

ASSEMBLY, No. 1763

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Johnson, Assemblywoman McKnight, Assemblymen McKeon, Wimberly, Houghtaling, Assemblywomen Murphy, Timberlake and Reynolds-Jackson

SYNOPSIS

Establishes mandatory domestic violence training for municipal prosecutors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/15/2021)

1 AN ACT concerning domestic violence training and amending
2 P.L.1999, c.349.

3

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

6

7 1. Section 10 of P.L.1999, c.349 (C.2B:25-10) is amended to
8 read as follows:

9 10. a. (1) the Attorney General in consultation with the
10 county and municipal prosecutors **【may】** shall develop curricula for
11 domestic violence training programs for all municipal prosecutors
12 and may develop or identify curricula for other training programs
13 for municipal prosecutors.

14 (2) Participation in such training programs shall be voluntary,
15 except that participation in the domestic violence training program
16 shall be mandatory in accordance with subsection b. of section 4 of
17 P.L.1999, c.349 (C.2B:25-4). An attorney successfully completing
18 a training program shall receive such certification or recognition as
19 deemed appropriate by the Attorney General. A municipal
20 prosecutor may satisfy the requirement of participating in the
21 domestic violence training program if he successfully completes a
22 training program offered by the Attorney General, a county
23 prosecutor, or any other public entity that provides a training
24 program that conforms to the requirements described in paragraph
25 (3) of subsection b. of section 4 of P.L.1991, c.261 (C.2C:25-20).
26 Nothing in this section shall preclude the provision of continuing
27 legal education credits for the completion of such a training
28 program.

29 b. The domestic violence training course and curriculum shall be
30 reviewed at least every two years and modified by the Division of
31 Criminal Justice from time to time as need may require, provided
32 that nothing in this section shall limit the ability of a county
33 prosecutor to modify the domestic violence training program that
34 the prosecutor provides to municipal prosecutors in that county
35 from time to time as need may require in order to conform to the
36 particular practices and customs in that county.

37 The county prosecutor shall be responsible for confirming that
38 all persons appointed as or serving as municipal prosecutors within
39 the county have complied with the requirement to attend an initial
40 domestic violence training within 90 days of appointment or
41 transfer and annual training of at least four hours as described in
42 paragraph (3) of subsection b. of section 4 of P.L.1991, c.261
43 (C.2C:25-20) and required by subsection b. of section 4 of
44 P.L.1999, c.349 (C.2B:25-4).

45 (cf: P.L.1999, c.349, s.10)

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 2. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read
2 as follows:

3 4. a. Each municipal court in this State shall have at least one
4 municipal prosecutor appointed by the governing body of the
5 municipality, municipalities or county in accordance with
6 applicable laws, ordinances and resolutions.

7 b. A municipal prosecutor shall be an attorney-at-law of this
8 State in good standing, and shall serve for a term of one year from
9 the date of his or her appointment, except as determined by the
10 governing body of a county or a city of the first class with a
11 population greater than 270,000, according to the latest federal
12 decennial census, or the governing body of a city of the second
13 class with a population of greater than 30,000 but less than 43,000,
14 according to the latest decennial census, which city of the second
15 class is located in a county of the first class with a population less
16 than 600,000 according to the latest federal decennial census, and
17 may continue to serve in office pending re-appointment or
18 appointment of a successor. No governing body shall appoint, and
19 no person shall serve as, a municipal prosecutor unless that person
20 has successfully completed a domestic violence training course of at
21 least four hours as described in paragraph (3) of subsection b. of
22 section 4 of P.L. 1991, c.261 (C.2C:25-20). A municipal prosecutor
23 may be appointed to that position in one or more municipal courts.
24 The provisions of this act shall apply to each such position held.

25 c. (1) A municipal prosecutor of a joint municipal court shall
26 be appointed upon the concurrence of the governing bodies of each
27 of the municipalities in accordance with applicable laws, ordinances
28 or resolutions.

29 (2) A municipal prosecutor of a central municipal court shall be
30 appointed by the governing body of the county.

