

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Corzine signs ethics bill," The Philadelphia Inquirer, 9-5-07, p.4

"Amid criticism, Corzine signs anti-corruption bills," The Press, 9-5-07, p. A7

Corzine signs ethics measure, ban on dual-office holding," Courier-Post, 9-5-07, p._

"Gov bans dual-office holding, inks 3 other ethics bills," Asbury Park Press, 9-5-07, p. __

"Corzine bans double-dipping," Home News Tribune, 9-5-07, p. __

"Corzine gives reluctant approval to stripped-down ethics bills," The Star Ledger, 9-5-07, p.19

"Corzine signs bill on ethics reform," The Record, 9-5-07, p. A03

"Trenton: Corzine signs ethics bills," The New York Times, 9-5-07, p.B4

"New law bars holding more than one office," Daily Record, 9-5-07, p. News02.

P.L. 2007, CHAPTER 159, *approved September 4, 2007*
Senate, No. 1318 (*Second Reprint*)

1 AN ACT concerning certain criminal penalties and supplementing
2 Title 2C of the New Jersey Statutes.

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

6
7 1. a. This act shall be known and may be cited as the "Public
8 Corruption Profiteering Penalty Act."

9 b. In addition to any other disposition authorized by the court,
10 including but not limited to any fines, penalties or assessments
11 which may be imposed pursuant to the provisions of Title 2C of the
12 New Jersey Statutes where a person has been convicted of a crime
13 enumerated in subsection c. of this section or an attempt or
14 conspiracy to commit such crime, the court shall, upon the
15 application of the Attorney General or the county prosecutor,
16 impose a public corruption profiteering penalty in an amount
17 determined pursuant to this section; provided ¹[the court finds at a
18 hearing, which may occur at the time of sentencing, that the
19 Attorney General or the county prosecutor has established by a
20 preponderance of the evidence]¹ that the ¹trier of fact ²[finds] has
21 found² beyond a reasonable doubt that the¹ defendant ²[was
22 convicted] is guilty² of a crime ¹or an attempt or conspiracy to
23 commit a crime involving the negotiation, award, performance or
24 payment of a local, county or State contract as¹ enumerated in
25 subsection c. of this section.

26 c. The public corruption profiteering penalty set forth in this
27 section may be imposed when a person is convicted of a crime or an
28 attempt or conspiracy to commit a crime involving the negotiation,
29 award ¹[or],¹ performance ¹or payment¹ of a local, county or State
30 contract, including, but not limited to:

31 (1) a violation of any of the provisions of chapter 21 of Title 2C
32 of the New Jersey Statutes;

33 (2) a violation of any of the provisions of chapter 27 of Title 2C
34 of the New Jersey Statutes;

35 (3) a violation of any of the provisions of chapter 28 of Title
36 2C of the New Jersey Statutes;

37 (4) a violation of any of the provisions of chapter 29 of Title 2C
38 of the New Jersey Statutes; or

39 (5) a violation of any of the provisions of chapter 30 of Title 2C
40 of the New Jersey Statutes.

41 d. Where ²[, pursuant to this section, the Attorney General or
42 the county prosecutor has established by a preponderance of the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted November 13, 2006.

²Senate SBA committee amendments adopted March 5, 2007.

1 evidence that]² the defendant was convicted of any of the crimes
2 enumerated in subsection c. of this section, the court shall assess a
3 public corruption profiteering penalty as follows:

4 (1) \$500,000 in the case of a crime of the first degree; \$250,000
5 in the case of a crime of the second degree; \$75,000 in the case of a
6 crime of the third degree; or

7 (2) an amount equal to three times the value of any property
8 involved in any of the crimes enumerated in subsection c. of this
9 section.

10 e. Where the prosecution requests that the court assess a public
11 corruption profiteering penalty in an amount calculated pursuant to
12 this section, the ²[Attorney General or the county prosecutor shall
13 have the burden of establishing by a preponderance of the evidence
14 the appropriate amount of the penalty to be assessed pursuant to
15 that subsection d. In making its finding, the]² court shall take
16 judicial notice of any evidence, testimony or information adduced at
17 trial, plea hearing or other court proceedings and shall also consider
18 the presentence report and other relevant information, including
19 expert opinion in the form of live testimony or by affidavit. The
20 court's findings shall be incorporated in the record, and such
21 findings shall not be subject to modification by an appellate court
22 except upon a showing that the finding was totally lacking support
23 in the record or was arbitrary and capricious.

24 f. The court shall not revoke or reduce the public corruption
25 profiteering penalty imposed pursuant to this section. A public
26 corruption profiteering penalty imposed pursuant to this section
27 shall not be deemed a fine for purposes of N.J.S.2C:46-3.

