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RH/CL

P.L. 2017, CHAPTER 287, *approved January 16, 2018*

Senate, No. 713

1 AN ACT concerning interference with employment held by a
2 military service member and amending N.J.S.38A:14-4.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.38A:14-4 is amended to read as follows:

8 38A:14-4. Any person who, either by himself or with another,
9 willfully deprives a member of the organized militia, or the United
10 States Armed Forces or a Reserve component thereof, of his
11 employment or prevents his being employed by himself or another,
12 or obstructs or annoys such member in his employ in respect to his
13 trade, business or employment because he is a member of the
14 organized militia, or the United States Armed Forces or a Reserve
15 component thereof, or is performing or about to perform some duty
16 in connection therewith or dissuades any person from enlistment
17 therein by threat or injury to him in respect to his business,
18 employment or trade, in case he shall enlist, shall be guilty of a
19 **【misdemeanor】** crime of the fourth degree and subject to the
20 penalties therefor, except that the amount of a fine shall be a
21 mandatory minimum of \$2,500.

22 Any fines collected pursuant to this section shall be deposited in
23 the “NJ National Guard State Family Readiness Council Fund,”
24 established pursuant to section 1 of P.L.2011, c.117 (C.54A:9-
25 25.29).

26 (cf: N.J.S.38A:14-4)

27
28 2. This act shall take effect immediately.

29
30
31 _____
32
33 Provides US Armed Forces and Reserves members with
34 protection against interference with their employment, trade or
35 business.

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 underlined thus is new matter.

SENATE, No. 713

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Provides US Armed Forces and Reserves members with protection against interference with their employment, trade or business.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S713 CRUZ-PEREZ

2

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2 military service member and amending N.J.S.38A:14-4.

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25 25.29).

26 (cf: N.J.S.38A:14-4)

27

28 2. This act shall take effect immediately.

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31

STATEMENT

32

33 Under current law, any person who willfully deprives, prevents
34 or obstructs a member of the organized militia in his employment
35 because he is a member of the organized militia, or is performing or
36 about to perform his duty or dissuades a person from enlistment by
37 threatening or harming his employment, is guilty of a misdemeanor.
38 This bill adds members of the United States Armed Forces and the
39 Reserves to those protected by the statute. Under the bill, this act
40 will provide employment protection for military personnel.

41 This bill replaces the term misdemeanor with the current
42 equivalent designation of a crime of the fourth degree. The bill also
43 adds a mandatory minimum fine of \$2,500 for a violation of the
44 statute. Any fines collected will be deposited in the “NJ National
45 Guard State Family Readiness Council Fund.”

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 underlined thus is new matter.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 713

STATE OF NEW JERSEY

DATED: MARCH 6, 2017

The Assembly Military and Veterans' Affairs Committee reports favorably Senate, No. 713.

This bill provides United States Armed Forces and Reserves members with protection against interference with their employment, trade or business. Under current law, any person who willfully deprives, prevents or obstructs a member of the organized militia (the State National Guard) in his employment because he is a member of the National Guard, or is performing or about to perform his duty or dissuades a person from enlistment by threatening or harming his employment, is guilty of a misdemeanor. This bill adds members of the United States Armed Forces and the Reserves to those protected by the statute. Under the bill, this act will provide employment protection for military personnel.

This bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$2,500 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

Senate Bill No. 713 is identical to Assembly Bill No. 3977 of 2016-2017.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 713

STATE OF NEW JERSEY

DATED: JUNE 9, 2016

The Senate Military and Veterans Affairs Committee reports favorably Senate Bill No. 713.

Under current law, any person who willfully deprives, prevents or obstructs a member of the organized militia in his employment because he is a member of the organized militia, or is performing or about to perform his duty or dissuades a person from enlistment by threatening or harming his employment, is guilty of a misdemeanor. This bill adds members of the United States Armed Forces and the Reserves to those protected by the statute. Under the bill, this act will provide employment protection for military personnel.

This bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$2,500 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

This bill was prefiled for introduction in the 2016-2017 session pending technical review. As reported the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 713

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 713.

This bill provides United States Armed Forces and Reserves members with protection against interference with their employment, trade or business. Under current law, any person who willfully deprives, prevents or obstructs a member of the organized militia (the State National Guard) in his employment because he is a member of the National Guard, or is performing or about to perform his duty or dissuades a person from enlistment by threatening or harming his employment, is guilty of a misdemeanor. This bill adds members of the United States Armed Forces and the Reserves to those protected by the statute. Under the bill, this act will provide employment protection for military personnel.

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FISCAL IMPACT:

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 713
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 31, 2017

SUMMARY

Synopsis: Provides US Armed Forces and Reserves members with protection against interference with their employment, trade or business.

