

2C:21-10

12/18/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:21-10  
and 2C:21-11

(Commercial bribes--  
rigging public contests--  
establish guilt of person  
offering bribe)

LAWS OF: 1986

CHAPTER 129

BILL NO: S1098

Sponsor(s): Dorsey

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by  
asterisks.

Date of Passage:

Assembly:

Sept. 11, 1986

Senate:

May 15, 1986

Date of Approval:

Oct. 20, 1986

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

No

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

Yes

Following were printed:

Reports:

No

Hearings:

No

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**SENATE, No. 1098****STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator DORSEY

AN ACT concerning fraudulent practices and amending N. J. S.  
2C:21-10 and N. J. S. 2C:21-11.

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

1 1. N. J. S. 2C:21-10 is amended to read as follows:

2 2C:21-10. Commercial Bribery and Breach of Duty to Act  
3 Disinterestedly. a. A person commits a crime if he solicits, accepts  
4 or agrees to accept any benefit as consideration for knowingly  
5 violating or agreeing to violate a duty of fidelity to which he is  
6 subject as:

7 (1) An agent, partner or employee of another;

8 (2) A trustee, guardian, or other fiduciary;

9 (3) A lawyer, physician, accountant, appraiser, or other pro-  
10 fessional adviser or informant;

11 (4) An officer, director, manager or other participant in the direc-  
12 tion of the affairs of an incorporated or unincorporated association;

13 (5) A labor official, including any duly appointed representative  
14 of a labor organization or any duly appointed trustee or repre-  
15 sentative of an employee welfare trust fund; or

16 An arbitrator or other purportedly disinterested adjudicator  
17 or referee.

18 **[**If the benefit derived from a violation of this section is  
19 \$75,000.00, or more, the offender is guilty of a crime of the second  
20 degree. If the benefit derived exceeds \$1,000.00, but is less than

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Senate committee amendments adopted May 5, 1986.**

21 \$75,000.00, the offender is guilty of a crime of the third degree. If  
 22 the benefit derived is \$1,000.00, or less, the offender is guilty of a  
 23 crime of the fourth degree.】

24 b. A person who holds himself out to the public as being engaged  
 25 in the business of making disinterested selection, appraisal, or  
 26 criticism of commodities, real properties or services commits a  
 27 crime 【of the fourth degree】 if he solicits, accepts or agrees to  
 28 accept any benefit to influence his selection, appraisal or criticism.

29 c. A person commits a crime 【of the fourth degree】 if he con-  
 30 fers, or offers or agrees to confer, any benefit the acceptance of  
 31 which would be criminal under this section.

32 *\*d.\* If the benefit offered, conferred, agreed to be conferred,  
 33 solicited, accepted or agreed to be accepted in violation of this sec-  
 34 tion is \$75,000.00 or more, the offender is guilty of a crime of the  
 35 second degree. If the benefit exceeds \$1,000.00, but is less than  
 36 \$75,000.00, the offender is guilty of a crime of the third degree. If  
 37 the benefit is \$1,000.00 or less, the offender is guilty of a crime of  
 38 the fourth degree.*

1 2. N. J. S. 2C:21-11 is amended to read as follows:

2 2C:21-11. Rigging Publicly Exhibited Contest. a. A person  
 3 commits a crime if, with purpose to prevent a publicly exhibited  
 4 contest from being conducted in accordance with the rules and  
 5 usages which govern it, he:

6 (1) Confers or offers or agrees to confer any benefit upon, or  
 7 threatens any injury to a participant, official or other person as-  
 8 sociated with the contest or exhibition; or

9 (2) Tampers with any person, animal or thing.

10 【If the benefit derived from a violation of this section is  
 11 \$75,000.00, or more, the offender is guilty of a crime of the second  
 12 degree. If the benefit derived exceeds \$1,000.00, but is less than  
 13 \$75,000.00, the offender is guilty of a crime of the third degree.  
 14 If the benefit derived is \$1,000.00, or less, the offender is guilty of  
 15 a crime of the fourth degree.】

16 b. Soliciting or accepting benefit for rigging. A person com-  
 17 mits a crime 【of the fourth degree】 if he knowingly solicits, ac-  
 18 cepts or agrees to accept any benefit the giving of which would be  
 19 criminal under subsection a.

20 *\*c.\* If the benefit offered, conferred, agreed to be conferred,  
 21 solicited, accepted or agreed to be accepted in violation of \*subsec-  
 22 tions a. and b. of\* this section is \$75,000.00 or more, the offender  
 23 is guilty of a crime of the second degree. If the benefit exceeds  
 24 \$1,000.00, but is less than \$75,000.00, the offender is guilty of a  
 25 crime of the third degree. If the benefit is \$1,000.00 or less, the  
 26 offender is guilty of a crime of the fourth degree.*

27    \***[c.]**\* \*d.\* Failure to report solicitation for rigging. A person  
28    commits a disorderly persons offense if he fails to report, with  
29    reasonable promptness, a solicitation to accept any benefit or to do  
30    any tampering, the giving or doing of which would be criminal  
31    under subsection a.

