

109TH CONGRESS  
1ST SESSION

# H. R. 3518

To amend title 28, United States Code, to divide New Jersey into 2 judicial districts.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ANDREWS (for himself, Mr. LoBIONDO, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to divide New Jersey into 2 judicial districts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ESTABLISHMENT OF 2 DISTRICTS IN NEW JER-**

4                       **SEY.**

5               (a) ESTABLISHMENT.—

6                       (1) CREATION.—Section 110 of title 28, United  
7       States Code, is amended to read as follows:

1 **“§ 110. New Jersey**

2 “New Jersey is divided into 2 judicial districts to be  
3 known as the Northern and Southern Districts of New  
4 Jersey.

5 “Northern District

6 “(a) The Northern District comprises the counties of  
7 Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sus-  
8 sex, and Union.

9 “Court for the Northern District shall be held at Newark.

10 “Southern District

11 “(b) The Southern District comprises the counties of  
12 Atlantic, Burlington, Camden, Cape May, Cumberland,  
13 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,  
14 Salem, Somerset, and Warren.

15 “Court for the Southern District shall be held at Camden  
16 and Trenton.”.

17 (2) JUDGEShips.—The item relating to New  
18 Jersey in the table set forth in section 133(a) of title  
19 28, United States Code, is amended to read as fol-  
20 lows:

“New Jersey:	
“Northern .....	10
“Southern .....	7”.

21 (3) BANKRUPTCY JUDGEShips.—The item re-  
22 lating to New Jersey in the table set forth in section  
23 152(a)(1) of title 28, United States Code, is amend-  
24 ed to read as follows:

“New Jersey:	
“Northern .....	4
“Southern .....	4”.

1           (b) DISTRICT JUDGES, BANKRUPTCY JUDGES, MAG-  
2 ISTRATE JUDGES, UNITED STATES ATTORNEY, UNITED  
3 STATES MARSHAL, AND FEDERAL PUBLIC DEFENDER.—

4           (1) TRANSFER OF DISTRICT JUDGES.—(A) Any  
5 district judge of the District Court of New Jersey  
6 who is holding office on the day before the effective  
7 date of this Act and whose official duty station is in  
8 Bergen, Essex, Hudson, Middlesex, Morris, Passaic,  
9 Sussex, or Union County shall, on and after such ef-  
10 fective date, be a district judge for the Northern  
11 District of New Jersey. Any district judge of the  
12 District Court of New Jersey who is holding office  
13 on the day before the effective date of this Act and  
14 whose official duty station is in Atlantic, Burlington,  
15 Camden, Cape May, Cumberland, Gloucester,  
16 Hunterdon, Mercer, Monmouth, Ocean, Salem, Som-  
17 erset, or Warren County shall, on and after such ef-  
18 fective date, be a district judge of the Southern Dis-  
19 trict of New Jersey.

20           (B) Whenever a vacancy occurs in a judgeship  
21 in either judicial district of New Jersey, the vacancy  
22 shall first be offered to those judges appointed be-  
23 fore the enactment of this Act and in active service  
24 in the other judicial district of New Jersey at the

1 time of the vacancy, and of those judges wishing to  
2 fill the vacancy, the judge most senior in service  
3 shall fill that vacancy. In such a case, the President  
4 shall appoint a judge to fill the vacancy resulting in  
5 the district of New Jersey from which such judge  
6 left office.

7 (2) TRANSFER OF BANKRUPTCY AND MAG-  
8 ISTRATE JUDGES.—Any bankruptcy judge or mag-  
9 istrate judge of the District Court of New Jersey  
10 who is holding office on the day before the effective  
11 date of this Act and whose official duty station is in  
12 Bergen, Essex, Hudson, Middlesex, Morris, Passaic,  
13 Sussex, or Union County shall, on and after such ef-  
14 fective date, be a bankruptcy judge or magistrate  
15 judge, as the case may be, for the Northern District  
16 of New Jersey. Any bankruptcy judge or magistrate  
17 judge of the District Court of New Jersey who is  
18 holding office on the day before the effective date of  
19 this Act and whose official duty station is in Atlan-  
20 tic, Burlington, Camden, Cape May, Cumberland,  
21 Gloucester, Hunterdon, Mercer, Monmouth, Ocean,  
22 Salem, Somerset, or Warren County shall, on and  
23 after such effective date, be a bankruptcy judge or  
24 magistrate judge, as the case may be, of the South-  
25 ern District of New Jersey.

1           (3) UNITED STATES ATTORNEY, UNITED  
2 STATES MARSHAL, AND FEDERAL PUBLIC DE-  
3 FENDER.—

4           (A) THOSE IN OFFICE.—This section and  
5 the amendments made by this section shall not  
6 affect the tenure of office of the United States  
7 attorney, the United States marshal, and the  
8 Federal Public Defender, for the District of  
9 New Jersey who are in office on the effective  
10 date of this Act, except that such individuals  
11 shall be the United States attorney, the United  
12 States marshal, and the Federal Public De-  
13 fender, respectively, for the Northern District of  
14 New Jersey as of such effective date.

15           (B) APPOINTMENTS.—The President shall  
16 appoint, by and with the advice and consent of  
17 the Senate, a United States attorney and a  
18 United States marshal for the Southern Dis-  
19 trict of New Jersey. The Court of Appeals for  
20 the Third Circuit shall appoint a Federal Public  
21 Defender for the Southern District of New Jer-  
22 sey.

23           (4) PENDING CASES NOT AFFECTED.—This sec-  
24 tion and the amendments made by this section shall  
25 not affect any action commenced before the effective

1 date of this Act and pending in the United States  
2 District Court for the District of New Jersey on  
3 such date.

4 (5) JURIES NOT AFFECTED.—This section and  
5 the amendments made by this section shall not af-  
6 fect the composition, or preclude the service, of any  
7 grand or petit jury summoned, empaneled, or actu-  
8 ally serving in the Judicial District of New Jersey  
9 on the effective date of this Act.

10 **SEC. 2. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This Act and the amendments  
12 made by this Act shall take effect 180 days after the date  
13 of the enactment of this Act.

14 (b) APPOINTMENTS.—Notwithstanding subsection  
15 (a)—

16 (1) the President may make the appointments  
17 under section 1(b)(3)(B), and

18 (2) the Court of Appeals for the Third Circuit  
19 may make the appointment under section  
20 1(b)(3)(B),

21 at any time after the date of the enactment of this Act.

22 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as may be necessary to carry out this Act and the amend-  
25 ments made by this Act, including such sums as may be

- 1 necessary for facilities for the District Court for the
- 2 Southern District of New Jersey.

