24:73B-1

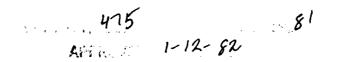
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LEGISLATIVE HISTORY CHECKLIST Compiled by the NJ State Law Library

(Grand Jury proceedings--require transcript)

NJSA:	2A:73B-1			
LAWS OF:	1981	CHAPI	ER:	475
BILL NO:	S224			
SPONSOR(S):	A. Russo and ot	hers		
DATE INTRODUCED: Pre-filed				
COMMITTEE:	ASSEMBLY:	Judiciary,	:aw, Publ	ic Safety & Defense
	SENATE :	Judiciary		
AMENDED DURING	PASSAGE :	Yes	Amendments	, during passage asterisks
DATE OF PASSAGE	: ASSEMBLY:	Janua	ary 11, 198	2
	SENATE :	Janua	ary 29, 198	1 '
DATE OF APPROVAL: January 12, 1982				
FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE: SPONSOR STATEMENT: Yes				
COMMITTEE STATE	MENT: ASSEN	/BLY:	Yes	
	SENAI	re :	Yes	
FISCAL NOTE:			Yes	
VETO MESSAGE:			No	Sur Sur Suran
MESSAGE ON SIGN	ING:		No	син, ар. с. Р. Мар
FOLLOWING WERE PRINTED:				
REPORTS:			Yes	
HEARINGS:			No	
Report referred to in statements: 974.90 New Jersey Bar Association. Committee on the Grand Jury				

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.



[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 ERRICHETTI

An Act concerning the operation of grand juries.

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

3 between the prosecuting attorney and witnesses or members of the

4 grand jury shall be transcribed.*

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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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SENATE, No. 224

STATE OF NEW JERSEY

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 This act shall take effect immediately.

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

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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.