

2A:170-20; 2A:170-20.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:170-20; 2A:170-20.2

(Law enforcement organizations -
retired member - solicitation of ads
for programs)

LAWS OF: 1983

CHAPTER: 200

Bill No: A3381

Sponsor(s): Karcher and D. Gallo

Date Introduced: April 11, 1983

Committee: Assembly: _____

Senate: _____

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

Date of Passage: Assembly: April 11, 1983

Senate: May 23, 1983

Date of Approval: June 1, 1983

Following statements are attached if available:

Sponsor statement: Yes // Also attached: Senate
amendments, adopted
4-25-83 (with statement)

Committee statement: Assembly /// No

Senate /// No

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

6-1-83

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3381

STATE OF NEW JERSEY

INTRODUCED APRIL 11, 1983

By Assemblymen KARCHER and D. GALLO

AN ACT concerning certain solicitations of funds by law enforcement officers and amending N. J. S. 2A:170-20 and P. L. 1954, c. 181.

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

1 1. N. J. S. 2A:170-20 is amended to read as follows:

2 2A:170-20. It shall be unlawful for any person to solicit funds
 3 or a contribution of any kind, by mail, telephone or in person, or by
 4 any means whatsoever, whether in payment for tickets, admis-
 5 sion, books, tokens, advertising, honorary or other membership,
 6 or otherwise, for any organization or association of policemen, or
 7 sheriffs, or undersheriffs, or deputy sheriffs, or court officers, or
 8 court attendants, or detectives, or constables, or magistrates, or
 9 other such law enforcement officers, or any organization or associa-
 10 tion composed of one or more of said groups, except that bona fide
 11 active or retired members of any duly organized law enforcement
 12 agency of this State or of any municipality or county thereof, who
 13 are bona fide active members of any such organization or associa-
 14 tion may personally, or by mail solicit such funds or contributions,
 15 but only in payment for tickets, books, **[or]** tokens *or advertising*
 16 *as specified herein*, in the municipality where they are employed as
 17 law enforcement officers, or were retired as such, or in case of
 18 county or State organizations or associations throughout the county
 19 or State where they are employed as law enforcement officers, or
 20 were retired as such.

21 It shall be unlawful for any such organization or association, or

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 amendments adopted April 25, 1983.**

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

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

33 It shall be unlawful for any person to solicit funds or contribu-
 34 tions of any kind for or on behalf of any such organization or
 35 association by any means whatsoever, in payment for advertising
 36 of any kind, *except that it shall be lawful for any bona fide active or*
 37 *retired officer or member of any such organization or association to*
 38 *solicit funds or contributions on behalf of such organization or*
 39 *association in payment for advertising to appear in a program or*
 40 *book *or directory* published in connection with a social event or*
 41 *annual association conference ***[and directory]*** which is spon-*
 42 *sored by such organization or association and where admission to*
 43 *the event is sold to the general public. No organization or associa-*
 44 *tion shall sponsor such a social event, where payments for adver-*
 45 *tising are solicited, more than three times in any calendar year.*

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

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

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

1 2. Section 3 of P. L. 1954, c. 181 (C. 2A :170-20.2) is amended to
 2 read as follows:

3 3. Any organization or association of law enforcement officers
 4 desiring to solicit or collect funds or contributions from other than
 5 its bona fide membership, shall, not less than 10 days prior to com-
 6 mencing any such solicitation or collection, file with the county

7 prosecutor of the county in which such solicitation or collection is
 8 to be made **[or]* *and**, in the case of a State organization or
 9 association, with the Attorney General of New Jersey, a notice of
 10 intention which shall contain the following information and data:

- 11 (a) The name and address of the organization or association;
- 12 (b) The names and addresses of the officers of the organization
 13 or association;
- 14 (c) The names and addresses of the officers or members of the
 15 organization or association who will be in charge of the solicitation
 16 or collection;
- 17 (d) A brief description of the solicitation or collection program
 18 proposed to be undertaken;
- 19 (e) The purpose for which the funds or contributions to be
 20 solicited and collected will be used;
- 21 (f) A statement that an audit will be made of the solicitations
 22 and collections by an independent auditor and that such audit will
 23 be available for public inspection at the office of the organization or
 24 association.