28 g. The court may, for good cause shown, and subject to the
29 provisions of this section, grant permission for the payment of a
30 public corruption profiteering penalty imposed pursuant to this
31 section to be made within a specified period of time or in specified
32 installments, provided however that the payment schedule fixed by
33 the court shall require the defendant to pay the penalty in the
34 shortest period of time consistent with the nature and extent of his
35 assets and his ability to pay, and further provided that the Attorney
36 General or the county prosecutor shall be afforded the opportunity
37 to present evidence or information concerning the nature, extent and
38 location of the defendant's assets or interests in property which are
39 or might be subject to levy and execution. In such event, the court
40 may only grant permission for the payment to be made within a
41 specified period of time or installments with respect to that portion
42 of the assessed penalty which would not be satisfied by the
43 liquidation of property which is or may be subject to levy and
44 execution, unless the court finds that the immediate liquidation of
45 such property would result in undue hardship to innocent persons.
46 If no permission to make payment within a specified period of time
47 or in installments is embodied in the sentence, the entire penalty
48 shall be payable forthwith.

1 h. A public corruption profiteering penalty assessed pursuant to
2 this section shall be imposed and paid in addition to any penalty,
3 fine, fee or order for restitution which may be imposed pursuant to
4 Title 2C of the New Jersey Statutes.

5 i. A public corruption profiteering penalty imposed pursuant to
6 this section shall be in addition to and not in lieu of any forfeiture
7 or other cause of action instituted pursuant to chapter 41 or 64 of
8 Title 2C of the New Jersey Statutes, and nothing in this section
9 shall be construed in any way to preclude, preempt or limit any such
10 cause of action. A defendant shall not be entitled to receive credit
11 toward the payment of a public corruption profiteering penalty
12 imposed pursuant to this section for the value of property forfeited,
13 or subject to forfeiture, pursuant to the provisions of chapter 41 or
14 64 of Title 2C of the New Jersey Statutes.

15 j. All public corruption profiteering penalties imposed
16 pursuant to this section shall be docketed and collected as provided
17 for the collection of fines, penalties, fees and restitution in chapter
18 46 of Title 2C of the New Jersey Statutes. The Attorney General or
19 the county prosecutor may prosecute an action to collect any public
20 corruption profiteering penalties imposed pursuant to this section.
21 All public corruption profiteering penalties assessed pursuant to this
22 section shall be disposed of, distributed, appropriated and used as if
23 the collected penalties were the proceeds of property forfeited
24 pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

25

26 2. This act shall take effect immediately.

27

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31 Establishes the "Public Corruption Profiteering Penalty Act."

SENATE, No. 1318

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED FEBRUARY 6, 2006

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

SYNOPSIS

Establishes the "Public Corruption Profiteering Penalty Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain criminal penalties and supplementing
2 Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. This act shall be known and may be cited as the "Public
8 Corruption Profiteering Penalty Act."

9 b. In addition to any other disposition authorized by the court,
10 including but not limited to any fines, penalties or assessments
11 which may be imposed pursuant to the provisions of Title 2C of the
12 New Jersey Statutes where a person has been convicted of a crime
13 enumerated in subsection c. of this section or an attempt or
14 conspiracy to commit such crimes, the court shall, upon the
15 application of the Attorney General or the county prosecutor,
16 impose a public corruption profiteering penalty in an amount
17 determined pursuant to this section; provided the court finds at a
18 hearing, which may occur at the time of sentencing, that the
19 Attorney General or the county prosecutor has established by a
20 preponderance of the evidence that the defendant was convicted of a
21 crime enumerated in subsection c. of this section.

22 c. The public corruption profiteering penalty set forth in this
23 section may be imposed when a person is convicted of a crime or an
24 attempt or conspiracy to commit a crime involving the negotiation,
25 award or performance of a local, county or State contract, including,
26 but not limited to:

27 (1) a violation of any of the provisions of chapter 21 of Title 2C
28 of the New Jersey Statutes;

29 (2) a violation of any of the provisions of chapter 27 of Title 2C
30 of the New Jersey Statutes;

31 (3) a violation of any of the provisions of chapter 28 of Title 2C
32 of the New Jersey Statutes;

33 (4) a violation of any of the provisions of chapter 29 of Title 2C
34 of the New Jersey Statutes; or

35 (5) a violation of any of the provisions of chapter 30 of Title 2C
36 of the New Jersey Statutes.

