

2A:73B-1

LEGISLATIVE HISTORY CHECKLIST
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(Grand Jury proceedings--require transcript)

NJSA: 2A:73B-1

LAWS OF: 1981 CHAPTER: 475

BILL NO: S224

SPONSOR(S): A. Russo and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary, Law, Public Safety & Defense
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 11, 1982
SENATE: January 29, 1981

DATE OF APPROVAL: January 12, 1982

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report referred to in statements:

974.90 New Jersey Bar Association. Committee on the Grand Jury.
J95 Report...a dual system of initiating criminal charges:
1977 prosecution by information and the grand jury's residual function.
April, 1977. Trenton, 1977.

475 81
APPROVED 1-12-82

[OFFICIAL COPY REPRINT]

SENATE, No. 224

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators A. RUSSO, GREGORIO, WEISS, BEDELL, LIPMAN,
GRAVES, ORECHIO, FRIEDLAND, SHEIL, RODGERS,
YATES, HAMILTON and ERICHETTI

AN ACT concerning the operation of grand juries.

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

1 ***[1. Everything that transpires before a grand jury, except for**
2 **its deliberations, shall be transcribed. No one other than members**
3 **of a grand jury shall be present during grand jury deliberations.]***

1 *1. *In any case or investigation before a grand jury the testimony*
2 *of witnesses, comments by the prosecuting attorney, and colloquy*
3 *between the prosecuting attorney and witnesses or members of the*
4 *grand jury shall be transcribed.**

1 2. This act shall take effect immediately.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

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STATEMENT

This bill would require that everything that transpires before a grand jury, except for its deliberations, be transcribed. The bill would also prohibit persons other than members of the grand jury from being present during grand jury deliberations. The bill is designed to curb the potential abuse of "off-the-record" comments by a prosecutor and would implement one of the recommendations for grand jury reform made in the 1977 report of the New Jersey Bar Association's Committee on the Grand Jury.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 224
with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1981

This bill, as amended, would expressly require testimony of witnesses, comments by the prosecuting attorney and the colloquy between those present during grand jury deliberations be transcribed. More specifically, those portions of the grand jury proceeding which must be transcribed are testimony, prosecutorial comment and colloquy. Because it is common practice to have the prosecutor remain in the grand jury room during deliberations unless requested to leave (the practice which is specifically permitted by Court Rule 3:6-6(a)), the prohibition on such presence is deleted. However, if the prosecutor should comment or engage in discussion with the grand jury at this stage of the proceedings, the amendments would require transcription.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 224

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

Senate No. 224 would require that everything that transpires before a grand jury, except for its deliberations, be transcribed. The bill would also prohibit persons other than members of the grand jury from being present during grand jury deliberations. The bill is designed to curb the potential abuse of "off-the-record" comments by a prosecutor and would implement one of the recommendations for grand jury reform made in the 1977 report of the New Jersey Bar Association's Committee on the Grand Jury.

Senate No. 224 is supported by the Office of the Public Advocate. The concept embodied in Senate No. 224 has been endorsed by the American Bar Association's House of Delegates. Eight other states have enacted legislation similar to Senate No. 224.

The Division of Criminal Justice agrees with the concept of recordation of grand jury colloquies but felt that this could better be accomplished by the adoption of a court rule. It was pointed out, however, that it would be at least a year before the Supreme Court would be in a position to adopt such a rule.

Senate No. 224 is one of eight bills dealing with grand jury procedures by a subcommittee of the Judiciary Committee at a series of public hearings. At these hearings, the subcommittee heard testimony from representatives of the Division of Criminal Justice, the Office of the Public Advocate, the N. J. Bar Association, and the N. J. Prosecutors' Association as well as from interested citizens. The subcommittee recommended Senate No. 224 favorably.