2A:170-20 to 20.7

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:170-20 to 20.7 [Law enforcement organizations-soliciting funds]

Laws of 1954 Chapter 181

Bill No. S326

Sponsor(s) Jones

Date Introduced June 10, 1954

Committee: Assembly -

Senate Judiciary

Amended during passage ~~Yes~~ No

Date of passage: Assembly June 21

Senate June 17

Date of approval July 20, 1954

Following statements are attached if available:

Sponsor statement		Yes	No
Committee Statement:	Assembly	~~Yes~~	No
	Senate	~~Yes~~	No
Fiscal Note		Yes	No
Veto message		Yes	No
Message on signing		Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Cited in sponsor's statement:

974.90 C929 1954 New Jersey Law Enforcement Council. Second report: law enforcement and solicitations. Submitted to the Governor, the Legislature and the Attorney General of the State of N.J. March 22, 1954. Trenton, N.J.

DEPOSITORY COPY
Do Not Remove From Library

10/4/76

CHAPTER 181

AN ACT regulating solicitation and application of funds for certain organizations or associations of law enforcement officers, providing penalties for violations thereof, amending section 2A:170–20, and supplementing chapter 170 of Title 2A, of the New Jersey Statutes.

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

Section amended.

1. Section 2A:170–20 of the New Jersey Statutes is amended to read as follows:

Soliciting funds for law enforcement agencies, venue of offense.

2A:170–20. It shall be unlawful for any person to solicit funds or a contribution of any kind, by mail, telephone or in person, or by any means whatsoever, whether in payment for tickets, admission, books, tokens, advertising, honorary or other membership, or otherwise, for any organization or association of policemen, or sheriffs, or undersheriffs, or deputy sheriffs, or court officers, or court attendants, or detectives, or constables, or magistrates, or other such law enforcement officers, or any organization or association composed of 1 or more of said groups, except that bona fide active or retired members of any duly organized law enforcement agency of this State or of any municipality or county thereof, who are bona fide active members of any such organization or association may personally solicit such funds or contributions, but only in payment for tickets, books or tokens, in the municipality where they are employed as law enforcement officers, or were retired as such, or in case of county or State organizations or associations throughout the county or State where they are employed as law enforcement officers, or were retired as such.

It shall be unlawful for any such organization or association, or any officer or member thereof,

to employ or retain, or in any manner contract or agree with, directly or indirectly, any person to solicit funds or contributions for or on behalf of such organization or association for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to contract or agree with, or be employed or retained by any such organization or association for the purpose of soliciting, directly or indirectly, or through any agents or employees, funds or contributions for or on behalf of such organization or association, for a fee, commission or salary or on any basis of compensation whatsoever.

It shall be unlawful for any person to solicit funds or contributions of any kind for or on behalf of any such organization or association by any means whatsoever, in payment for advertising of any kind.

It shall be unlawful for any person to offer, give, issue, sell, deliver or distribute honorary membership cards or courtesy cards or cards of a similar nature, of any such organization or association, in connection with, or in any manner related to the solicitation of funds or contributions for or on behalf of any such organization or association.

Any person who violates any of the foregoing provisions of this section is a disorderly person.

Any offense committed under this section shall be considered to have taken place in the county in which the person solicited was at the time of such solicitation, notwithstanding that such solicitation was by telephone originating outside of the county, or by mail deposited in a post office outside of the county.

C. 2A:170-20.1. Regulates the issuing of honorary, courtesy, etc., cards, violator a disorderly person.

2. It shall be unlawful for any person, for or on behalf of any organization or association of law enforcement officers, or otherwise, to issue, offer, give, deliver or distribute any honorary membership card, courtesy card, or card of a similar nature, certificate, emblem, plaque, or article of a similar nature, of such organization or association,

except to bona fide members or former members of the law enforcement agency represented by such organization or association or to such other persons who have performed outstanding or meritorious public service, and then only in accordance with formal authorization therefor prescribed by resolution duly adopted by such organization or association.

The term "outstanding or meritorious public service" as used in this section shall in no event be construed to mean or include the contribution or payment of money to such organization or association for any purpose whatsoever.

Any person who violates any provision of this section is a disorderly person.

C. 2A:170-20.2. Notice of intention filed, contents, report filed, contents.

3. Any organization or association of law enforcement officers desiring to solicit or collect funds or contributions from other than its bona fide membership, shall, not less than 10 days prior to commencing any such solicitation or collection, file with the county prosecutor of the county in which such solicitation or collection is to be made, a notice of intention which shall contain the following information and data:

(a) The name and address of the organization or association;

(b) The names and addresses of the officers of the organization or association;

(c) The names and addresses of the officers or members of the organization or association who will be in charge of the solicitation or collection;

(d) A brief description of the solicitation or collection program proposed to be undertaken;

(e) The purpose for which the funds or contributions to be solicited and collected will be used;

(f) A statement that an audit will be made of the solicitations and collections by an independent auditor and that such audit will be available for public inspection at the office of the organization or association.

