

SENATE, No. 3847

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 28, 2024

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex and Passaic)

SYNOPSIS

Requires adoption of joint resolution before Attorney General files amicus brief in any state or federal court in which State is not party.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Attorney General and supplementing Title
2 52 of the Revised Statutes

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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. The Legislature finds and declares that:

8 a. The Attorney General serves as the chief legal officer of the
9 State of New Jersey, a role essential for representing the State's
10 interests. However, it is crucial that legal positions on certain
11 matters reflect the decisions of elected officials to ensure
12 accountability and proper representation of the citizens of New
13 Jersey.

14 b. Unlike the 43 states where the Attorney General is directly
15 elected by the public, New Jersey's Attorney General is an
16 appointed cabinet member who should not be permitted to take
17 policy positions without the approval of the State's elected officials.

18 c. In recent months, New Jersey's Attorney General Matt
19 Platkin has filed and supported several amicus briefs, including one
20 in which he joined 19 other states in urging the United States
21 Supreme Court to block Tennessee's ban on gender-affirming care
22 for transgender youth. However, granting the Attorney General the
23 authority to file amicus briefs without prior approval from the
24 Governor and the Legislature risks misrepresenting the State's
25 views and priorities.

26 d. As an unelected cabinet member, the Attorney General
27 should not unilaterally represent the State's interests in cases where
28 the State is not a party. The filing of an amicus brief may have
29 implications for state policy and public interest, making it
30 imperative that such filings undergo serious consideration and
31 debate by elected representatives.

32 e. Ensuring that the filing of amicus briefs are subject to
33 consideration by both the Governor and the Legislature promotes
34 transparency, accountability, and public confidence in the legal
35 processes of the State.

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37 2. The Attorney General shall not file an amicus brief in any
38 case before a state or federal court in which the State of New Jersey
39 is not a party unless a joint resolution is adopted by the Senate and
40 General Assembly and signed by the Governor. In the event that
41 either house of the Legislature does not vote in favor of the joint
42 resolution, the Governor may grant written authorization for the
43 filing of the amicus brief, provided that the Governor issues such
44 authorization after the Legislature's vote has occurred.

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46 3. This act shall take effect immediately.

STATEMENT

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This bill requires that a joint resolution be adopted by the Senate and General Assembly and signed by the Governor before the State Attorney General files an amicus brief in any state or federal court where New Jersey is not a party. If either house of the Legislature votes against the joint resolution, the Governor may grant written authorization for the amicus brief as long as this authorization occurs after the Legislature's vote.

This bill is in response to Attorney General Matt Platkin's support for an amicus brief urging the United States Supreme Court to block Tennessee's ban on gender-affirming care for transgender youth. While the Attorney General serves an essential role in representing the State's interests, it is crucial that legal positions on certain matters reflect the decisions of elected officials to ensure accountability and proper representation of the citizens of New Jersey. It is the intent of the sponsor that the filing of amicus briefs be considered by both the Governor and the Legislature before the Attorney General takes action to better represent the State's views and priorities.