Type of Impact: Revenue to Special Fund in Department of the Treasury: “NJ National Guard State Family Readiness Council Fund.”

Agencies Affected: Department of the Treasury; Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate, but minimal – See comments below		

- This bill requires the imposition of a mandatory minimum fine of \$2,500 to be paid by a person convicted of willfully interfering with the employment of a member of the organized militia, the United States Armed Forces, or the Reserves.
- This bill requires the fine to be deposited in the “NJ National Guard State Family Readiness Council Fund” for appropriation to the National Guard State Family Readiness Council for the purposes of providing support to members of the New Jersey National Guard and their families affected by extended deployment during Operations Enduring Freedom and Iraqi Freedom.
- The fiscal impact of this bill cannot be determined because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

BILL DESCRIPTION

Senate Bill No. 713 of 2016 provides that any person who willfully deprives, prevents or obstructs the employment of a member of the organized militia, the United States Armed Forces or the Reserves is guilty of a crime of the fourth degree. The bill adds a mandatory minimum fine of \$2,500 for a violation of the statute. Any fines collected will be deposited in the “NJ National Guard State Family Readiness Council Fund.” The fund was established by law in 2011.

FISCAL ANALYSIS

EXECUTIVE BRANCH

(None received.)

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services cannot determine the fiscal impact of this bill because the number of individuals who will be convicted of this criminal offense cannot be estimated; however, the revenue would likely be minimal.

Section: State Government

*Analyst: Aggie Szilagyi
Section Chief*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3977

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

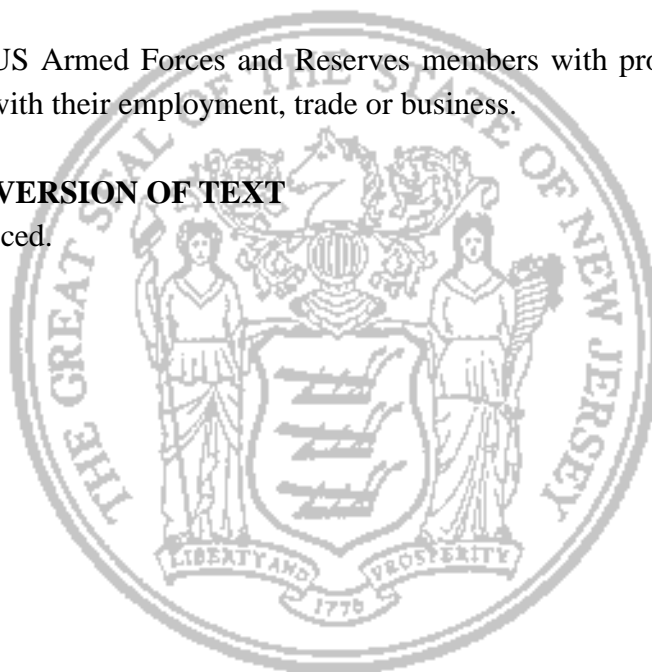
**Assemblymen McKeon, Houghtaling, O'Scanlon, Space and
Assemblywoman Pinkin**

SYNOPSIS

Provides US Armed Forces and Reserves members with protection against interference with their employment, trade or business.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/9/2018)

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2 military service member and amending N.J.S.38A:14-4.

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26 (cf: N.J.S.38A:14-4)

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28 2. This act shall take effect immediately.

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STATEMENT

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Matter underlined thus is new matter.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3977

STATE OF NEW JERSEY

DATED: MARCH 6, 2017

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 3977.

This bill provides United States Armed Forces and Reserves members with protection against interference with their employment, trade or business. Under current law, any person who willfully deprives, prevents or obstructs a member of the organized militia (the State National Guard) in his employment because he is a member of the National Guard, or is performing or about to perform his duty or dissuades a person from enlistment by threatening or harming his employment, is guilty of a misdemeanor. This bill adds members of the United States Armed Forces and the Reserves to those protected by the statute. Under the bill, this act will provide employment protection for military personnel.

This bill replaces the term misdemeanor with the current equivalent designation of a crime of the fourth degree. The bill also adds a mandatory minimum fine of \$2,500 for a violation of the statute. Any fines collected will be deposited in the "NJ National Guard State Family Readiness Council Fund."

Assembly Bill No. 3977 is identical to Senate Bill No. 713 of 2016-2017.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3977
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JANUARY 11, 2018

SUMMARY

Synopsis: Provides US Armed Forces and Reserves members with protection against interference with their employment, trade or business.

Type of Impact: Revenue to Special Fund in Department of the Treasury: “NJ National Guard State Family Readiness Council Fund.”

Agencies Affected: Department of the Treasury; Judiciary

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
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FISCAL ANALYSIS

EXECUTIVE BRANCH

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OFFICE OF LEGISLATIVE SERVICES

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Section Chief*

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