Each such notice of intention shall be duly subscribed and sworn to by at least 2 officers of the

organization or association duly authorized therefor by resolution of the organization or association.

Within 30 days following the close of any such solicitation or collection program, and in no event later than 6 months following the date of filing of the aforesaid notice of intention, the organization or association shall file with the county prosecutor with whom the notice of intention was filed, and in the case of a State organization or association with the Attorney-General of New Jersey, a report which shall contain the following information and data:

(a) The name and address of the organization or association;

(b) The place where the notice of intention was filed;

(c) The date on which the notice of intention was filed;

(d) The method used in the solicitations or collections;

(e) The amount of money collected from or as a result of such solicitations;

(f) An itemized statement of the expenses incurred in connection with such solicitations and collections;

(g) The name and address of the auditor who made an independent audit of the solicitations and collections, and the name and address of the place where such audit may be inspected;

Each such report shall have annexed thereto a copy of the audit and shall be duly subscribed and sworn to by at least 2 officers of the organization or association, duly authorized therefor by resolution of the organization or association, one of whom shall be the treasurer thereof.

Any person who violates any provision of this section is a disorderly person.

C. 2A:170-20.3. Use and disposition of moneys collected.

4. All moneys, funds or contributions solicited and collected by any organization or association of law enforcement officers shall be deposited in a separate trust fund to be maintained by such organization or association, in its name, in a banking

institution authorized to do business in this State, and no part of such fund shall be drawn out except by check or warrant signed by 2 officers of the organization or association, duly authorized therefor by resolution of the organization or association, 1 of whom shall be the treasurer thereof, and only for the welfare purposes for which the moneys in such fund were solicited and collected.

Any officer or member of any such organization or association who violates any provision of this section is a disorderly person.

C. 2A:170-20.4. Regulation of out-of-State organization soliciting.

5. It shall be unlawful for any organization or association consisting in whole or in part of law enforcement officers of this State, or any county or municipality thereof or in whole or in part of law enforcement officers of any other State, and created or established in any other State, or any officer, member, agent or employee of such organization or association, to solicit or collect any funds or contributions in this State except in full compliance with all of the provisions of this act regulating solicitations or collections for or on behalf of any organization or association of law enforcement officers of this State or any county or municipality thereof.

Any such organization or association for or on behalf of which any solicitations or collections are made in this State, and the officers and members thereof, shall be the making of such solicitations or collections make and constitute the Attorney-General of New Jersey, its and their agent for the acceptance of process in any action or proceeding, civil, criminal or administrative, issuing out of the Superior Court, or any County Court or county district court, or municipal court, or other court of civil or criminal jurisdiction, or issuing from any agency or instrumentality of this State, against such organization or association or any of its officers or members arising out of or by reason of such solicitations or collections or the maintenance of the trust fund established with the proceeds thereof. The solicitation or collection within this

State of funds or contributions for or on behalf of any such organization or association shall be the signification of the agreement of such organization or association and the officers or members thereof, of its or their agreement that any such process against it or them which is so served shall be of the same legal force and validity as if served upon them personally or upon it in accordance with law within this State.

Any person who violates any provision of this section is a disorderly person.

C. 2A:170-20.5. Impersonating, disorderly person.

6. Any person who, without authority, exercises the functions of, or holds himself out to anyone as, an officer or member or employee or agent of any organization or association of law enforcement officers, not so being, is a disorderly person.

C. 2A:170-20.6. Conspiracy to violate act, disorderly person.

7. Any person who conspires with another or other persons to violate any of the provisions of this act shall be adjudged a disorderly person upon proof that some act was done to effect the object of the conspiracy by 1 or more of the parties thereto.

C. 2A:170-20.7. Aiding and abetting, disorderly person.

8. Any person who aids, abets, counsels, commands, induces or procures another to violate any provision of this act is a disorderly person.

Any person who causes another to violate any provision of this act is a disorderly person.

9. This act shall take effect immediately.

Approved July 20, 1954.

proof that some act was done to effect the object of the conspiracy by one or more of the parties thereto.

8. Any person who aids, abets, counsels, commands, induces or procures another to violate any provision of this act is a disorderly person.

Any person who causes another to violate any provision of this act is a disorderly person.

9. This act shall take effect immediately.

STATEMENT

This measure incorporates the recommendations made by the New Jersey Law Enforcement Council in its Second Report to the Governor, the Legislature and the Attorney-General (March 22, 1954), entitled *Law Enforcement and Solicitations.*

The object of this bill is to strengthen the law regulating solicitations of funds for organizations or associations of law enforcement officers and prevent unwholesome solicitation practices which were disclosed in a recent extensive investigation conducted by the Council.

5326 (1954)