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REPORTS:

974.90 New Jersey. Elder Fraud Task Force
O44 Report, February, 1997.
1997 Trenton, 1997

Yes

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 298, *approved December 23, 1999*
Assembly, No. 1512 (*First Reprint*)

1 **AN ACT** concerning certain consumer fraud practices relating to senior
2 citizens and amending various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as "The
8 Senior Citizens Fraudulent Claims Act."

9

10 2. Section 1 of P.L.1960, c.39 (C.56:8-1) is amended to read as
11 follows:

12 1. (a) The term "advertisement" shall include the attempt directly
13 or indirectly by publication, dissemination, solicitation, indorsement or
14 circulation or in any other way to induce directly or indirectly any
15 person to enter or not enter into any obligation or acquire any title or
16 interest in any merchandise or to increase the consumption thereof or
17 to make any loan;

18 (b) The term "Attorney General" shall mean the Attorney General
19 of the State of New Jersey or any person acting on his behalf;

20 (c) The term "merchandise" shall include any objects, wares,
21 goods, commodities, services or anything offered, directly or indirectly
22 to the public for sale;

23 (d) The term "person" as used in this act shall include any natural
24 person or his legal representative, partnership, corporation, company,
25 trust, business entity or association, and any agent, employee,
26 salesman, partner, officer, director, member, stockholder, associate,
27 trustee or cestuis que trustent thereof;

28 (e) The term "sale" shall include any sale, rental or distribution,
29 offer for sale, rental or distribution or attempt directly or indirectly to
30 sell, rent or distribute;

31 (f) The term "senior citizen" means a natural person 60 years of
32 age or older.

33 (cf: P.L.1967, c.301, s.1)

34

35 ¹3. Section 1 of P.L.1966, c.39 (C.56:8-13) is amended to read as
36 follows:

37 1. Any person who violates any of the provisions of the act to

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSV committee amendments adopted June 15, 1998.

1 which this act is a supplement shall, in addition to any other penalty
2 provided by law, be liable to a penalty of not more than \$7,500 for the
3 first offense and not more than \$15,000 for the second and each
4 subsequent offense. The penalty shall be exclusive of and in addition
5 to any moneys or property ordered to be paid or restored to any
6 person in interest pursuant to section 2 of P.L.1966, c.39 (C.56:8-14)
7 or section 3 of P.L.1971, c.247 (C.56:8-15).¹

8 (cf: P.L.1991, c.332, c.1)

9
10 ¹~~3.~~^{4.} Section 2 of P.L.1966, c.39 (C.56:8-14) is amended to
11 read as follows:

12 2. The Superior Court and every municipal court shall have
13 jurisdiction of proceedings for the collection and enforcement of a
14 penalty imposed because of the violation, within the territorial
15 jurisdiction of the court, of any provision of the act to which this act
16 is a supplement. Except as otherwise provided in this act the penalty
17 shall be collected and enforced in a summary proceeding pursuant to
18 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Process shall
19 be either in the nature of a summons or warrant and shall issue in the
20 name of the State, upon the complaint of the Attorney General or any
21 other person.

22 In any action brought pursuant to this section to enforce any order
23 of the Attorney General or his designee the court may, without regard
24 to jurisdictional limitations, restore to any person in interest any
25 moneys or property, real or personal, which have been acquired by any
26 means declared to be unlawful under this act, except that the court
27 shall restore to any senior citizen twice the amount or value, as the
28 case may be, of any moneys or property, real or personal, which have
29 been acquired by any means declared to be unlawful under P.L.1960,
30 c.39 (C.56:8-1 et seq.).

31 In the event that any person found to have violated any provision
32 of this act fails to pay a civil penalty assessed by the court, the court
33 may issue, upon application by the Attorney General, a warrant for the
34 arrest of such person for the purpose of bringing him before the court
35 to satisfy the civil penalty imposed.