31 d. Municipal prosecutors shall be compensated either on an
32 hourly, per diem, annual or other basis as the county, municipality
33 or municipalities provide. In the case of a joint municipal court,
34 municipalities shall, by similar ordinances, enter into an agreement
35 fixing the compensation of the municipal prosecutor and providing
36 for its payment. In the case of a central municipal court, the county
37 shall fix the compensation of the municipal prosecutor and provide
38 for its payment.

39 The compensation of municipal prosecutors shall be in lieu of
40 any and all other fees; provided, however that when a municipal
41 prosecutor is assigned to prosecute a de novo appeal in the Superior
42 Court, the prosecutor shall be entitled to additional compensation
43 unless the municipality expressly provides otherwise at the time the
44 compensation is fixed.

45 e. In accordance with applicable laws, ordinances and
46 resolutions, a municipality may appoint additional municipal
47 prosecutors as necessary to administer justice in a timely and
48 effective manner in its municipal court. Such appointments shall be

1 subject to this act. This subsection also applies to joint municipal
2 courts and central municipal courts.

3 f. Any municipal court having two or more municipal
4 prosecutors shall have a "chief municipal prosecutor" who shall be
5 appointed by the governing body of the county or the municipality.
6 The chief municipal prosecutor of a joint municipal court shall be
7 appointed upon the concurrence of the governing bodies of each
8 municipality. The chief municipal prosecutor shall have authority
9 over other prosecutors serving that court with respect to the
10 performance of their duties.

11 g. (1) Nothing in this act shall affect the appointment of
12 municipal attorneys in accordance with N.J.S.40A:9-139; provided,
13 however, that a person appointed to the positions of both municipal
14 prosecutor and municipal attorney shall be subject to all of the
15 provisions of this act while serving in the capacity of municipal
16 prosecutor.

17 (2) In addition to any other duties proscribed by the provisions
18 of this act, a person serving as both a municipal prosecutor and a
19 municipal attorney may prosecute county or municipal ordinance
20 violations.

21 (cf: P.L.1999, c.349, s.4)

22

23 3. This act shall take effect on the first day of the sixth month
24 following enactment.

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26

27

STATEMENT

28

29 This bill amends the existing law concerning training programs
30 for municipal prosecutors.

31 Presently, section 10 of P.L. 1999, c.349 (C.2B:25-10) provides
32 that the Attorney General, in consultation with the county and
33 municipal prosecutors, *may* develop curricula for training programs
34 for all municipal prosecutors. Participation in such training is
35 voluntary.

36 The bill amends this section to provide that the Attorney
37 General, in consultation with the county and municipal prosecutors,
38 *shall* develop or identify curricula for domestic violence training
39 and *may* develop or identify curricula for other training programs
40 for municipal prosecutors. Participation in such training programs
41 would be voluntary, except that participation in the domestic
42 violence training program would be mandatory.

43 A municipal prosecutor may satisfy the requirement of
44 participation in the domestic violence training program if he
45 successfully completes a training program offered by the Attorney
46 General, a county prosecutor, or any other public entity that
47 provides a training program that conforms to the requirements
48 described in paragraph (3) of subsection b. of section 4 of P.L.1991,

1 c.261 (C.2C:25-20), part of the domestic violence statutes. Nothing
2 in the bill would preclude the provision of continuing legal
3 education credits for the completion of such a training program.

4 The bill requires that the domestic violence training course and
5 curriculum be reviewed at least every two years and modified by
6 the Division of Criminal Justice from time to time as need may
7 require. Nothing in the bill would limit the ability of a county
8 prosecutor to modify the domestic violence training program that
9 the prosecutor provides to municipal prosecutors in that county
10 from time to time as need may require in order to conform to the
11 particular practices and customs in that county.

12 The county prosecutor would be responsible for confirming that
13 all persons appointed as or serving as municipal prosecutors within
14 the county have complied with the requirement to attend an initial
15 domestic violence training within 90 days of appointment or
16 transfer and annual training of at least four hours.

17 Under the bill, no governing body shall appoint, and no person
18 shall serve as, a municipal prosecutor unless that person has
19 successfully completed the domestic violence training course set
20 forth in the bill.

21 This bill embodies recommendation 17 of the Report of the
22 Supreme Court Ad Hoc Committee on Domestic Violence issued
23 June 2016.

24 The bill would take effect on the first day of the sixth month
25 following enactment.