

32:23 - 86

August 20, 1969

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Legislative Notes on R.S. 32:23-96
(Waterfront Comm'n. - Investigators - Police Powers)

No similar bills were introduced in previous years.

L. 1969, Chapter 129 - S7081

Introduced April 10, 1969 by Robert A. Grabel.
Statement was made. (Copy attached)
Not enacted.

No hearings or reports were expected.

The following clippings pertain to this legislation:

- 5/23/61 "So They Want An Issue?" - Record.
- 2/22/67 "Bill Giving Waterfront Agents Police Power Passes Senate"
- Newark Evening News.
- 3/9/69 "Waterfront Bills To Legislature" - Newark Evening News.
- 5/3/69 "Senate plugging some loopholes on the waterfront" -
Star - Ledger.
- 5/9/69 "Waterfront bills aimed at docks" - Record.
- 5/12/69 "For a Clean Waterfront" - Record.
- 5/20/69 "New bill delay seen despite unions' plea" -
Newark Evening News.

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- 5/16/69 "Legislators, Dockers Object - Waterfront Agency's new powers delayed" - Sunday Star-Ledger.
- 5/20/69 "Policing the Docks: Hughes wants more bite in racketeering agency" - The Star-Ledger.
- 5/21/69 "Waterfront bill stalled; Hughes may go to public" - The Star-Ledger.
- 5/22/69 "Plans Special Session - Assembly Inaction Outrages Hughes" - Trenton Evening Times.
- 5/22/69 "To Recall Legislators For Waterfront Action" - Newark Evening News.
- 5/23/69 "Hughes Called Hypocritical On Waterfront Legislation" - Newark Evening News.
- 5/25/69 "Crime on the Docks" - Newark Evening News.
- 6/11/69 "Seek Cahill's Aid to Obtain Passage of Waterfront Laws" - Newark Evening News.
- 6/15/69 "Cahill Urges Assembly to Pass Three Waterfront Crime Bills" - Newark Evening News.
- 6/15/69 "Waterfront Agency Plans Crime Study" - Newark Evening News.
- 6/26/69 "Says Piers Hold Key to Power of Mafia" - Newark Evening News.
- 6/27/69 "Crime Links Detailed at Hearing - Assembly will take up dock bill" - The Star-Ledger.
- 6/30/69 "Leaky Systems" - Record.
- 7/3/69 "N.J. Waterfront Bills Passed" - Newark Evening News.
- 7/3/69 "Assembly gives Hughes bills to fight dock crime" -
- 7/3/69 "Full Police Powers - Waterfront Panel Strengthened" - The Record.

Copy?

7/7/69 "2 Waterfront Bills Signed" - Newark Evening News.

7/11/69 "Waterfront Unit to Eye Company Tied to Mafia" -
Newark Evening News.

V.F. - - I.J. - - Waterfront Commission.

JH/fb

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CHAPTER 129 LAWS OF N. J. 1969
APPROVED 7/2/69
SENATE, No. 708

STATE OF NEW JERSEY

INTRODUCED APRIL 10, 1969

By Senators McDERMOTT and CRABIEL

(Without Reference)

AN ACT to amend and supplement the "Waterfront Commission Act," approved June 30, 1953 (P. L. 1953, c. 202), as amended and supplemented.

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

1 1. Section 5-b of the act of which this act is amendatory
2 (C. 32:23-86) is amended to read as follows:

3 5-b. Additional powers of the commission. In addition to the
4 powers and duties elsewhere described in this act, the commission
5 shall have the following powers:

6 (1) To issue temporary permits and permit temporary registra-
7 tions under such terms and conditions as the commission may pre-
8 scribe which shall be valid for a period to be fixed by the com-
9 mission not in excess of 6 months.

10 (2) To require any applicant for a license or registration or any
11 prospective licensee to furnish such facts and evidence as the
12 commission may deem appropriate to enable it to ascertain whether
13 the license or registration should be granted.

14 (3) In any case in which the commission has the power to re-
15 voke, cancel or suspend any stevedore license the commission shall
16 also have the power to impose as an alternative to such revoca-
17 tion, cancellation or suspension, a penalty, which the licensee may
18 elect to pay the commission in lieu of the revocation, cancellation
19 or suspension. The maximum penalty shall be \$5,000.00 for each
20 separate offense. The commission may, for good cause shown,
21 abate all or part of such penalty.

