

SENATE, No. 4117

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Bars individual from serving as county prosecutor in acting capacity for longer than one year, including pending nominee for position.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning time limitations for certain county prosecutors
2 serving in an acting capacity and supplementing Title 2A of the
3 Revised Statutes.

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

8 1. a. No person, including a pending nominee for the position,
9 shall serve in an acting capacity as a county prosecutor for a period
10 of more than one year. When the name of a person serving in an
11 acting capacity is not submitted in nomination to the Senate prior to
12 the end of that one year, the person serving in an acting capacity
13 shall vacate that position at the end of the one-year period.

b. When any person is serving in an acting capacity as a county prosecutor on the effective date of this section, and the Governor has not submitted that person's name in nomination to the Senate, the Governor shall nominate that person within 30 days of that effective date, or at the next Senate session, whichever is sooner, or the person shall vacate that position.

21 2. This act shall take effect immediately.

STATEMENT

26 Under the New Jersey Constitution and statutory law, certain
27 public offices must be filled by nomination and appointment of the
28 Governor with the advice and consent of the Senate. These
29 positions include county prosecutors as the head of county
30 prosecutor offices; See, N.J. Const. (1947) Art. VII, Sec. 2, par. 1.

31 This bill provides that no person, including a pending nominee
32 for the position, shall serve in an acting capacity as a county
33 prosecutor for a period of more than one year. When the name of a
34 person serving in an acting capacity as a county prosecutor is not
35 submitted in nomination to the Senate prior to the end of that one
36 year, the person serving in an acting capacity shall vacate that
37 position at the end of the one year period.

38 The bill further provides that, when any person is serving in an
39 acting capacity as a county prosecutor on the effective date of the
40 bill, and the Governor has not submitted that person's name in
41 nomination to the Senate to serve in that capacity on a permanent
42 basis, the Governor shall nominate that person within 30 days of
43 that effective date, or at the next Senate session, whichever is
44 sooner, or the person shall vacate that position.