36 A person who fails to restore any moneys or property, real or
37 personal, found to have been acquired unlawfully from a senior citizen
38 ¹ within 10 days after service of an order requiring such restoration,
39 shall be guilty of] shall be subject to punishment for criminal
40 contempt pursuant to N.J.S.2C:29-9, which is¹ a crime of the fourth
41 degree.

42 (cf: P.L.1991, c.91, s.526.

43
44 ¹~~4.~~^{5.} Section 3 of P.L.1971, c.247 (C.56:8-15) is amended to
45 read as follows:

46 3. In addition to the assessment of civil penalties, the Attorney

1 General or his designee may, after a hearing as provided in P.L.1967,
2 c.97 (C.56:8-3.1) and upon a finding of an unlawful practice under this
3 act and the act hereby amended and supplemented, order that any
4 moneys or property, real or personal, which have been acquired by
5 means of such unlawful practice be restored to any person in interest,
6 except that if any moneys or property, real or personal, have been
7 acquired by means of an unlawful practice perpetrated against a senior
8 citizen, the amount of moneys or property, real or personal, ordered
9 restored shall be twice the amount acquired.

10 (cf: P.L.1971, c.247, s.3)

11

12 ¹**[5.]6.**¹ Section 5 of P.L.1971, c.247 (C.56:8-17) is amended to
13 read as follows:

14 5. Upon the failure of any person to comply within 10 days after
15 service of any order of the Attorney General or his designee directing
16 payment of penalties or restoration of moneys or property, the
17 Attorney General may issue a certificate to the Clerk of the Superior
18 Court that such person is indebted to the State for the payment of such
19 penalty and the moneys or property ordered restored. A copy of such
20 certificate shall be served upon the person against whom the order was
21 entered. Thereupon the clerk shall immediately enter upon his record
22 of docketed judgments the name of the person so indebted, and of the
23 State, a designation of the statute under which the penalty is imposed,
24 the amount of the penalty imposed and the amount of moneys ordered
25 restored, a listing of property ordered restored, and the date of the
26 certification. Such entry shall have the same force and effect as the
27 entry of a docketed judgment in the Superior Court. Such entry,
28 however, shall be without prejudice to the right of appeal to the
29 Appellate Division of the Superior Court from the final order of the
30 Attorney General or his designee.

31 A person who fails to restore moneys or property found to have
32 been acquired unlawfully from a senior citizen ¹**[** within 10 days after
33 service of any order requiring such restoration, shall be guilty of] shall
34 be subject to punishment for criminal contempt pursuant to
35 N.J.S.2C:29-9, which is¹ a crime of the fourth degree.

36 (cf: P.L.1971, c.247, s.5)

37

38 ¹**[6.] 7.**¹ This act shall take effect on the 180th day after
39 enactment.

40

41

42

43

44 "The Senior Citizens Fraudulent Claims Act."

ASSEMBLY, No. 1512

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman JOSEPH R.MALONE, III
District 30 (Burlington, Monmouth and Ocean)
Assemblyman MELVIN COTTRELL
District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Gill and Assemblyman Luongo

SYNOPSIS

"The Senior Citizens Fraudulent Claims Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/11/1998)

1 AN ACT concerning certain consumer fraud practices relating to senior
2 citizens and amending various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as "The
8 Senior Citizens Fraudulent Claims Act."

9

10 2. Section 1 of P.L.1960, c.39 (C.56:8-1) is amended to read as
11 follows:

12 1. (a) The term "advertisement" shall include the attempt directly
13 or indirectly by publication, dissemination, solicitation, indorsement or
14 circulation or in any other way to induce directly or indirectly any
15 person to enter or not enter into any obligation or acquire any title or
16 interest in any merchandise or to increase the consumption thereof or
17 to make any loan;

18 (b) The term "Attorney General" shall mean the Attorney General
19 of the State of New Jersey or any person acting on his behalf;

20 (c) The term "merchandise" shall include any objects, wares, goods,
21 commodities, services or anything offered, directly or indirectly to the
22 public for sale;

23 (d) The term "person" as used in this act shall include any natural
24 person or his legal representative, partnership, corporation, company,
25 trust, business entity or association, and any agent, employee,
26 salesman, partner, officer, director, member, stockholder, associate,
27 trustee or cestuis que trustent thereof;

28 (e) The term "sale" shall include any sale, rental or distribution,
29 offer for sale, rental or distribution or attempt directly or indirectly to
30 sell, rent or distribute;

31 (f) The term "senior citizen" means a natural person 60 years of age
32 or older.

