

2A:81-17.2a et seq

February 3, 1971

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LEGISLATIVE HISTORY OF R.S. 2A:81-17.2a to  
2A:81-17.2a5  
(Public employee - Remove office)

L. 1970, Chapter 72 - S836  
Introduced May 4 by Maturri, Bateman, DelTufo and others.  
Not amended during passage.  
No statement.

This bill was enacted within a month after introduction. No hearings or reports on the bill were located.

Governor Cahill. First annual message, p. 2-4.

Newspaper clippings - V.F.--N.J.--Organized Crime Legislation  
V.F.--N.J.--Organized Crime  
V.F.--N.J.--Newark--Addonizio

Court ruling awaited on Addonizio silence. 12/10/65 Record  
State statute requires officials to testify before grand  
juries. 12/10/69 NEN

Removal moot. 12/11/29 NEN

His honor clams up. 12/11/69 TET

Cahill: Addonizio's fate up to voters. 12/12/69 Record  
N.J. is free to oust Newark's Addonizio, U.S. Attorney says  
12/13/69 PI

Sills delays decision on ousting mayor. 12/13/69 S-L

Sills will weigh ouster with SIC 12/15/69 S-L

Governor says he has no power to oust officials. 12/18/69 S-L

Cahill proposes anticrime bills. 4/20/70 NEN

Organized crime package could be law by mid-May. 4/21/70 TET

Legislature opens fight on crime. 5/4/70 e-P

Assembly passes 4 crime bills 5/5/70 NSL

X Crime bill passes, widens power of Attorney General. 5/8/70 NEN

Crime package passed. 5/8/70 APP

X Anti-crime bill ready for signing. 5/8/70 C-P

Key crime bill passes Senate. 5/8/70 TET

Cahill gets bill to oust officials who won't testify. 5/15/70 NSL

X Cahill signs broad anti-crime legislation into law. 5/22/70 TET

(copies of clippings enclosed)

MEG/PC

Newspaper clippings - V.F. - N.J. Government Employees

Garrity case brings bill on official conduct. 4/22/70 C-P

For officials, silence isn't golden 5/15/70 TET

Legislature votes bill to remove officials who won't testify. 5/15/70

Maturri: Tighten crime law. 5/25/70 NSL

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CHAPTER 72 LAWS OF N. J. 1970  
APPROVED 5/21/70  
**SENATE, No. 836**

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# STATE OF NEW JERSEY

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INTRODUCED MAY 4, 1970

By Senators MATTURRI, BATEMAN, DELTUFO, HIERING,  
FORSYTHE, WALLWORK, WOODCOCK, ITALIANO, DU-  
MONT, SCHOEM, GIULIANO, WALDOR and SCHIAFFO

(Without Reference)

AN ACT providing for the removal of certain public employees from  
office, position or employment, and repealing P. L. 1953, chapter  
259.

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

1 1. For the purposes of this act the term "public employee" shall  
2 mean any person who occupies any office, position or employment  
3 in the government of the State of New Jersey, or the several  
4 counties and municipalities thereof, or any political subdivision of  
5 the State, or a school district, or any special district, or any au-  
6 thority, commission, board, or any branch or agency of the public  
7 service. This term shall include, but shall not be limited to, elected  
8 and appointed persons.

1 2. It shall be the duty of every public employee to appear and  
2 testify upon matters directly related to the conduct of his office,  
3 position or employment before any court, grand jury or the State  
4 Commission of Investigation. Any public employee failing or re-  
5 fusing to so appear and to so testify shall be subject to removal  
6 from his office, position or employment.

1 3. If any public employee testifies before any court, grand jury  
2 or the State Commission of Investigation, such testimony and the  
3 evidence derived therefrom shall not be used against such public  
4 employee in a subsequent criminal proceeding under the laws of  
5 this State; provided that no such public employee shall be exempt  
6 from prosecution or punishment for perjury committed while so  
7 testifying.

1 4. Any public employee who admits the commission of a misde-  
2 meanor or high misdemeanor relating to his employment or touch-  
3 ing the administration of his office or position before any court,

4 grand jury or the State Commission of Investigation shall be sub-  
5 ject to removal from such office, position or employment.

1 5. If any public employee has subjected himself to removal as  
2 provided in section 2 or section 4 of this act, a proceeding may be  
3 instituted to effect such removal in the Superior Court by the  
4 Attorney General or a county prosecutor of this State by proceed-  
5 ing in lieu of prerogative writ.

1 6. Nothing in this act shall be construed to annul or modify any  
2 other law of this State or any rule or regulation promulgated pur-  
3 suant to any other law of this State relating to the removal of  
4 public employees from office, position or employment.

1 7. "An act providing for the forfeiture of office, position or em-  
2 ployment, tenure and pension rights of persons holding public office,  
3 position or employment in certain cases," approved July 21, 1953  
4 (P. L. 1953, c. 259, C. 2A :81-17.1 and C. 2A :81-17.2) is repealed.