25 Each such notice of intention shall be duly subscribed and sworn
 26 to by at least 2 officers of the organization or association duly
 27 authorized therefor by resolution of the organization or association.
 27A **The Attorney General or county prosecutor shall have the author-*
 27B *ity to prohibit any solicitation which does not comply with the*
 27C *provisions of this act.**

28 Within 30 days following the close of any such solicitation or
 29 collection program, and in no event later than six months following
 30 the date of filing of the aforesaid notice of intention, the organiza-
 31 tion or association shall file with the county prosecutor with whom
 32 the notice of intention was filed[, and] **[or]* *and**, in the case
 33 of a State organization or association, with the Attorney [-] Gen-
 34 eral of New Jersey, a report which shall contain the following
 35 information and data:

- 36 (a) The name and address of the organization or association;
- 37 (b) The place where the notice of intention was filed;
- 38 (c) The date on which the notice of intention was filed;
- 39 (d) The method used in the solicitations or collections;
- 40 (e) The amount of money collected from or as a result of such
 41 solicitations;
- 42 (f) An itemized statement of the expenses incurred in connection
 43 with such solicitations and collections;
- 44 (g) The name and address of the auditor who made an indepen-
 45 dent audit of the solicitations and collections, and the name and
 46 address of the place where such audit may be inspected[;] **[.]**

46A **;**

46B *(h) *The purpose for which the funds have been or will be used.**

47 Each such report shall have annexed thereto a copy of the audit
48 and shall be duly subscribed and sworn to by at least two officers of
49 the organization or association, duly authorized therefor by reso-
50 lution of the organization or association, one of whom shall be the
51 treasurer thereof.

52 Any person who violates any provision of this section is a dis-
53 orderly person.

1 ***[3.** Section 4 of P. L. 1954, c. 181 (C. 2A:170-20.3) is amended
2 to read as follows:

3 4. All moneys, funds or contributions solicited and collected by
4 any organization or association of law enforcement officers shall
5 be deposited in a separate trust fund to be maintained by such
6 organization or association, in its name, in a banking institution
7 authorized to do business in this State, and no part of such fund
8 shall be drawn out except by check or warrant signed by 2 officers
9 of the organization or association, duly authorized therefor by
10 resolution of the organization or association, 1 of whom shall be
11 the treasurer thereof, and only for the **[welfare]** purposes for
12 which the moneys in such fund were solicited and collected.

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

1 ***[4.]*** *3.* This act shall take effect immediately.

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11 the treasurer thereof, and only for the [welfare] purposes for
12 which the moneys in such fund were solicited and collected.

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

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit active or retired members of a duly organized law enforcement agency of this State or of any political subdivision thereof who are members of an organization of law enforcement officers to solicit payments for advertising to appear in a program or book published in connection with a social event, or annual association conference and directory sponsored by the organization, provided that no such organization shall sponsor such a social event, where payments for advertising are solicited, more than three times a year. Finally, the bill provides that a. the notice of intention by a State organization of law enforcement officers to solicit funds from nonmembers, and b. the report concerning the conduct and results of that solicitation shall be filed with the State Attorney General only, eliminating the current requirement that the organization submit such notice and report to officials in each county in which the solicitation is made.

A3381(1983)

ADOPTED
APR 23 1954

Proposed by Senator Walter, 4/15/54

Amend

Page	Sec	Line	
2	1	40	After "book" insert "or directory"
2	1	41	Omit "and directory"
3	2	8	After "made" omit "or" insert "and"
3	2	27	after Insert the following paragraph: "The attorney General or county prosecutor shall have the authority to prohibit any solicitation which does not comply with the provisions of this act."
3	2	32	Omit "or" insert "and"
3	2	46	Omit "." insert ";"
3	2	46	after Insert the following: "(h) The purpose for which the funds have been or will be used."
4	3	1-14	Omit
4	4	1	Omit "4." insert "3."

STATEMENT

These amendments clarify the reference to the directory in the bill, the filing requirements, the enforcement powers and the information required concerning the use of the funds. The amendment also removes section 3 of the bill which amended section 4 of P.L. 1954, c. 181 (C. 2A:170-20.3) and, thus, leaves that section of the law continued in its present form.