33 (cf: P.L.1967, c.301, s.1)

34

35 3. Section 2 of P.L.1966, c.39 (C.56:8-14) is amended to read as
36 follows:

37 2. The Superior Court and every municipal court shall have
38 jurisdiction of proceedings for the collection and enforcement of a
39 penalty imposed because of the violation, within the territorial
40 jurisdiction of the court, of any provision of the act to which this act
41 is a supplement. Except as otherwise provided in this act the penalty
42 shall be collected and enforced in a summary proceeding pursuant to
43 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Process shall

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 be either in the nature of a summons or warrant and shall issue in the
2 name of the State, upon the complaint of the Attorney General or any
3 other person.

4 In any action brought pursuant to this section to enforce any order
5 of the Attorney General or his designee the court may, without regard
6 to jurisdictional limitations, restore to any person in interest any
7 moneys or property, real or personal, which have been acquired by any
8 means declared to be unlawful under this act, except that the court
9 shall restore to any senior citizen twice the amount or value, as the
10 case may be, of any moneys or property, real or personal, which have
11 been acquired by any means declared to be unlawful under P.L.1960,
12 c.39 (C.56:8-1 et seq.).

13 In the event that any person found to have violated any provision
14 of this act fails to pay a civil penalty assessed by the court, the court
15 may issue, upon application by the Attorney General, a warrant for the
16 arrest of such person for the purpose of bringing him before the court
17 to satisfy the civil penalty imposed.

18 A person who fails to restore any moneys or property, real or
19 personal, found to have been acquired unlawfully from a senior citizen
20 within 10 days after service of an order requiring such restoration,
21 shall be guilty of a crime of the fourth degree.

22 (cf: P.L.1991, c.91, s.526.

23

24 4. Section 3 of P.L.1971, c.247 (C.56:8-15) is amended to read as
25 follows:

26 3. In addition to the assessment of civil penalties, the Attorney
27 General or his designee may, after a hearing as provided in P.L.1967,
28 c.97 (C.56:8-3.1) and upon a finding of an unlawful practice under this
29 act and the act hereby amended and supplemented, order that any
30 moneys or property, real or personal, which have been acquired by
31 means of such unlawful practice be restored to any person in interest,
32 except that if any moneys or property, real or personal, have been
33 acquired by means of an unlawful practice perpetrated against a senior
34 citizen, the amount of moneys or property, real or personal, ordered
35 restored shall be twice the amount acquired.

36 (cf: P.L.1971, c.247, s.3)

37

38 5. Section 5 of P.L.1971, c.247 (C.56:8-17) is amended to read as
39 follows:

40 5. Upon the failure of any person to comply within 10 days after
41 service of any order of the Attorney General or his designee directing
42 payment of penalties or restoration of moneys or property, the
43 Attorney General may issue a certificate to the Clerk of the Superior
44 Court that such person is indebted to the State for the payment of such
45 penalty and the moneys or property ordered restored. A copy of such
46 certificate shall be served upon the person against whom the order was

1 entered. Thereupon the clerk shall immediately enter upon his record
2 of docketed judgments the name of the person so indebted, and of the
3 State, a designation of the statute under which the penalty is imposed,
4 the amount of the penalty imposed and the amount of moneys ordered
5 restored, a listing of property ordered restored, and the date of the
6 certification. Such entry shall have the same force and effect as the
7 entry of a docketed judgment in the Superior Court. Such entry,
8 however, shall be without prejudice to the right of appeal to the
9 Appellate Division of the Superior Court from the final order of the
10 Attorney General or his designee.