22 (4) To designate any officer, agent or employee of the commis-
23 sion to be an investigator who shall be vested with *all* the powers
24 of a peace or police officer of the State of New York in that State,
25 and of the State of New Jersey in that State.

26 (5) To confer immunity, in the following manner: In any in-
27 vestigation, interview or other proceeding conducted under oath
28 by the commission or any duly authorized officer, employee or
29 agent thereof, if a person refuses to answer a question or produce
30 evidence of any other kind on the ground that he may be incrim-
31 inated thereby, and notwithstanding such refusal, an order is made
32 upon 24 hours' prior written notice to the appropriate Attorney
33 General of the State of New York or the State of New Jersey, and
34 to the appropriate district attorney or prosecutor having an offi-
35 cial interest therein, by the unanimous vote of both members of
36 the commission or their designees appointed pursuant to the pro-
37 visions of section 3 of Article III of this act, that such person
38 answer the question or produce the evidence, such person shall
39 comply with the order. If such person complies with the order,
40 and if, but for this subdivision, he would have been privileged to
41 withhold the answer given or the evidence produced by him, then
42 immunity shall be conferred upon him, as provided for herein.

43 "Immunity" as used in this subdivision means that such person
44 shall not be prosecuted or subjected to any penalty or forfeiture
45 for or on account of any transaction, matter or thing concerning
46 which, in accordance with the order by the unanimous vote of both
47 members of the commission or their designees appointed pursuant
48 to the provisions of section 3 of Article III of this act, he gave
49 answer or produced evidence, and that no such answer given or
50 evidence produced shall be received against him upon any crimi-
51 nal proceeding. But he may nevertheless be prosecuted or sub-
52 jected to penalty or forfeiture for any perjury or contempt com-
53 mitted in answering, or failing to answer, or in producing or fail-
54 ing to produce evidence, in accordance with the order, and any
55 such answer given or evidence produced shall be admissible against
56 him upon any criminal proceeding concerning such perjury or con-
57 tempt.

58 Immunity shall not be conferred upon any person except in ac-
59 cordance with the provisions of this subdivision. If, after compli-
60 ance with the provisions of this subdivision, a person is ordered
61 to answer a question or produce evidence of any other kind and
62 complies with such order, and it is thereafter determined that the
63 appropriate Attorney General or district attorney or prosecutor
64 having an official interest therein was not notified, such failure or
65 neglect shall not deprive such person of any immunity otherwise
66 properly conferred upon him.

1 2. If any part or provision of this act or the application thereof
2 to any person or circumstances be adjudged invalid by any court

3 of competent jurisdiction, such judgment shall be confined in its
4 operation to the part, provision or application directly involved
5 in the controversy in which such judgment shall have been rendered
6 and shall not affect or impair the validity of the remainder of
7 this act or the application thereof to other persons or circum-
8 stances and the 2 States hereby declare that they would have
9 entered into this act or the remainder thereof had the invalidity
10 of such provision or application thereof been apparent.

1 3. This act constitutes an agreement between the States of New
2 York and New Jersey, supplementary to the Waterfront Commis-
3 sion Compact and amendatory thereof, and shall be liberally con-
4 strued to effectuate the purposes of said compact and the powers
5 vested in the Waterfront Commission hereby shall be construed
6 to be in aid of and supplemental to and not in limitation of or in
7 derogation of any of the powers heretofore conferred upon or
8 delegated to the Waterfront Commission.

1 4. This act shall take effect upon the enactment into law by the
2 State of New York of legislation having an identical effect with
3 this act, but if the State of New York shall have already enacted
4 such legislation then it shall take effect immediately.

STATEMENT

The purpose of the proposed bill is clarifying so as to remove any doubts that the Waterfront Commission's investigators have all the powers of police officers in the States of New York and New Jersey. Present law in the States of New York and New Jersey in conferring law enforcement officers with specified powers uses varying terms in referring to law enforcement officers, such as "peace officers," "police officer" and "law enforcement officer."

The proposed bill would eliminate any possible confusion that may exist as to the powers of the commission's investigators by amending section 5-b of the Waterfront Commission Act, which now provides that the commission has the power to designate any employee to be an investigator with all the powers of a peace officer in the States of New York and New Jersey, to specify, instead, that the commission has the power to designate any employee to be an investigator with all the powers of police officers (as well as peace officers) in the States of New York and New Jersey.

SENATE, No. 708

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11 prospective licensee to furnish such facts and evidence as the
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35 cial interest therein, by the unanimous vote of both members of
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