37 d. Where, pursuant to this section, the Attorney General or the
38 county prosecutor has established by a preponderance of the
39 evidence that the defendant was convicted of any of the crimes
40 enumerated in subsection c. of this section, the court shall assess a
41 public corruption profiteering penalty as follows:

42 (1) \$500,000 in the case of a crime of the first degree; \$250,000
43 in the case of a crime of the second degree; \$75,000 in the case of a
44 crime of the third degree; or

45 (2) an amount equal to three times the value of any property
46 involved in any of the crimes enumerated in subsection c. of this
47 section.

48 e. Where the prosecution requests that the court assess a public

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1 corruption profiteering penalty in an amount calculated pursuant to
2 this section, the Attorney General or the county prosecutor shall
3 have the burden of establishing by a preponderance of the evidence
4 the appropriate amount of the penalty to be assessed pursuant to
5 that subsection d.. In making its finding, the court shall take
6 judicial notice of any evidence, testimony or information adduced at
7 trial, plea hearing or other court proceedings and shall also consider
8 the presentence report and other relevant information, including
9 expert opinion in the form of live testimony or by affidavit. The
10 court's findings shall be incorporated in the record, and such
11 findings shall not be subject to modification by an appellate court
12 except upon a showing that the finding was totally lacking support
13 in the record or was arbitrary and capricious.

14 f. The court shall not revoke or reduce the public corruption
15 profiteering penalty imposed pursuant to this section. A public
16 corruption profiteering penalty imposed pursuant to this section
17 shall not be deemed a fine for purposes of N.J.S.2C:46-3.

18 g. The court may, for good cause shown, and subject to the
19 provisions of this section, grant permission for the payment of a
20 public corruption profiteering penalty imposed pursuant to this
21 section to be made within a specified period of time or in specified
22 installments, provided however that the payment schedule fixed by
23 the court shall require the defendant to pay the penalty in the
24 shortest period of time consistent with the nature and extent of his
25 assets and his ability to pay, and further provided that the Attorney
26 General or the county prosecutor shall be afforded the opportunity
27 to present evidence or information concerning the nature, extent and
28 location of the defendant's assets or interests in property which are
29 or might be subject to levy and execution. In such event, the court
30 may only grant permission for the payment to be made within a
31 specified period of time or installments with respect to that portion
32 of the assessed penalty which would not be satisfied by the
33 liquidation of property which is or may be subject to levy and
34 execution, unless the court finds that the immediate liquidation of
35 such property would result in undue hardship to innocent persons.
36 nIf no permission to make payment within a specified period of
37 time or in installments is embodied in the sentence, the entire
38 penalty shall be payable forthwith.

39 h. A public corruption profiteering penalty assessed pursuant to
40 this section shall be imposed and paid in addition to any penalty,
41 fine, fee or order for restitution which may be imposed pursuant to
42 Title 2C of the New Jersey Statutes.

43 i. A public corruption profiteering penalty imposed pursuant to
44 this section shall be in addition to and not in lieu of any forfeiture
45 or other cause of action instituted pursuant to chapter 41 or 64 of
46 Title 2C of the New Jersey Statutes, and nothing in this section
47 shall be construed in any way to preclude, preempt or limit any such
48 cause of action. A defendant shall not be entitled to receive credit

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1 toward the payment of a public corruption profiteering penalty
2 imposed pursuant to this section for the value of property forfeited,
3 or subject to forfeiture, pursuant to the provisions of chapter 41 or
4 64 of Title 2C of the New Jersey Statutes.

5 j. All public corruption profiteering penalties imposed pursuant
6 to this section shall be docketed and collected as provided for the
7 collection of fines, penalties, fees and restitution in chapter 46 of
8 Title 2C of the New Jersey Statutes. The Attorney General or the
9 county prosecutor may prosecute an action to collect any public
10 corruption profiteering penalties imposed pursuant to this section.
11 All public corruption profiteering penalties assessed pursuant to this
12 section shall be disposed of, distributed, appropriated and used as if
13 the collected penalties were the proceeds of property forfeited
14 pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would establish the "Public Corruption Profiteering
22 Penalty Act," authorizing the court to assess an additional monetary
23 criminal penalty to any person convicted of a crime or attempt or
24 conspiracy to commit a crime enumerated in the bill involving the
25 negotiation, award or performance of a local, county or State
26 contract. The Attorney General or the county prosecutor would be
27 authorized to bring an action to collect any public corruption
28 profiteering penalties. Under the provisions of the bill, the court,
29 upon the application of the Attorney General or the county
30 prosecutor, would be authorized to impose "a public corruption
31 profiteering penalty" provided the court finds at a hearing, which
32 may occur at the time of sentencing that the Attorney General or the
33 county prosecutor has established by a preponderance of the
34 evidence that the defendant was convicted of any of the crimes
35 enumerated in the bill involving the negotiation, award or
36 performance of a local, county or State contract. The enumerated
37 crimes include, but are not limited to: fraud, false contract payment
38 claims, bribery in official and political matters, threats and other
39 improper influence in official and political matters, retaliation for
40 past official action, unlawful official business transaction or
41 acceptance, receipt or offer of unlawful benefit.