11 A person who fails to restore moneys or property found to have
12 been acquired unlawfully from a senior citizen within 10 days after
13 service of any order requiring such restoration, shall be guilty of a
14 crime of the fourth degree.

15 (cf: P.L.1971, c.247, s.5)

16

17 6. This act shall take effect on the 180th day after enactment.

18

19

20

STATEMENT

21

22 This bill requires that any moneys or property, real or personal,
23 which have been acquired from a senior citizen by any means declared
24 to be unlawful under the consumer fraud laws generally, N.J.S.A.
25 56:8-1 et seq., are to be restored in an amount which is twice the
26 amount unlawfully acquired. The bill also provides that a person who
27 fails to comply within 10 days of being served an order to make such
28 restoration is guilty of a crime of the fourth degree.

ASSEMBLY SENIOR ISSUES AND
COMMUNITY SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1512

STATE OF NEW JERSEY

DATED: JANUARY 29, 1998

The Assembly Senior Issues and Community Services Committee reports favorably Assembly Bill No. 1512.

This bill requires that any moneys or property, real or personal, which have been acquired from a senior citizen by any means declared to be unlawful under the consumer fraud laws generally, N.J.S.A. 56:8-1 et seq., are to be restored in an amount which is twice the amount unlawfully acquired. The bill also provides that a person who fails to comply within 10 days of being served an order to make such restoration is guilty of a crime of the fourth degree.

This bill was prefiled for introduction in the 1998-1999 session pending technical review. As reported, the bill includes changes required by technical review which has been performed.

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Matter underlined thus is new matter.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1512

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Senate Senior Citizens, Veterans' Affairs and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 1512.

As amended by the committee, this bill requires that any moneys or property, real or personal, which have been acquired from a senior citizen by any means declared to be unlawful under the consumer fraud laws generally, N.J.S.A.56:8-1 et seq., are to be restored in an amount which is twice the amount unlawfully acquired.

The committee amended the bill to delete the provisions which would have provided that a person who fails to comply within 10 days of being served an order to make the restoration is guilty of a crime of the fourth degree. Instead, the bill provides that the person shall be subject to punishment for criminal contempt under N.J.S.A.2C:29-9, which is a crime of the fourth degree.

The amendments also add a new section 3 to clarify that penalties imposed under N.J.S.A.56:8-13 are to be exclusive of and in addition to any moneys or property ordered to be paid or restored pursuant to N.J.S.A.56:8-14 or N.J.S.A.56:8-15.

SENATE, No. 2105

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 23, 1999

Sponsored by:

Senator NORMAN M. ROBERTSON

District 34 (Essex and Passaic)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senators Bucco, Matheussen, Singer and Inverso

SYNOPSIS

"The Senior Citizens Fraudulent Claims Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/26/1999)

1 AN ACT concerning certain consumer fraud practices relating to
2 senior citizens and amending various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
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7 1. (New section) This act shall be known and may be cited as "The
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10 2. Section 1 of P.L.1960, c.39 (C.56:8-1) is amended to read as
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19 of the State of New Jersey or any person acting on his behalf;

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21 goods, commodities, services or anything offered, directly or indirectly
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33 (cf: P.L.1967, c.301, s.1)

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38 which this act is a supplement shall, in addition to any other penalty
39 provided by law, be liable to a penalty of not more than \$7,500 for the
40 first offense and not more than \$15,000 for the second and each
41 subsequent offense. The penalty shall be exclusive of and in addition
42 to any moneys or property ordered to be paid or restored to any

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1 person in interest pursuant to section 2 of P.L.1966, c.39 (C.56:8-14)
2 or section 3 of P.L.1971, c.247 (C.56:8-15).