32    \***[d.]**\* \*e.\* Participation in rigged contest. A person commits a  
33    crime of the fourth degree if he knowingly engages in, sponsors,  
34    produces, judges, or otherwise participates in a publicly exhibited  
35    contest knowing that the contest is being conducted in violation of  
36    subsection a. of this section.

1     3. This act shall take effect immediately.

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### CRIMINAL JUSTICE

Upgrades in certain circumstances the penalties for commercial  
bribery and rigging a publicly exhibited contest.

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27 c. Failure to report solicitation for rigging. A person commits  
28 a disorderly persons offense if he fails to report, with reason-  
29 able promptness, a solicitation to accept any benefit or to do any  
30 tampering, the giving or doing of which would be criminal under  
31 subsection a.

32 d. Participation in rigged contest. A person commits a crime  
33 of the fourth degree if he knowingly engages in, sponsors, pro-  
34 duces, judges, or otherwise participates in a publicly exhibited  
35 contest knowing that the contest is being conducted in violation of  
36 subsection a. of this section.

1 3. This act shall take effect immediately.

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*Sponsor's* STATEMENT

This bill amends the New Jersey Code of Criminal Justice to provide that a person who offers or confers a commercial bribe (N. J. S. 2C:21-10) or a benefit for rigging a publicly exhibited contest (N. J. S. 2C:21-11) shall be exposed to the same degree of liability as the person who solicits or accepts the bribe or benefit. The degree of liability is graded according to the value of the bribe or benefit.

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51098 (1986)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1098**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 28, 1985

The Senate Judiciary Committee reports favorably Senate Bill No. 1098 with committee amendments.

This bill proposes to amend the penalty sections of N. J. S. 2C:21-10 (commercial bribery) and N. J. S. 2C:21-11 (rigging a publicly exhibited contest).

**COMMERCIAL BRIBERY**

Presently, a person who accepts a "commercial bribe" is guilty of a crime of the second degree if the benefit derived is \$75,000.00 or more; a crime of the third degree if the benefit derived is between \$1,000.00 and \$75,000.00 and a crime of the fourth degree if the benefit derived is less than \$1,000.00. A person who offers a bribe in a commercial setting is guilty of a crime of the fourth degree regardless of the amount of the bribe offered. This bill would grade the liability of a person who offers a "commercial bribe" in the same manner as is used with regard to the person accepting the bribe, according to the value of the bribe.

**RIGGING A PUBLICLY EXHIBITED CONTEST**

Presently, the person who offers a bribe in connection with the rigging of a publicly exhibited contest commits a crime of the second, third or fourth degree (as described above) depending on the value of the bribe offered. The person who accepts a bribe in connection with the rigging of a publicly exhibited contest is guilty of a crime of the fourth degree regardless of the amount of the bribe. As with commercial bribery, this bill would equalize the potential criminal liability of both the offeror or acceptor of a bribe and make the degree of the crime dependent on the amount of the bribe.

The committee amendments adopted were technical and clarified internal references.

177-3101  
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## NEWS RELEASE

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**Release: TUES., OCT. 21, 1985**

**CN-001**

**Contact:** JOHN SAMERJAN  
609-292-8956 OR 292-6000 EXT. 207

Governor Thomas H. Kean today signed the following legislation:

S-1098/A-955, an administration initiative sponsored by Senator John Dorsey, R-Morris, and Assemblyman William P. Schuber, R-Bergen, which provides that a person who offers or confers a commercial bribe or benefit for rigging a publicly exhibited contest shall be subject to the same liability as the person who solicits or accepts the bribe or benefit.

A publicly exhibited contest is a broad category including horse racing, boxing, spotting and gaming events.

Under this legislation the offender who offers or accepts a bribe or benefit to rig a contest would be liable for five to ten years in prison and/or a fine of \$100,000 for an offer of \$75,000 or more. A bribe of \$1,000 to \$75,000 would bring a penalty of three to five years in prison and/or a fine of up to \$75,000. If the benefit or bribe is less than \$1,000 the penalty is a term of up to 18 months and/or a fine of \$7,500. The legislation is effective immediately.

S-69, sponsored by Senator James Hurley, R-Cumberland/Cape May and Assemblyman Robert Franks, R-Union, establishes the New Sweden Commemorative Commission in the Department of State to plan, promote and coordinate the celebration of the 350th anniversary of the settlement of Swedes and other Scandanavian people in the State of New Jersey. The Commission will receive an appropriation of \$90,000. The legislation is effective immediately and expires December 31, 1989.