42 In the case of a person convicted of a crime of the first degree,
43 the additional penalty would be \$500,000; in the case of a crime of
44 the second degree the additional penalty would be \$250,000; in the
45 case of the crime of the third degree the additional penalty would be
46 \$75,000; or an amount equal to three times the value of any
47 property involved in any of the enumerated crimes.

48 The Attorney General or the county prosecutor would have the

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1 burden of establishing by a preponderance of the evidence the
2 appropriate amount of the penalty to be assessed. In making its
3 finding, the court would take judicial notice of any evidence,
4 testimony or information adduced at trial, plea hearing or other
5 court proceedings and can also consider the presentence report and
6 other relevant information, including expert opinion in the form of
7 live testimony or by affidavit.

8 The public corruption profiteering penalty cannot be revoked or
9 reduced. However, the court may, for good cause shown, grant
10 permission for the payment of a public corruption profiteering
11 penalty imposed to be made within a specified period of time or in
12 specified installments, provided that the payment schedule fixed by
13 the court require the defendant to pay the penalty in the shortest
14 period of time consistent with the nature and extent of his assets and
15 his ability to pay, and further provided that the Attorney General or
16 the county prosecutor be afforded the opportunity to present
17 evidence or information concerning the nature, extent and location
18 of the defendant's assets or interests in property which are or might
19 be subject to levy and execution.

20 The bill also provides that the penalty would be imposed in
21 addition to any penalty, fine, fee or order for restitution which may
22 be imposed pursuant to criminal statutes and would not be in lieu of
23 any forfeiture or any other cause of action instituted. The bill also
24 provides that a defendant would not be entitled to receive credit
25 toward the payment of a public corruption profiteering penalty for
26 the value of property forfeited, or subject to forfeiture.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1318

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Judiciary Committee reports favorably Assembly Bill No.1318.

This bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

The bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact has found beyond a reasonable doubt that the defendant is guilty of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The bill provides in assessing the appropriate amount of the penalty the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or

in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The bill provides that the penalty would be imposed in addition to any other applicable penalty, fine, fee or order for restitution which may be imposed pursuant to criminal statutes and would not be in lieu of any forfeiture or any other cause of action instituted. A defendant would not be entitled to receive credit toward the payment of a public corruption profiteering penalty for the value of property forfeited, or subject to forfeiture.

This bill is identical to Assembly Bill No.3005 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1318

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1318.

This bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

As amended by the committee, the bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact finds beyond a reasonable doubt that the defendant was convicted of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The Attorney General or the county prosecutor would have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed. In making its finding, the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or

reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The bill provides that the penalty would be imposed in addition to any other applicable penalty, fine, fee or order for restitution which may be imposed pursuant to criminal statutes and would not be in lieu of any forfeiture or any other cause of action instituted. A defendant would not be entitled to receive credit toward the payment of a public corruption profiteering penalty for the value of property forfeited, or subject to forfeiture.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1318

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1318 (1R) with committee amendments.

Senate Bill No. 1318 (1R), with committee amendments, would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

As amended by the committee, the bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact has found beyond a reasonable doubt that the defendant is guilty of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

As amended, the bill provides in assessing the appropriate amount of the penalty the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The bill provides that the penalty would be imposed in addition to any other applicable penalty, fine, fee or order for restitution which may be imposed pursuant to criminal statutes and would not be in lieu of any forfeiture or any other cause of action instituted. A defendant would not be entitled to receive credit toward the payment of a public corruption profiteering penalty for the value of property forfeited, or subject to forfeiture.

COMMITTEE AMENDMENTS

The committee amendments clarify and make consistent the standard and manner by which the court shall determine whether the crime involved the negotiation, award, performance or payment of a local, county or State contract necessary to impose the public corruption profiteering penalty.

FISCAL IMPACT:

The Office of Legislative Services notes that the Administrative Office of the Courts could not provide an estimate of the additional financial penalties that might be collected under the bill because it could not extrapolate the number of cases that involve conviction of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. No information has been provided by the Attorney General or by county prosecutors concerning expenses that may be incurred by them to bring an action to collect any public corruption profiteering penalties.

FISCAL NOTE
[First Reprint]
SENATE, No. 1318
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: MARCH 8, 2007

SUMMARY

Synopsis: Establishes the "Public Corruption Profiteering Penalty Act."

Type of Impact: General Fund expenditure and revenue.

