

2A: 73B-3

LEGISLATIVE HISTORY CHECKLIST

(Grand Jury proceedings -- penalties for disclosure of information)

NJSA 2A:73B-3

LAWS 1981

CHAPTER 477

Bill No. S229

Sponsor(s) A. Russo

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 12, 1982

Senate Jan. 29, 1981

Date of approval Jan 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings Yes ~~No~~

Public hearings mentioned in statements were not transcribed.

See newspaper clipping file "N.J. - Grand Jury (1980-1982)" in New Jersey Reference Section.

6/22/81

PP DEC

1982

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1-12-82

[OFFICIAL COPY REPRINT]  
SENATE, No. 229

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators A. RUSSO and GREGORIO

AN ACT concerning the unauthorized disclosure of information  
concerning grand jury proceedings.

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

1 1. a. A person, including a public officer or employee, who\*, *with*  
2 *the intent to injure another, purposely\** discloses, other than as  
3 authorized or required by law, any information concerning the  
4 proceedings of a grand jury commits a crime of the fourth degree.  
5 A public officer or employee who **\*[violates]\*** *\*is convicted of a*  
6 *violation of\** this section shall be dismissed from his office or dis-  
7 charged from his employment.

8 b. A person injured as a result of a violation of subsection a.  
9 of this section may bring a civil action in the Superior Court  
10 against the person **\*[making the unauthorized disclosure]\*** *\*con-*  
11 *victed of the violation\**. The person making the unauthorized dis-  
12 closure shall be liable to the injured person for actual damages  
13 plus punitive damages of not less than \$1,000.00 or more than  
14 \$100,000.00, reasonable litigation costs and reasonable attorney  
15 fees.

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.

SENATE, No. 229

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators A. RUSSO and GREGORIO

AN ACT concerning the unauthorized disclosure of information  
concerning grand jury proceedings.

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

3 1. a. A person, including a public officer or employee, who dis-  
4 closes, other than as authorized or required by law, any information  
5 concerning the proceedings of a grand jury commits a crime of  
6 the fourth degree. A public officer or employee who violates this  
7 section shall be dismissed from his office or discharged from his  
8 employment.

9 b. A person injured as a result of a violation of subsection a.  
10 of this section may bring a civil action in the Superior Court  
11 against the person making the unauthorized disclosure. The person  
12 making the unauthorized disclosure shall be liable to the injured  
13 person for actual damages plus punitive damages of not less than  
14 \$1,000.00 or more than \$100,000.00, reasonable litigation costs and  
15 reasonable attorney fees.

16 2. This act shall take effect immediately.

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STATEMENT

This bill would make the unauthorized disclosure of any information concerning the proceedings of a grand jury a criminal offense. Additionally, if the person making the unauthorized disclosure was a public official or employee, such person would be subject to dismissal from office or employment.

This bill would also permit any person injured as the result of an unauthorized disclosure of information to sue for the actual damages plus punitive damages of not less than \$1,000.00 nor more than \$100,000.00; reasonable litigation costs and reasonable attorney fees.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
SENATE, No. 229  
with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1981

This bill as amended, would make intentional unauthorized disclosure of information concerning proceedings of a grand jury a crime of the fourth degree. Conviction of this crime would be a condition precedent to final dismissal of a public officer from his office, as well as to the commencement of a civil suit.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 229**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 24, 1980

Senate No. 229 would make the unauthorized disclosure of any information concerning the proceedings of a grand jury a crime of the fourth degree. Crimes of the fourth degree are punishable by up to 18 months imprisonment (Presumptive term of 9 months) and/or a fine of up to \$7,500.00. Additionally, if the person making the unauthorized disclosure was a public official or employee, such person would be subject to dismissal from office or employment.

This bill would also permit any person injured as the result of an unauthorized disclosure of information to sue for actual damages plus punitive damages of not less than \$1,000.00 nor more than \$100,000.00; reasonable litigation costs and attorney fees.

Senate No. 229 is supported by the Office of the Public Advocate.

The Division of Criminal Justice feels that disclosure of grand jury information is better treated as criminal contempt.

Senate No. 229 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. 229 favorably.