

ASSEMBLY, No. 144

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Provides for appointment of certain municipal court judges at the local or county level.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the appointment of certain municipal court
2 judges and amending N.J.S.2B:12-4.

3

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.2B:12-4 is amended to read as follows:

8 2B:12-4. Judge of municipal court; term of office;
9 appointment. a. Each judge of a municipal court shall serve for a
10 term of three years from the date of appointment and until a
11 successor is appointed and qualified. Any appointment to fill a
12 vacancy not caused by the expiration of term shall be made for the
13 unexpired term only. However, if a county or municipality requires
14 by ordinance that the judge of the municipal court devote full time
15 to judicial duties or limit the practice of law to non-litigated
16 matters, the first appointment after the establishment of that
17 requirement shall be for a full term of three years.

18 b. (1) In municipalities governed by a mayor-council form of
19 government, the municipal court judge shall be appointed by the
20 mayor with the advice and consent of the council. Each judge of a
21 joint municipal court shall be [nominated and appointed by the
22 Governor with the advice and consent of the Senate] appointed
23 pursuant to the provisions of paragraph (2) of this subsection.

24 (2) In the event that two or more municipalities agree to the
25 establishment of a joint municipal court, the method of selecting
26 and appointing each judge shall be set forth in the agreement
27 establishing the joint municipal court. A copy of the agreement
28 shall be filed with the Administrative Director of the Courts.

29 (3) In all other municipalities, the municipal judge shall be
30 appointed by the governing body of the municipality.

31 c. In a county that has established a central municipal court,
32 the judge of the central municipal court shall be [nominated and
33 appointed by the Governor with the advice and consent of the
34 Senate. In those counties having a county executive, the county
35 executive may submit the names of judicial candidates for judge of
36 the central municipal court to the Governor. In all other counties,
37 the governing body may submit the names of judicial candidates for
38 judge of the central municipal court to the Governor] appointed by
39 the county executive in those counties having a county executive
40 and in all other counties shall be appointed by the governing body
41 of the county.

42 (cf: P.L.1996, c.95, s.3)

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44 2. This act shall take effect immediately upon the approval by
45 the voters of Assembly Concurrent Resolution No. 88 of 2012-

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.

1 2013, or a substantially similar amendment, which amends the
2 Constitution of the State of New Jersey to eliminate the
3 requirements of nomination and appointment of joint municipal
4 court judges by the Governor with the advice and consent of the
5 Senate.

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8 STATEMENT
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10 This bill is the enabling legislation to a proposed constitutional
11 amendment, which would eliminate the Governor and the Senate
12 from involvement in the appointment of judges of joint municipal
13 courts and central municipal courts.

14 Currently, the statutes allow for three types of municipal courts:
15 municipal courts of single municipalities, joint municipal courts,
16 and central municipal courts. A municipal court of a single
17 municipality has jurisdiction over cases from that municipality, and
18 a judge of such a court is appointed at the municipal level.
19 However, judges of joint municipal courts and central municipal
20 courts are nominated and appointed at the State level by the
21 Governor with the advice and consent of the Senate. (A joint
22 municipal court is created by two or more municipalities and has
23 jurisdiction over cases from these municipalities. A central
24 municipal court is created by a county and has jurisdiction over
25 cases from all municipalities in that county.)

26 This bill amends N.J.S.2B:12-4 to provide that if two or more
27 municipalities agree to the establishment of a joint municipal court,
28 the method of selecting and appointing each judge would be set
29 forth in the agreement establishing that court. A copy of the
30 agreement would be filed with the Administrative Director of the
31 Courts. The Governor and the Senate would not be involved.

32 In addition, the bill provides that a judge of a central municipal
33 court would be appointed by the county executive in those counties
34 having a county executive and in all other counties would be
35 appointed by the county governing body. The Governor and the
36 Senate would also not be involved in this appointment.

37 Under the bill, judges of municipal courts of single
38 municipalities would continue to be appointed at the municipal
39 level.