Agencies Affected: Judiciary, Department of Law and Public Safety.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Cannot Be Determined - See Comments Below		
State Revenue	Cannot Be Determined - See Comments Below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract.
- The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

BILL DESCRIPTION

Senate Bill No. 1318 (1R) of 2006 would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the

county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

As amended by the committee, the bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact finds beyond a reasonable doubt that the defendant was convicted of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The Attorney General or the county prosecutor would have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed. In making its finding, the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

Department of Law and Public Safety

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L. 1980, c.67.

FISCAL NOTE
[Second Reprint]
SENATE, No. 1318
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JUNE 25, 2007

SUMMARY

Synopsis: "Public Corruption Profiteering Penalty Act."
Type of Impact: General Fund expenditure and revenue.
Agencies Affected: Judiciary, Department of Law and Public Safety.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Cannot Be Determined - See Comments Below		
State Revenue	Cannot Be Determined - See Comments Below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.
- The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

BILL DESCRIPTION

Senate Bill No. 1318 (2R) of 2006 would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation,

award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

As amended, the bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact has found beyond a reasonable doubt that the defendant is guilty of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The bill provides in assessing the appropriate amount of the penalty the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The bill provides that the penalty would be imposed in addition to any other applicable penalty, fine, fee or order for restitution which may be imposed pursuant to criminal statutes and would not be in lieu of any forfeiture or any other cause of action instituted. A defendant would not be entitled to receive credit toward the payment of a public corruption profiteering penalty for the value of property forfeited, or subject to forfeiture.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

Department of Law and Public Safety

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 3005

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 15, 2006

Sponsored by:

Assemblyman KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

SYNOPSIS

Establishes the "Public Corruption Profiteering Penalty Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2006)

1 AN ACT concerning certain criminal penalties and supplementing
2 Title 2C of the New Jersey Statutes.

3

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

6

7 1. a. This act shall be known and may be cited as the "Public
8 Corruption Profiteering Penalty Act."

9 b. In addition to any other disposition authorized by the court,
10 including but not limited to any fines, penalties or assessments
11 which may be imposed pursuant to the provisions of Title 2C of the
12 New Jersey Statutes where a person has been convicted of a crime
13 enumerated in subsection c. of this section or an attempt or
14 conspiracy to commit such crimes, the court shall, upon the
15 application of the Attorney General or the county prosecutor,
16 impose a public corruption profiteering penalty in an amount
17 determined pursuant to this section; provided the court finds at a
18 hearing, which may occur at the time of sentencing, that the
19 Attorney General or the county prosecutor has established by a
20 preponderance of the evidence that the defendant was convicted of a
21 crime enumerated in subsection c. of this section.

22 c. The public corruption profiteering penalty set forth in this
23 section may be imposed when a person is convicted of a crime or an
24 attempt or conspiracy to commit a crime involving the negotiation,
25 award or performance of a local, county or State contract, including,
26 but not limited to:

27 (1) a violation of any of the provisions of chapter 21 of Title 2C
28 of the New Jersey Statutes;

29 (2) a violation of any of the provisions of chapter 27 of Title 2C
30 of the New Jersey Statutes;

31 (3) a violation of any of the provisions of chapter 28 of Title 2C
32 of the New Jersey Statutes;

33 (4) a violation of any of the provisions of chapter 29 of Title 2C
34 of the New Jersey Statutes; or

35 (5) a violation of any of the provisions of chapter 30 of Title 2C
36 of the New Jersey Statutes.

37 d. Where, pursuant to this section, the Attorney General or the
38 county prosecutor has established by a preponderance of the
39 evidence that the defendant was convicted of any of the crimes
40 enumerated in subsection c. of this section, the court shall assess a
41 public corruption profiteering penalty as follows:

42 (1) \$500,000 in the case of a crime of the first degree; \$250,000
43 in the case of a crime of the second degree; \$75,000 in the case of a
44 crime of the third degree; or

45 (2) an amount equal to three times the value of any property
46 involved in any of the crimes enumerated in subsection c. of this
47 section.

48 e. Where the prosecution requests that the court assess a public

1 corruption profiteering penalty in an amount calculated pursuant to
2 this section, the Attorney General or the county prosecutor shall
3 have the burden of establishing by a preponderance of the evidence
4 the appropriate amount of the penalty to be assessed pursuant to
5 that subsection d.. In making its finding, the court shall take
6 judicial notice of any evidence, testimony or information adduced at
7 trial, plea hearing or other court proceedings and shall also consider
8 the presentence report and other relevant information, including
9 expert opinion in the form of live testimony or by affidavit. The
10 court's findings shall be incorporated in the record, and such
11 findings shall not be subject to modification by an appellate court
12 except upon a showing that the finding was totally lacking support
13 in the record or was arbitrary and capricious.