1 8. This act shall take effect immediately.

Before sharing with you and our fellow citizens my observations of our major accomplishments during the year just completed, let me say with complete honesty and conviction that none of these accomplishments could have been achieved without the wholehearted cooperation of both Houses of the New Jersey Legislature. We have been, indeed, partners in progress. The majority has demonstrated great leadership, and the minority has demonstrated political restraint and a cooperative spirit in supporting programs that are for the best interest of all the citizens of New Jersey. This has been, I am told, one of the most productive of all Legislatures, and has compiled a record of achievement unparalleled in the history of the State of New Jersey. The entire citizenry owe all of you individually and collectively a debt of gratitude.

And now to the record!

## **LAW ENFORCEMENT AND CRIMINAL JUSTICE**

Let me recall for you my words regarding crime in my Inaugural Address:

*"We are all painfully aware of the image attached to our proud State's name in press and periodicals throughout the Nation.*

*"... in this crisis, where the very life of self-government is at issue, there will be no executive compromise..."*

*"... there is a total commitment on the part of this Administration to search out and destroy the corrupters and the corrupted wherever they exist in the 21 counties of New Jersey. No area will be sacrosanct, and no party will be immune. So that the message is clear to all, I would remind you that this Administration has no commitment except to the people of the State of New Jersey..."*

The record of achievement for 1970 in the area of criminal justice provides us with a dramatic contrast with the past — a contrast of which we can be proud!

With the substantial cooperation and support of this Legislature, we have literally lifted the cloud of suspicion and distrust which had descended so ingloriously upon our State a little over a year ago. We have improved, in my judgment, the quality of our law enforcement

officials. As a result of legislation enacted early last year, prosecutors and assistant prosecutors in the State's six most populous counties must now serve on a full-time basis, and can no longer engage in any private practice of the law.

We have a new Attorney General in New Jersey who has demonstrated great legal ability and the highest integrity and leadership that has won him and this Administration praise throughout the State.

Together we have created within the Department of Law and Public Safety a new Division of Criminal Justice which gives the Attorney General wide powers to coordinate law enforcement efforts statewide.

We have seen the work of the State Commission of Investigation and of the Federal-State Organized Crime Strike Force, working in conjunction with the Attorney General's office, make substantial inroads in rooting out elements of organized crime in our State. I reaffirm to you today my pledge to continue the unrelenting drive to root out the corrupters and the corrupted wherever they exist!

A number of other important new criminal laws enacted last year include: (1) a measure which now permits the Attorney General to supercede a county prosecutor where it appears that the law is not being appropriately enforced; (2) a "public employee removal bill" which now provides a legal means of removing from office public officials, elective or appointive, who fail or refuse to testify on matters directly related to their official conduct; (3) a "New Jersey Anti-Trust Act" which is aimed at breaking up *intra-State* monopolies and business combinations which are in restraint of trade or which tend to decrease competition; (4) a "Usury bill" which is directed at stopping loan-sharking activities; (5) a "Waterfront Commission bill" to expand the powers of the Waterfront Commission to combat the infiltration of organized crime and cargo thefts at the major New York-New Jersey metropolitan airports, and (6) a "Judge removal bill" which provides that a judge may be removed from the bench for misconduct, willful neglect of duty, incompetence, or other evidence, which shows he is unfit for judicial office.

For the Executive to claim now that these developments make of the Inaugural declaration something more than the rallying cry it was intended to be would be fatuous indeed, but to ignore entirely these accomplishments would distort the perspective in which the past year

should be reviewed. No longer can it be said that organized crime enjoys in New Jersey a privileged sanctuary. The climate now prevailing is decidedly inhospitable without in any way infringing upon the individual's right to defend himself by every constitutional protection afforded those charged with crime. The progress made in this area offers, in my opinion, a lesson in the approach to be taken in other problem areas of this State.

During 1971 we will review, evaluate and build on the firm foundation for law enforcement and criminal justice we have jointly constructed for our State. Now that we have the tools, our job through our enforcement agencies is to roll up our sleeves and apply some plain, old-fashioned effort to make these new laws work. Through a continuance of the coordination and cooperation of all Federal, State and local law enforcement agencies implementing these sweeping new programs, all possible forces will be brought to bear upon crime within our State.

## **NARCOTICS**

In relation to the very troublesome problem of drug abuse in our State, I said the following last January:

*"I share the alarm of all thinking citizens at the awesome increase in the use of narcotics by our youth in all areas of the State . . . in city and suburb . . . by rich and poor . . . black and white."*

We were singularly successful last year in translating this deep sense of concern into a meaningful, comprehensive and coordinated response. This is another area which provides us with a marked contrast between the status quo situation which we inherited last January and the far more hopeful situation which we have in New Jersey one year later. In summarizing for you the things that we have done in this area, I shall break my presentation down into four categories — (1) Control and Enforcement, (2) Education, (3) Treatment and Rehabilitation, and (4) Program Direction and Inter-Agency Coordination.