

2C:29-8.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C: 29-8.1

(Jurors-certain
contacts--prohibit)

LAWS OF: 1989

CHAPTER: 22

Bill No: S2132

Sponsor(s): Feldman

Date Introduced: February 29, 1988

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: December 19, 1988

Senate: June 2, 1988

Date of Approval: February 6, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Kean enacts ban on juror selling their stories" 2-7-89 Star Ledger.

[FIRST REPRINT]

SENATE, No. 2132

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 29, 1988

By Senator FELDMAN

1 AN ACT concerning jurors in criminal matters and supplementing
Title 2C of the New Jersey Statutes.

3

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

1. a. Any person impaneled as a petit or grand juror in any
7 criminal action in this State who, before the rendering of a
verdict, entry of a plea, or the ¹[return of an indictment or
9 presentment] termination of service as a grand juror¹, solicits,
negotiates, accepts, or agrees to accept a contract for a movie,
11 book, magazine article, other literary expression, recording, radio
or television presentation, or live entertainment or presentation
13 of any kind which would depict his service as a juror ¹[in that
particular case]¹ is guilty of a crime of the fourth degree.

15 b. Any person who offers, negotiates, confers, or agrees to
confer a contract for a movie, book, magazine article, other
17 literary expression, recording, radio or television presentation, or
live entertainment or presentation of any kind ¹which would
19 depict the juror's service¹, to any person ¹[while]¹ impaneled as
a petit or grand juror in any criminal action in this State ¹[which
21 would depict the juror's service in that particular criminal
matter], during the term of service of the juror,¹ is guilty of a
23 crime of the fourth degree.

2. This act shall take effect immediately.

25

27

CRIMINAL JUSTICE

Juries

29

Makes certain contact with or by jurors during the course of a
31 criminal proceeding a crime of the fourth degree.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted March 21, 1988.

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contract for a movie, book, magazine article, other literary
11 expression, recording, radio or television presentation, or live
entertainment or presentation of any kind which would depict his
13 service as a juror in that particular case is guilty of a crime of
the fourth degree.

15 b. Any person who offers, negotiates, confers, or agrees to
confer a contract for a movie, book, magazine article, other
17 literary expression, recording, radio or television presentation, or
live entertainment or presentation of any kind, to any person
19 while impaneled as a petit or grand juror in any criminal action in
this State which would depict the juror's service in that
21 particular criminal matter is guilty of a crime of the fourth
degree.

23 2. This act shall take effect immediately.

25

STATEMENT

27

This bill makes it a crime of the fourth degree for any juror in
29 a criminal matter to contract for certain literary or
entertainment rights to his story of service as a juror in that
31 particular case while the case is ongoing. It also makes it a
crime of the fourth degree for the person who solicits the juror.
33 A crime of the fourth degree is punishable by a term of
imprisonment not to exceed 18 months, a fine not to exceed
35 \$7,500.00 or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2132

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1988

The Assembly Judiciary Committee reports favorably Senate Bill No. 2132. This bill provides that jurors in criminal proceedings who contract for literary or entertainment rights to a story depicting their service as a juror while the matter is pending is guilty of a crime of the fourth degree. Any person who solicits or contracts with a juror for such a story during the juror's service is also guilty of a crime of the fourth degree. In the case of persons serving as grand jurors, the provisions of the bill apply until the person has completed his service as a grand juror.

A crime of the fourth degree is punishable by imprisonment up to 18 months, a fine up to \$7,500, or both.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2132

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 1988

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2132.

This bill provides that jurors in a criminal matter who contract for literary or entertainment rights to the story of his service as a juror while the case is ongoing commits a crime of the fourth degree. Under this bill, a person who solicits or enters into such a contract with a juror would also be guilty of a crime of the fourth degree. Crimes of the fourth degree are punishable by imprisonment for up to 18 months, a fine of up to \$7,500 or both.

The amendments adopted by the committee are of a technical nature and clarify that in the case of grand jurors, the provisions of the bill apply until the person has completed his service as a grand juror.

1 Current practice restricts attorneys and parties in any matter
from interviewing or questioning any juror subsequent to trial
3 except without the court's permission. See R. 1:16. The process
of jury deliberations is afforded many protections. If a juror
5 were to enter into a contract of the kind addressed in this bill
presumably the defense counsel would seek a mistrial if the
7 information became known since a juror's decision could be
tainted by his impression of its effect on the saleability of the
9 story. The sponsor believes that this specific measure is
necessary not only to punish a juror for this misconduct but also
11 to make it clear that no person should attempt to contact a juror
in this regard. Because some criminal matters receive a lot of
13 media attention, the bill's purpose is to ensure fair criminal
trials by eliminating a potential source of conflict for jurors in
15 those proceedings.

17

CRIMINAL JUSTICE

19

Juries

21 Makes certain contact with or by jurors during the course of a
criminal proceeding a crime of the fourth degree.