14 f. The court shall not revoke or reduce the public corruption
15 profiteering penalty imposed pursuant to this section. A public
16 corruption profiteering penalty imposed pursuant to this section
17 shall not be deemed a fine for purposes of N.J.S.2C:46-3.

18 g. The court may, for good cause shown, and subject to the
19 provisions of this section, grant permission for the payment of a
20 public corruption profiteering penalty imposed pursuant to this
21 section to be made within a specified period of time or in specified
22 installments, provided however that the payment schedule fixed by
23 the court shall require the defendant to pay the penalty in the
24 shortest period of time consistent with the nature and extent of his
25 assets and his ability to pay, and further provided that the Attorney
26 General or the county prosecutor shall be afforded the opportunity
27 to present evidence or information concerning the nature, extent and
28 location of the defendant's assets or interests in property which are
29 or might be subject to levy and execution. In such event, the court
30 may only grant permission for the payment to be made within a
31 specified period of time or installments with respect to that portion
32 of the assessed penalty which would not be satisfied by the
33 liquidation of property which is or may be subject to levy and
34 execution, unless the court finds that the immediate liquidation of
35 such property would result in undue hardship to innocent persons. If
36 no permission to make payment within a specified period of time or
37 in installments is embodied in the sentence, the entire penalty shall
38 be payable forthwith.

39 h. A public corruption profiteering penalty assessed pursuant to
40 this section shall be imposed and paid in addition to any penalty,
41 fine, fee or order for restitution which may be imposed pursuant to
42 Title 2C of the New Jersey Statutes.

43 i. A public corruption profiteering penalty imposed pursuant to
44 this section shall be in addition to and not in lieu of any forfeiture
45 or other cause of action instituted pursuant to chapter 41 or 64 of
46 Title 2C of the New Jersey Statutes, and nothing in this section
47 shall be construed in any way to preclude, preempt or limit any such
48 cause of action. A defendant shall not be entitled to receive credit

1 toward the payment of a public corruption profiteering penalty
2 imposed pursuant to this section for the value of property forfeited,
3 or subject to forfeiture, pursuant to the provisions of chapter 41 or
4 64 of Title 2C of the New Jersey Statutes.

5 j. All public corruption profiteering penalties imposed pursuant
6 to this section shall be docketed and collected as provided for the
7 collection of fines, penalties, fees and restitution in chapter 46 of
8 Title 2C of the New Jersey Statutes. The Attorney General or the
9 county prosecutor may prosecute an action to collect any public
10 corruption profiteering penalties imposed pursuant to this section.
11 All public corruption profiteering penalties assessed pursuant to this
12 section shall be disposed of, distributed, appropriated and used as if
13 the collected penalties were the proceeds of property forfeited
14 pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would establish the "Public Corruption Profiteering
22 Penalty Act," authorizing the court to assess an additional monetary
23 criminal penalty to any person convicted of a crime or attempt or
24 conspiracy to commit a crime enumerated in the bill involving the
25 negotiation, award or performance of a local, county or State
26 contract. The Attorney General or the county prosecutor would be
27 authorized to bring an action to collect any public corruption
28 profiteering penalties. Under the provisions of the bill, the court,
29 upon the application of the Attorney General or the county
30 prosecutor, would be authorized to impose "a public corruption
31 profiteering penalty" provided the court finds at a hearing, which
32 may occur at the time of sentencing that the Attorney General or the
33 county prosecutor has established by a preponderance of the
34 evidence that the defendant was convicted of any of the crimes
35 enumerated in the bill involving the negotiation, award or
36 performance of a local, county or State contract. The enumerated
37 crimes include, but are not limited to: fraud, false contract payment
38 claims, bribery in official and political matters, threats and other
39 improper influence in official and political matters, retaliation for
40 past official action, unlawful official business transaction or
41 acceptance, receipt or offer of unlawful benefit.

42 In the case of a person convicted of a crime of the first degree,
43 the additional penalty would be \$500,000; in the case of a crime of
44 the second degree the additional penalty would be \$250,000; in the
45 case of the crime of the third degree the additional penalty would be
46 \$75,000; or an amount equal to three times the value of any
47 property involved in any of the enumerated crimes.

48 The Attorney General or the county prosecutor would have the

1 burden of establishing by a preponderance of the evidence the
2 appropriate amount of the penalty to be assessed. In making its
3 finding, the court would take judicial notice of any evidence,
4 testimony or information adduced at trial, plea hearing or other
5 court proceedings and can also consider the presentence report and
6 other relevant information, including expert opinion in the form of
7 live testimony or by affidavit.

