

SENATE, No. 628

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator KOSCO

1 AN ACT authorizing the establishment of a court of limited jurisdiction  
2 in certain counties and supplementing Title 2B of the New Jersey  
3 Statutes.

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

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8 1. As authorized pursuant to Article VI, Section I, paragraph 1 of  
9 the New Jersey Constitution, the governing body of any county with  
10 a county police department and force established in accordance with  
11 N.J.S.40A:14-106 or a county park police system established in  
12 accordance with P.L. 1960, c.135 (C.40:37-261 et seq.) may establish,  
13 by ordinance or resolution, a court of limited jurisdiction as hereinafter  
14 provided.

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16 2. A court established pursuant to this act:

17 a. shall have, consistent with the provisions of subsection b. of this  
18 section, jurisdiction over cases arising within the territorial boundaries  
19 of the county wherein it is situated; and

20 b. shall have and exercise, concurrently with the municipal courts  
21 of the county, all of the powers and jurisdiction conferred upon those  
22 municipal courts with respect to complaints made by members of the  
23 county police department and force or county park police, as the case  
24 may be, for:

25 (1) Disorderly persons offenses, petty disorderly persons offenses  
26 and other non-indictable offenses except where exclusive jurisdiction  
27 is given to the Superior Court;

28 (2) Violations of motor vehicle offenses;

29 (3) Violations of a county traffic, parking or park ordinance, or any  
30 other ordinance for which a penalty is prescribed; and

31 (4) Violations of the fish and game laws.

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33 3. a. Each judge of a court established pursuant to this act shall be  
34 appointed by the governing body of the county and shall serve for a  
35 term of three years from the date of appointment and until a successor  
36 is appointed and qualified. Any appointment to fill a vacancy not

1 caused by the expiration of a term shall be made for the unexpired  
2 term only. However, if the county requires by ordinance or resolution,  
3 as is appropriate, that the judge of the court devote full time to judicial  
4 duties or limit the practice of law to non-litigated matters, the first  
5 appointment after the establishment of that requirement shall be for a  
6 full term of three years.

7 b. The governing body of the county may appoint one or more  
8 temporary judges to meet a special need of limited duration. The  
9 procedure for appointment of temporary judges shall be the same as  
10 that for other judges appointed under this act, but the term for each  
11 temporary judge shall not exceed one year.

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13 4. a. Every judge and temporary judge appointed under the  
14 provisions of this act shall be a resident of this State and an  
15 attorney-at-law admitted to practice in this State for at least five years.

16 b. In lieu of any other fees, judges appointed pursuant to this act  
17 shall be paid annual salaries set by ordinance or resolution, as is  
18 appropriate, of the governing body of the county.

19 c. Where there is more than one judge of a court established  
20 pursuant to this act, the governing body of the county may designate  
21 one of those judges as the chief judge of the court. The chief judge  
22 shall designate the time and place of court and assign cases among the  
23 judges.

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25 5. a. The county shall provide for an administrator and other  
26 necessary employees for the court and for their compensation.

27 b. The county shall provide suitable courtrooms, chambers,  
28 officers, equipment and supplies for the court.

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30 6. Any law enforcement officer, or any other person authorized by  
31 law, may act in the service, execution and return of process, orders,  
32 warrants and judgments issued by a court established pursuant to this  
33 act.

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35 7. a. The court may order that a sentence of imprisonment be  
36 served periodically on particular days, rather than consecutively. The  
37 person imprisoned shall be given credit for each day or fraction of a  
38 day to the nearest hour served.

39 b. A person sentenced by the court to pay a fine, who defaults in  
40 payment, may be ordered to perform community service in lieu of  
41 incarceration or other modification of the sentence with the person's  
42 consent.

43 The county official in charge of community service shall report to  
44 the court any failure of a person subject to a court work order to  
45 report for work or to perform the assigned work. Upon receipt of the  
46 report, the court may revoke its community service order and impose

1 any sentence consistent with the original sentence.

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3 8. The Supreme Court may promulgate Rules of Court to  
4 effectuate the purposes of this act.

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6 9. This act shall take effect immediately.

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STATEMENT

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11 This bill permits counties that have county police forces or county  
12 park police forces to establish special limited jurisdiction courts to  
13 hear matters related solely to summonses written by those county  
14 police or park police officers.

15 Under the provisions of the bill, the governing body of any county  
16 having a county police or park police force may establish a special  
17 county court which would have jurisdiction over motor vehicle  
18 offenses; violations of county ordinances; disorderly persons offenses,  
19 petty disorderly persons offenses and other non-indictable offenses  
20 except where exclusive jurisdiction is given to the Superior Court; and  
21 fish and game laws when the summons for the violation is written by  
22 a county police officer or park police officer.

23 Without such a centralized court, county police and park police  
24 officers must travel to each municipality where they wrote a summons  
25 and appear before that municipal court. The scheduling problems  
26 facing individual officers can be difficult; the overtime costs for the  
27 county, substantial.

28 The bill specifies that the county is solely responsible for any such  
29 court. The governing body appoints the judges; provides the  
30 employees and facilities; and assumes all responsibilities for the  
31 associated costs.

32 As provided in Section VI, Section I, paragraph 6 of the New  
33 Jersey Constitution, limited jurisdiction courts, like those permitted  
34 under this bill, may be authorized and established by law.

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39 Permits establishment of a limited jurisdiction court in certain counties.