3 (cf: P.L.1991, c.332, c.1)

4

5 4. Section 2 of P.L.1966, c.39 (C.56:8-14) is amended to read as
6 follows:

7 2. The Superior Court and every municipal court shall have
8 jurisdiction of proceedings for the collection and enforcement of a
9 penalty imposed because of the violation, within the territorial
10 jurisdiction of the court, of any provision of the act to which this act
11 is a supplement. Except as otherwise provided in this act the penalty
12 shall be collected and enforced in a summary proceeding pursuant to
13 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Process shall
14 be either in the nature of a summons or warrant and shall issue in the
15 name of the State, upon the complaint of the Attorney General or any
16 other person.

17 In any action brought pursuant to this section to enforce any order
18 of the Attorney General or his designee the court may, without regard
19 to jurisdictional limitations, restore to any person in interest any
20 moneys or property, real or personal, which have been acquired by any
21 means declared to be unlawful under this act, except that the court
22 shall restore to any senior citizen twice the amount or value, as the
23 case may be, of any moneys or property, real or personal, which have
24 been acquired by any means declared to be unlawful under P.L.1960,
25 c.39 (C.56:8-1 et seq.).

26 In the event that any person found to have violated any provision
27 of this act fails to pay a civil penalty assessed by the court, the court
28 may issue, upon application by the Attorney General, a warrant for the
29 arrest of such person for the purpose of bringing him before the court
30 to satisfy the civil penalty imposed.

31 A person who fails to restore any moneys or property, real or
32 personal, found to have been acquired unlawfully from a senior citizen
33 shall be subject to punishment for criminal contempt pursuant to
34 N.J.S.2C:29-9, which is a crime of the fourth degree.

35 (cf: P.L.1991, c.91, s.526.

36

37 5. Section 3 of P.L.1971, c.247 (C.56:8-15) is amended to read
38 as follows:

39 3. In addition to the assessment of civil penalties, the Attorney
40 General or his designee may, after a hearing as provided in P.L.1967,
41 c.97 (C.56:8-3.1) and upon a finding of an unlawful practice under this
42 act and the act hereby amended and supplemented, order that any
43 moneys or property, real or personal, which have been acquired by
44 means of such unlawful practice be restored to any person in interest,
45 except that if any moneys or property, real or personal, have been
46 acquired by means of an unlawful practice perpetrated against a senior

1 citizen, the amount of moneys or property, real or personal, ordered
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5 6. Section 5 of P.L.1971, c.247 (C.56:8-17) is amended to read
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7 5. Upon the failure of any person to comply within 10 days after
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14 entered. Thereupon the clerk shall immediately enter upon his record
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16 State, a designation of the statute under which the penalty is imposed,
17 the amount of the penalty imposed and the amount of moneys ordered
18 restored, a listing of property ordered restored, and the date of the
19 certification. Such entry shall have the same force and effect as the
20 entry of a docketed judgment in the Superior Court. Such entry,
21 however, shall be without prejudice to the right of appeal to the
22 Appellate Division of the Superior Court from the final order of the
23 Attorney General or his designee.

24 A person who fails to restore moneys or property found to have
25 been acquired unlawfully from a senior citizen shall be subject to
26 punishment for criminal contempt pursuant to N.J.S.2C:29-9, which
27 is a crime of the fourth degree.

28 (cf: P.L.1971, c.247, s.5)

29

30 7. This act shall take effect on the 180th day after enactment.

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STATEMENT

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35 This bill requires that any moneys or property, real or personal,
36 which have been acquired from a senior citizen by means declared to
37 be unlawful under the consumer fraud laws generally, N.J.S.A. 56:8-1
38 et. seq., are to be restored in an amount which is twice the amount
39 unlawfully acquired. The bill also provides that a person who fails to
40 make such restoration is guilty of a crime of the fourth degree.