8 The public corruption profiteering penalty cannot be revoked or
9 reduced. However, the court may, for good cause shown, grant
10 permission for the payment of a public corruption profiteering
11 penalty imposed to be made within a specified period of time or in
12 specified installments, provided that the payment schedule fixed by
13 the court require the defendant to pay the penalty in the shortest
14 period of time consistent with the nature and extent of his assets and
15 his ability to pay, and further provided that the Attorney General or
16 the county prosecutor be afforded the opportunity to present
17 evidence or information concerning the nature, extent and location
18 of the defendant's assets or interests in property which are or might
19 be subject to levy and execution.

20 The bill also provides that the penalty would be imposed in
21 addition to any penalty, fine, fee or order for restitution which may
22 be imposed pursuant to criminal statutes and would not be in lieu of
23 any forfeiture or any other cause of action instituted. The bill also
24 provides that a defendant would not be entitled to receive credit
25 toward the payment of a public corruption profiteering penalty for
26 the value of property forfeited, or subject to forfeiture.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3005

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3005.

This bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties.

The bill provides that the court, upon the application of the Attorney General or the county prosecutor, is authorized to impose a public corruption profiteering penalty, provided that the trier of fact has found beyond a reasonable doubt that the defendant is guilty of a crime or an attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local county or State contract as enumerated in the bill. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; for a crime of the second degree the additional penalty would be \$250,000; for a crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The bill provides in assessing the appropriate amount of the penalty the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or

in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The bill provides that the penalty would be imposed in addition to any other applicable penalty, fine, fee or order for restitution which may be imposed pursuant to criminal statutes and would not be in lieu of any forfeiture or any other cause of action instituted. A defendant would not be entitled to receive credit toward the payment of a public corruption profiteering penalty for the value of property forfeited, or subject to forfeiture.

These amendments make this bill identical to Senate Bill No.1318 (2R).

COMMITTEE AMENDMENTS

1. The committee amendments clarify and make consistent the standard and manner by which the court shall determine whether the crime involved the negotiation, award, performance or payment of a local, county or State contract necessary to impose the public corruption profiteering penalty.

2. The amendments would eliminate the section which provided that the Attorney General or the county prosecutor would have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed.

FISCAL NOTE
ASSEMBLY, No. 3005
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: APRIL 25, 2007

SUMMARY

Synopsis: Establishes the "Public Corruption Profiteering Penalty Act."

Type of Impact: General Fund expenditure and revenue.

Agencies Affected: Judiciary, Department of Law and Public Safety.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Cannot Be Determined - See Comments Below		
State Revenue	Cannot Be Determined - See Comments Below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would establish the "Public Corruption Profiteering Penalty Act," authorizing a court to assess an additional monetary criminal penalty on any person convicted of a crime or attempt or conspiracy to commit a crime involving the negotiation, award, performance or payment of a local, county or State contract.
- The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

BILL DESCRIPTION

Assembly Bill No. 3005 of 2006 would establish the "Public Corruption Profiteering Penalty Act," authorizing the court to assess an additional monetary criminal penalty to any person convicted of a crime or attempt or conspiracy to commit a crime enumerated in the bill involving the negotiation, award or performance of a local, county or State contract. The Attorney General or the county prosecutor would be authorized to bring an action to collect any public corruption profiteering penalties. Under the provisions of the bill, the court, upon the application of the

Attorney General or the county prosecutor, would be authorized to impose "a public corruption

profiteering penalty" provided the court finds at a hearing, which may occur at the time of sentencing that the Attorney General or the county prosecutor has established by a preponderance of the evidence that the defendant was convicted of any of the crimes enumerated in the bill involving the negotiation, award or performance of a local, county or State contract. The enumerated crimes include, but are not limited to: fraud, false contract payment claims, bribery in official and political matters, threats and other improper influence in official and political matters, retaliation for past official action, unlawful official business transaction or acceptance, receipt or offer of unlawful benefit.

In the case of a person convicted of a crime of the first degree, the additional penalty would be \$500,000; in the case of a crime of the second degree the additional penalty would be \$250,000; in the case of the crime of the third degree the additional penalty would be \$75,000; or an amount equal to three times the value of any property involved in any of the enumerated crimes.

The Attorney General or the county prosecutor would have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed. In making its finding, the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings and can also consider the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for the payment of a public corruption profiteering penalty imposed to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court require the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and his ability to pay, and further provided that the Attorney General or the county prosecutor be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

The Attorney General or the county prosecutor would have the burden of establishing by a preponderance of the evidence the appropriate amount of the penalty to be assessed. In making its finding, the court would take judicial notice of any evidence, testimony or information adduced at trial, plea hearing or other court proceedings, the presentence report and other relevant information, including expert opinion in the form of live testimony or by affidavit.

