

2A: 81-17.4

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:81-17.4 (Immunity granted for testimony--require annual report by Attorney General)

LAWS 1980 CHAPTER 185

Bill No. S1225

Sponsor(s) Hamilton and others

Date Introduced April 21, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Judiciary

Amended during passage Yes No

Date of Passage: Assembly Oct. 16, 1980

Senate May 15, 1980

Date of approval Jan. 12, 1981

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

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6/22/81

SENATE, No. 1225

STATE OF NEW JERSEY

INTRODUCED APRIL 21, 1980

By Senators HAMILTON, DWYER, WEISS, J. RUSSO, DODD,  
ZANE, SKEVIN and DUMONT

Referred to Committee on Judiciary

A SUPPLEMENT to "An act providing for the compelling of evidence from certain persons in criminal proceedings and for the granting of immunity to such persons from the use of such evidence against them in certain cases," approved July 19, 1968 (P. L. 1968, c. 195; C. 2A:81-17.3).

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

1 1. The Attorney General shall include in his annual report to the  
2 Governor and Legislature, made pursuant to section 15 of P. L.  
3 1970, c. 74 (C. 52:17B-111) a report on the application of this act.

4 The report shall contain:

5 a. The number of persons to whom immunity was granted or  
6 approved;

7 b. The number of indictments dismissed as a result of the grant-  
8 ing or approval of immunity and the nature of the charges included  
9 therein;

10 c. The number of convictions obtained in cases in which a person  
11 or persons had immunity granted to them or approved;

12 d. The number of persons adjudged in contempt for refusal to tes-  
13 tify as a result of a grant or approval of immunity;

14 e. The number of persons committed to jail as a result of an  
15 adjudication of contempt in subsection d. above;

16 f. The number of persons who have purged themselves after being  
17 committed to jail;

18 g. Such other information as the Attorney General deems appro-  
19 priate.

20 The Attorney General shall report on such aspects of the opera-  
21 tion of this act as he deems appropriate including any recommenda-  
22 tions he may care to make as to legislative changes or improvements  
23 to effectuate the purposes of this act and to assure and protect  
24 individual rights and the rights of the citizenry of New Jersey.

1 2. This act shall take effect immediately but the first report shall  
2 not be due in less than 3 months following enactment.

## STATEMENT

The granting of immunity from prosecution to persons suspected or charged with violations of the criminal law has become a recognized part of New Jersey's criminal jurisprudence. The immunity law represents a recognition that in some cases persons who have committed violations of the law have to be used as witnesses against others more culpable and that frequently such testimony cannot be obtained, in light of constitutional provisions against compelled self-incrimination, unless immunity is granted from prosecution for violations disclosed by such testimony. The law seeks to prevent abuses by way of improvident, hasty and unwarranted grants of immunity by requiring that the Attorney General or county prosecutor obtain a court order before obtaining the testimony and conferring immunity on any person.

Yet, at the present time, there is no source of information that provides a rational basis for legislative review to insure that the power to grant immunity is not abused. This bill seeks to provide information for making an informed legislative judgment on the matter by requiring an annual report on several matters designed to permit an objective evaluation of the effectiveness of the granting of immunity and the manner in which the law is being utilized by the Attorney General and the county prosecutors.

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S1225 (1980)

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1225

STATE OF NEW JERSEY

DATED: MAY 1, 1980

Senate Bill No. 1225 would require the Attorney General to include in his annual report the following information about grants of immunity from prosecution in return for testimony against other individuals:

1. The number of persons to whom immunity was granted or approved;
2. The number of indictments dismissed as the result of granting or approval of immunity and the nature of the charges;
3. The number of persons adjudged in contempt for refusal to testify after being granted immunity;
4. The number of persons jailed as the result of an adjudication of contempt for refusal to testify after being granted immunity; and
5. The number of persons who relented and testified after being jailed for contempt for refusal to testify after being granted immunity.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

JANUARY 14, 1981

PATRICK SWEENEY

Governor Brendan Byrne has signed the following bills:

S-1225, sponsored by Senator William J. Hamilton, Jr. (D-Middlesex), which will require the Attorney General to include in his annual report to the Governor and the Legislature statistical information pertaining to grants of immunity.

The information required includes:

- The number of persons to whom immunity was granted or approved;
- The number of indictments dismissed as a result of the granting or approval of immunity and the nature of the charges included therein;
- The number of convictions obtained in cases in which a person or persons had immunity granted to them or approval;
- The number of persons adjudged in contempt for refusal to testify as a result of a grant or approval of immunity;
- The number of persons committed to jail as a result of an adjudication of contempt in subsection above;
- The number of persons who have purged themselves after being committed to jail;
- Such other information as the Attorney General deems appropriate.

S-1250, sponsored by Senator Carmen A. Orechio (D-Essex), which will permit certain salary increases to all county election board members and to the commissioners of registration in Hudson, Essex, and Bergen Counties at the discretion of the respective county governing bodies.

All increased costs of this bill will be borne by the counties but the increases are not mandatory. The last increase for board members was in 1975.

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