

SENATE, No. 461

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Grants county governing body final authority to determine expenditures for courtroom facilities.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning courthouse facilities and amending
2 N.J.S.2B:6-1.

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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:6-1 is amended to read as follows:

8 2B:6-1. Courtrooms and Equipment; Security.

9 a. Suitable courtrooms, chambers, equipment and supplies for
10 the Supreme Court, the Appellate Division of the Superior Court
11 and the Chancery Division, other than the Family Part of the
12 Chancery Division, of the Superior Court shall be provided at the
13 expense of the State by the Administrative Director in cooperation
14 with the Director of the Division of Purchase and Property in the
15 Department of the Treasury. These courtrooms and chambers shall
16 be located in a courthouse or other public building so far as
17 practicable.

18 b. Each county shall provide suitable courtrooms, chambers,
19 equipment and supplies necessary for the processing and decision of
20 cases from that county in the Law Division and the Family Part of
21 the Chancery Division. The county governing body shall have final
22 authority to determine expenditures for courtrooms, chambers,
23 equipment and supplies and final authority to determine whether
24 courtroom facilities are "suitable" pursuant to this subsection.

25 c. A flag of the United States shall be displayed in an
26 appropriate place in each courtroom during all sessions of the court.

27 d. The sheriff of each county shall provide for security for the
28 Law and Chancery Divisions of the Superior Court sitting in that
29 county in the manner established by the assignment judge in the
30 county.

31 (cf: P.L.1991, c.177, s.3)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 Under current law, the counties are responsible for the costs of
39 construction and renovation of courthouse facilities. Although the
40 New Jersey Constitution was amended by the voters in 1992 to
41 provide for unification of the court system and to require the State
42 to assume certain judicial costs which had previously been borne by
43 county taxpayers, capital costs remain a county responsibility.

44 Currently, the Rules of Court provide that a dispute between the
45 county governing body and the Assignment Judge concerning

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 courtroom facilities may be submitted to arbitration. However, the
2 Court Rules also provide that the the New Jersey Supreme Court
3 may overturn the decision of the arbitrators if the court determines
4 "that the decision fails to balance the needs and interest of the
5 county and the Judiciary in a fair manner." R.1:33-9.

6 It is the view of the sponsor that this Court Rule in effect allows
7 the New Jersey Supreme Court to improperly make decisions about
8 county spending and that such decisions must be the sole
9 responsibility of county elected officials fulfilling their
10 responsibilities to the taxpayers.

11 Currently, N.J.S.A.2B:6-1 provides that each county "shall
12 provide suitable courtrooms, chambers, equipment and supplies
13 necessary for the processing and decision of cases from that county
14 in the Law Division and the Family Part of the Chancery Division."
15 This bill provides that the county governing body shall have final
16 authority to determine expenditures for courtrooms, chambers,
17 equipment and supplies and final authority to determine whether
18 courtroom facilities are "suitable" pursuant to the statute.