Office of the Governor
NEWS RELEASE

CONTACT: Jayne O'Connor
Laura Otterbourg
609-777-2600

RELEASE: December 23, 1999

Governor Signs Bill Protecting Senior Citizens from Fraud And Murder Victims' Rights, Among Other Legislation

Governor Christie Whitman today signed "Nielsa's Law" which amends the murder statute in New Jersey to permit the display of a photograph of a murder victim at the sentencing portion of the murder trial. The Governor also signed the Senior Citizens Fraudulent Claims Act that seeks to amend the New Jersey Consumer Fraud Act to impose heightened penalties against individuals who defraud senior citizens.

Neilsa's Law

"The passage of Nielsa's Law doesn't bring back Nielsa Mason or ease the tremendous pain and suffering of the Mason family, but I believe the bill will ensure that murder victims, who obviously can't be present at trial, are represented in a dignified matter," said Gov. Whitman. "It's something the Mason family wanted at the trial on their murdered daughter's behalf - and we listened to their pleas to make the system more accommodating for survivors."

This bill amends the murder statute to permit the display of a photograph of a murder victim at the sentencing portion of the murder trial, in capital and non-capital murders. It would authorize such a photograph to be shown to a jury during the death penalty phase of a capital case, as well as to a judge during the sentencing portion of a non-capital case.

It also amends the law that permits crime victims to make "victim impact" statements to the sentencing court - authorizing victims to display photographs as part of their victim impact statements to the court in homicide cases.

Under previous law, victims could make victim impact statements to the sentencing court and to the penalty phase jury in a death penalty case. The law was silent as to whether photographs could be displayed and, as a result, some courts permitted such displays while others prohibited them in the absence of statutory guidance on this subject. Nielsa's Law authorizes the Supreme Court to issue court rules governing these displays to ensure uniformity regarding the photo's size, the permissible duration of the display and where in the courtroom the display may take place.

Nielsa's Law, **A-17**, was sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senators Diane B. Allen (R-Burlington/Camden), Dr. Gerald Cardinale (R-Bergen) and Raymond J. Zane (D-Salem/Cumberland/Gloucester).

Senior Citizens Fraudulent Claims Act

Referring to her passage of the Senior Citizens Fraudulent Claims Act, Gov. Whitman said "We need to protect the many faces in our New Jersey family - and that includes our elderly family members. Our state has one of the largest senior citizen populations in the nation - and it's growing. That's why I applaud this Act and its goal of protecting our seniors from fraud."

Introduced following a Feb.1997 report by the Division of Consumer Affairs' Elder Fraud Task Force, the Senior Citizens Fraudulent Claims Act applies to seniors over 60 years old and aims to amend the New Jersey Consumer Fraud Act through enhanced penalties for fraud.

If the Attorney General's Office were to successfully bring an action to enforce the Consumer Fraud Act on behalf of a senior citizen, the courts will now have to order restitution at twice the amount wrongfully acquired from the senior citizen. Also, any person who fails to make such a court-ordered restitution is subject to punishment for criminal contempt. The bill amends the Consumer Fraud Act to clarify that any penalties imposed under the Act are to be exclusive of (and in addition to) any monies or property that are ordered to be paid or restored.

The Senior Citizens Fraudulent Claims Act legislation, **A- 1512**, was sponsored by Assembly Members Joseph R. Malone (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Senator Norman M. Robertson (R- Essex/Passaic).

In addition, Gov. Whitman signed today these pieces of legislation:

S-1235, sponsored by Senators Dr. Gerald Cardinale (R-Bergen) and Leonard T. Connors (R-Atlantic/Burlington/Ocean) and Assemblyman John V. Kelly (R-Bergen/Essex/Passaic), clarifies the 30-year rent control exemption for certain rental multiple dwelling units constructed without initial mortgage financing. The bill's purpose is to increase the availability of newly constructed rental housing for New Jersey residents and clarify the original intent of the Legislature in providing this exemption when it was enacted in 1987.

