature as this bill) and required to
25 devote their entire time to the duties of their office shall receive annual
26 salaries, to be fixed by the board of chosen freeholders on
27 recommendation of the 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
32 effective date of P.L. .c. . (now pending before the Legislature as

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:

¹ Senate SJU committee amendments adopted March 7, 1996.

1 this bill); and

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

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

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

26 (cf: P.L.1979, c. 355, s. 1)]¹

27

28 ¹[3. N.J.S.2A:158-16 is amended to read as follows:

29 2A:158-16. a. Assistant prosecutors appointed under authority of
30 [section] N.J.S. 2A:158-15 prior to the effective date of P.L. c.
31 (now pending before the Legislature as this bill) shall receive annual
32 salaries, to be fixed by resolution of the board of chosen freeholders
33 on recommendation of the county prosecutor, as follows:

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

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

1 prosecutor now in office.

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

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

17 All fees allowed by law to assistant prosecutors shall be paid into
18 the treasury of the respective counties for the use thereof.
19 (cf: P.L. 1961, c. 41, s. 3)]¹

20

21 ¹2. (New section) a. The annual salary of a first assistant
22 prosecutor, a county prosecutor's principal assistant or an assistant
23 prosecutor shall be determined by the board of chosen freeholders on
24 recommendation of the county prosecutor.

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

30

31 ¹[4.] 3.¹ (New section) There is appropriated \$157,500.00 to the
32 Department of Community Affairs to reimburse counties for additional
33 salary costs through June 30, 1996, resulting from the increase in the
34 salary of the county prosecutor pursuant to P.L. c. (now pending
35 before the Legislature as this bill).

36

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

39

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

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