

[First Reprint]

ASSEMBLY, No. 1763

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

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

As reported by the Assembly Judiciary Committee on November 15, 2021, with amendments.

(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 county
10 and municipal prosecutors **may** shall develop curricula for
11 **'domestic violence'** training programs for all municipal
12 prosecutors **'and may develop or identify curricula for other**
13 **training programs for municipal prosecutors'** which shall include,
14 but not be limited to, domestic violence training and include topics
15 regarding the dynamics of domestic violence, the impact of
16 domestic violence on children, the impact of trauma on survivors,
17 risks for lethality in domestic violence cases, offenders
18 accountability, safety planning and services for survivors of
19 domestic violence, the impact of racial bias and discrimination on
20 survivors and marginalized communities'.

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

36 b. The domestic violence training course and curriculum shall be
37 reviewed at least every two years and modified by the Division of
38 Criminal Justice from time to time as need may require', provided
39 that nothing in this section shall limit the ability of a county
40 prosecutor to modify the domestic violence training program that
41 the prosecutor provides to municipal prosecutors in that county
42 from time to time as need may require in order to conform to the
43 particular practices and customs in that county'.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted November 15, 2021.

1 The ¹county prosecutor shall be responsible for confirming that
2 all persons appointed as or serving as municipal prosecutors within
3 the county have complied with the requirement to] Attorney
4 General shall be responsible for ensuring that all new municipal
5 prosecutors appointed after the effective date of P.L. , c. who
6 have not previously served as a municipal prosecutor for a
7 municipality¹ attend an initial domestic violence training within 90
8 days of appointment or transfer and annual ¹in-service¹ training of
9 at least four hours as described in paragraph (3) of subsection b. of
10 section 4 of P.L.1991, c.261 (C.2C:25-20) ¹[and required by
11 subsection b. of section 4 of P.L.1999, c.349 (C.2B:25-4)] . The
12 training shall not be required for any municipal prosecutor who was
13 appointed to that office prior to the effective date of P.L. ,
14 c. who is subsequently re-appointed to that office or appointed as
15 a municipal prosecutor for another municipality after that effective
16 date¹ .
17 (cf: P.L.1999, c.349, s.10)

18
19 ¹[2. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to
20 read as follows:

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

25 b. A municipal prosecutor shall be an attorney-at-law of this
26 State in good standing, and shall serve for a term of one year from
27 the date of his or her appointment, except as determined by the
28 governing body of a county or a city of the first class with a
29 population greater than 270,000, according to the latest federal
30 decennial census, or the governing body of a city of the second
31 class with a population of greater than 30,000 but less than 43,000,
32 according to the latest decennial census, which city of the second
33 class is located in a county of the first class with a population less
34 than 600,000 according to the latest federal decennial census, and
35 may continue to serve in office pending re-appointment or
36 appointment of a successor. No governing body shall appoint, and
37 no person shall serve as, a municipal prosecutor unless that person
38 has successfully completed a domestic violence training course of at
39 least four hours as described in paragraph (3) of subsection b. of
40 section 4 of P.L. 1991, c.261 (C.2C:25-20). A municipal prosecutor
41 may be appointed to that position in one or more municipal courts.
42 The provisions of this act shall apply to each such position held.

43 c. (1) A municipal prosecutor of a joint municipal court shall
44 be appointed upon the concurrence of the governing bodies of each
45 of the municipalities in accordance with applicable laws, ordinances
46 or resolutions.

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

3 d. Municipal prosecutors shall be compensated either on an
4 hourly, per diem, annual or other basis as the county, municipality
5 or municipalities provide. In the case of a joint municipal court,
6 municipalities shall, by similar ordinances, enter into an agreement
7 fixing the compensation of the municipal prosecutor and providing
8 for its payment. In the case of a central municipal court, the county
9 shall fix the compensation of the municipal prosecutor and provide
10 for its payment.

11 The compensation of municipal prosecutors shall be in lieu of
12 any and all other fees; provided, however that when a municipal
13 prosecutor is assigned to prosecute a de novo appeal in the Superior
14 Court, the prosecutor shall be entitled to additional compensation
15 unless the municipality expressly provides otherwise at the time the
16 compensation is fixed.

17 e. In accordance with applicable laws, ordinances and
18 resolutions, a municipality may appoint additional municipal
19 prosecutors as necessary to administer justice in a timely and
20 effective manner in its municipal court. Such appointments shall be
21 subject to this act. This subsection also applies to joint municipal
22 courts and central municipal courts.

23 f. Any municipal court having two or more municipal
24 prosecutors shall have a "chief municipal prosecutor" who shall be
25 appointed by the governing body of the county or the municipality.
26 The chief municipal prosecutor of a joint municipal court shall be
27 appointed upon the concurrence of the governing bodies of each
28 municipality. The chief municipal prosecutor shall have authority
29 over other prosecutors serving that court with respect to the
30 performance of their duties.

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

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

41 (cf: P.L.1999, c.349, s.4)]¹

42

43 ¹[3.] 2.¹ This act shall take effect ¹[on the first day of the
44 sixth month following enactment] immediately¹.