S-1808, sponsored by Senator Dr. Gerald Cardinale (R-Bergen) and Assembly Members Jeffrey W. Moran (R-Atlantic/Burlington/Ocean) and Anthony Impreveduto (D-Bergen/Hudson), exempts fair market value commercial leases and terminal rental adjustment clause (TRAC) leases from the provisions of the "Consumer Protection Leasing Act." The initiative is designed to increase leasing opportunities for State businesses as it recognizes that the consumer protections in the Act are not needed for businesses that establish "bargained-for" contracts. Most other states, including New York and California, exempt commercial leases from their leasing statutes.

ACS, A-1352 and A-200, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic), Alan M. Augustine (R-Middlesex/Morris/Somerset/Union), George F. Geist (R-Camden/Gloucester), Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Charles K. Zisa (D-Bergen) and Senator John J. Matheussen (R-Camden/Gloucester), clarifies the crime of hindering a prosecution. Hindering is a crime of the third or fourth degree, or a disorderly persons offense, depending on the underlying circumstances. The bill amends the statute to say that hindering: 1) is when a person provides false information to a police officer regardless of whether the information is volunteered or is in response to an inquiry; (2) applies when false information is provided to hinder

detention or investigation of a criminal defense; and (3) includes false information given to a police officer connected with a violation of the motor vehicle laws and a civil State investigator in connection with the violation of the Fraud Prevention Act.

SCS, A-1793, sponsored by Assemblyman Paul DiGaetano (R-Bergen/Essex/Passaic), authorizes the creation of a non-lapsing recreation trust fund by counties and municipalities that have not established a board of recreation commissioners. The fund is to be used to offset the costs of operating county or municipal recreational programs. Currently, only counties or municipalities with an established board of recreation commissioners can create a dedicated fund for recreational purposes. The bill gives flexibility to those who do not wish to establish a full board of commissioners.

A-1172, sponsored by Assemblywoman Connie Myers (R-Warren/Hunterdon/Mercer) and Senators Diane B. Allen (R-Burlington/Camden) and William E. Schluter (R-Warren/Hunterdon/Mercer), creates procedures for the takeover of certain small sewer companies. The bill allows the Department of Environmental Protection and the Board of Public Utilities to order the takeover of a small sewer company where there is a record of significant, unresolved environmental violations. Currently, the BPU can order the takeover of a small water company by another public or private entity, if it determines that the former can't adequately serve its customers.

This legislation authorizes the DEP and BPU to order the acquisition of both a small water company and a small sewer company if either company has a record of significant, unresolved violations, provided both companies serve a common residential development, were established by a developer to service that development and are under common control and ownership.

Entities taking over a small water sewer company will not be held liable for prior environmental liabilities, including penalties or levies against the previous owner. Public entities will be given expedited access to capital financing provided by the Environmental Infrastructure Trust for upgrades necessary for the proper operation of the small sewer of water company.

A-2395, sponsored by Assembly Members David C. Russo (R-Bergen/Passaic) and John S. Wisniewski (D-Middlesex) and Senator Joseph A. Palaia (R-Monmouth), provides certain protections for dismissed non-tenured, certified school employees whose names are required to be maintained on a list. The list, maintained by the State Board of Examiners, contains the names and Social Security numbers of these employees, and the reason for dismissal.

The bill clarifies existing law by providing that a name will only be placed on the list if the employee is dismissed prior to the end of the year for just cause as a result of misconduct in office. If a disciplinary grievance arbitration is conducted, an employee's name can only be placed on the list if just cause due to misconduct is found by the arbitrator.

Also, an employee must be notified if his or her name is placed on the list and must be told when a chief school administrator seeks such information. The bill limits those who can obtain information from this list and says that a person may petition their name being included on the list to the Commissioner of Education. Finally, upon application a person's name will be removed if it has been on the list for at least three years.

Governor Whitman conditionally vetoed this legislation in June of this year. The Governor's recommendations were met and the legislation now clarifies the role of the Commissioner of Education. Specifically, the Commissioner can rule on whether a name is properly on a list, however it does not expand his jurisdiction in determining misconduct.