The public corruption profiteering penalty cannot be revoked or reduced. However, the court may, for good cause shown, grant permission for payment to be made within a specified period of time or in specified installments, provided that the payment schedule fixed by the court requires the defendant to pay the penalty in the shortest period of time consistent with the nature and extent of his assets and ability to pay. The Attorney General or the county prosecutor shall be afforded the opportunity to present evidence or information concerning the nature, extent and location of the defendant's assets or interests in property which are or might be subject to levy and execution.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that although the legislation is creating additional financial penalties for existing criminal acts, it is not possible for the Judiciary to extrapolate the number of cases which would fall under the provisions of the proposed

legislation. In this regard, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

Department of Law and Public Safety

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive estimate.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L. 1980, c.67.

PRESS RELEASE

GOVERNOR CORZINE SIGNS ETHICS LEGISLATION

By **Governors Press...** - September 4, 2007 - 3:03pm
Governor Jon S. Corzine,
Release Date: Sep 4 2007

MARLBORO – Governor Jon S. Corzine signed a package of bills today designed to further improve the ethical climate in New Jersey by eliminating dual office holding for elected officials and – for the first time – creating a specific crime to target individuals who use public resources for unauthorized purposes and increase penalties for those found guilty of public corruption. The Governor also signed legislation requiring the Office of Legislative Services to post all legislators’ voting records online.

“I am committed to giving the people of our state the kind of open, transparent and accountable government they deserve, and these bills go a long way towards accomplishing that goal,” Governor Corzine said. “These reforms will only further demonstrate our commitment to ensuring that government serves only the public trust, and I want to thank the Legislature, and Senator Karcher in particular, for their efforts on this issue.”

“We’ve made enormous progress in banning pay-to-play, removing taxpayer funded pensions from convicted officials and imposing mandatory criminal sentences on corrupt politicians,” added Senator Ellen Karcher (D-Mercer/Monmouth), who sponsored three of the bills in the Senate. “Together these bills will further chip away at New Jersey’s image of a haven for the corrupt.”

"Today is a historic day in our efforts to restore the public's trust in its elected officials," said Assemblyman Panter (D-Mercer/Monmouth), who authored the ban on dual office holding in the Assembly. "We will no longer accept business as usual to dominate Trenton. Instead, we're taking major steps towards real transparency in New Jersey."

The ethics bills signed today are:

· A-4326/ S-3008, sponsored in the Assembly by Assemblymembers Panter (D-Mercer/Monmouth) and Greenstein (D-Mercer/Middlesex), and in the Senate by Senators

James (D-Essex), Karcher (D-Mercer/Monmouth) and Turner (D-Mercer): Prohibits newly elected public office holders from simultaneously holding more than one elective office.

- S-1192/A-2465, sponsored in the Senate by Senators Adler (D-Camden) and Karcher (D-Mercer/Monmouth), and in the Assembly by Assemblymembers Cohen (D-Union), O'Toole (R-Bergen/Essex/Passaic), Panter (D-Mercer, Monmouth), and Greenstein (D-Mercer, Middlesex): Creates the crime of Corruption of Public Resources, which makes it illegal to knowingly misuse taxpayer dollars and other public resources. Violations could result in up to 20 years in prison, a fine of \$200,000, or both.

- S-1318/A-3005, the "Public Corruption Profiteering Penalty Act," sponsored in the Senate by Senators Karcher (D-Mercer/Monmouth) and Madden (D-Camden, Gloucester), and in the Assembly by Assemblymembers O'Toole (R-Bergen/Essex/Passaic), Handlin (R-Middlesex/Monmouth), Panter (D-Mercer, Monmouth), Greenstein (D-Mercer, Middlesex), and Van Drew (D-Cape May, Atlantic, Cumberland): Authorizes courts to assess extra fines in corruption cases that involve any aspect of award or payment of local, county or State contracts. Penalties could be as high as \$500,000, or three times the value of the property stolen.

- S-1662/A-3252, sponsored in the Senate by Senators Martin (R-Morris/Passaic) and Weinberg (D-Bergen) and in the Assembly by Assemblymembers Vainieri Huttle (D-Bergen), Conners (D-Burlington, Camden), Hackett (D-Essex), and Gordon (D-Bergen): Requires the Office of Legislative Services to make available online the complete voting records of state legislators. The data must be updated daily and remain posted on the site for two legislative sessions.

Governor Corzine also signed the following joint resolution today:

SJR-16/AJR-76 (Martin, Weinberg/ Bodine, Chatzidakis, Manzo) – Designates third full week of September in each year as "Mitochondrial Disease Awareness Week."