

52:9M-1 et seq.

January 5, 1970

LEGISLATIVE NOTES ON R.S. 52:9M-1 et seq.

Previous bills 1965 to 1968;

1968 - A707 - Passed Assembly;  
Died in Senate Committee.

The bill which became law was:

L. 1968, Chapter 266 - S716  
Not amended during passage.  
Statement reads as follows:

This bill is recommended by the Joint  
Legislative Committee to Study Crime and the  
System of Criminal Justice in New Jersey to  
implement Recommendation 2 in its report dated  
April 22, 1968.

Reports and hearings (copies enclosed)

974.90 N.J. Legislature. Jt. Com. to Study Crime and the  
C929 System of Criminal Justice in New Jersey.  
1968b Report, 1968.

TYPED 974.90 N.J. Legislature. Jt. Com. to Study Crime and the  
COPY OF C929 System of Criminal Justice in New Jersey.  
ABOVE 1968c Report, 1968.

974.90 N.J. Legislature. Jt. Com. to Study Crime and the  
C929 System of Criminal Justice in New Jersey.  
1968d Public hearing[s] held March 26-29, April 2-5, 1968.

974.901 FIRST ANNUAL REPORT,  
I 83 1969

JH/PC

**SENATE, No. 716**

**STATE OF NEW JERSEY**

INTRODUCED APRIL 29, 1968

By Senators FORSYTHE, McDERMOTT, DUMONT, WOODCOCK,  
WALDOR, RINALDO, MARAZITI, HIERING and SCHIAFFO

Referred to Committee on Law, Public Safety and Defense

AN ACT creating a temporary State Commission of Investigation;  
prescribing its functions, powers and duties; making an appro-  
priation therefor.

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

1 1. There is hereby created a temporary State Commission of  
2 Investigation. The commission shall consist of 4 members, to be  
3 known as commissioners.

4 Two members of the commission shall be appointed by the  
5 Governor, one by the President of the Senate and one by the  
6 Speaker of the General Assembly, each for 5 years. The Governor  
7 shall designate one of his appointees to serve as chairman of the  
8 commission.

9 The members of the commission appointed by the President of  
10 the Senate and the Speaker of the General Assembly and at least  
11 one of the members appointed by the Governor shall be attorneys  
12 admitted to the bar of this State. No member or employee of the  
13 commission shall hold any other public office or public employment.  
14 Not more than 2 of the members shall belong to the same political  
15 party.

16 Each member of the commission shall receive an annual salary of  
17 \$15,000.00 and shall also be entitled to reimbursement for his  
18 expenses actually and necessarily incurred in the performance of  
19 his duties, including expenses of travel outside of the State.

20 Vacancies in the commission shall be filled for the unexpired term  
21 in the same manner as original appointments. A vacancy in the  
22 commission shall not impair the right of the remaining members to  
23 exercise all the powers of the commission.

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

1 2. The commission shall have the duty and power to conduct  
2 investigations in connection with:

3 a. The faithful execution and effective enforcement of the laws  
4 of the State, with particular reference but not limited to organized  
5 crime and racketeering;

6 b. The conduct of public officers and public employees, and of  
7 officers and employees of public corporations and authorities;

8 c. Any matter concerning the public peace, public safety and  
9 public justice.

1 3. At the direction of the Governor or by concurrent resolution  
2 of the Legislature the commission shall conduct investigations and  
3 otherwise assist in connection with:

4 a. The removal of public officers by the Governor;

5 b. The making of recommendations by the Governor to any other  
6 person or body, with respect to the removal of public officers;

7 c. The making of recommendations by the Governor to the Legis-  
8 lature with respect to changes in or additions to existing provisions  
9 of law required for the more effective enforcement of the law.

1 4. At the direction or request of the Legislature by concurrent  
2 resolution or of the Governor or of the head of any department,  
3 board, bureau, commission, authority or other agency created by  
4 the State, or to which the State is a party, the commission shall  
5 investigate the management or affairs of any such department,  
6 board, bureau, commission, authority or other agency.

1 5. Upon request of \***the Commissioner of Criminal Justice,**\*  
2 the Attorney General, a county prosecutor or any other law en-  
3 forcement official, the commission shall co-operate with, advise and  
4 assist them in the performance of their official powers and duties.

1 6. The commission shall co-operate with departments and officers  
2 of the United States Government in the investigation of violations  
3 of the Federal laws within this State.

1 7. The commission shall examine into matters relating to law  
2 enforcement extending across the boundaries of the State into  
3 other States; and may consult and exchange information with  
4 officers and agencies of other States with respect to law enforce-  
5 ment problems of mutual concern to this and other States.

1 8. Whenever it shall appear to the commission that there is cause  
2 for the prosecution for a crime, or for the removal of a public officer  
3 for misconduct, the commission shall refer the evidence of such  
4 crime or misconduct to the officials authorized to conduct the pros-  
5 ecution or to remove the public officer.

1 9. The commission shall be authorized to appoint and employ  
2 and at pleasure remove an executive director, counsel, investigators,

3 accountants, and such other persons as it may deem necessary,  
4 without regard to civil service; and to determine their duties and  
5 fix their salaries or compensation within the amounts appropriated  
6 therefor. Investigators and accountants appointed by the com-  
7 mission shall be and have all the powers of peace officers.

1 10. The commission shall make an annual report to the Governor  
2 and Legislature which shall include its recommendations. The com-  
3 mission shall make such further interim reports to the Governor  
4 and Legislature, or either thereof, as it shall deem advisable, or as  
5 shall be required by the Governor or by concurrent resolution of  
6 the Legislature.

1 11. By such means and to such extent as it shall deem appro-  
2 priate, the commission shall keep the public informed as to the  
3 operations of organized crime, problems of criminal law enforce-  
4 ment in the State and other activities of the commission.

1 12. With respect to the performance of its functions, duties and  
2 powers and subject to the limitation contained in paragraph d. of  
3 this section, the commission shall be authorized as follows:

4 a. To conduct any investigation authorized by this act at any  
5 place within the State; and to maintain offices, hold meetings and  
6 function at any place within the State as it may deem necessary;

7 b. To conduct private and public hearings, and to designate a  
8 member of the commission to preside over any such hearing;

9 c. To administer oaths or affirmations, subpoena witnesses,  
10 compel their attendance, examine them under oath or affirmation,  
11 and require the production of any books, records, documents or  
12 other evidence it may deem relevant or material to an investigation;  
13 and the commission may designate any of its members or any  
14 member of its staff to exercise any such powers;

15 d. Unless otherwise instructed by a resolution adopted by a  
16 majority of the members of the commission, every witness attending  
17 before the commission shall be examined privately and the com-  
18 mission shall not make public the particulars of such examination.  
19 The commission shall not have the power to take testimony at a  
20 private hearing or at a public hearing unless at least 2 of its  
21 members are present at such hearing;

22 e. Witnesses summoned to appear before the commission shall be  
23 entitled to receive the same fees and mileage as persons summoned  
24 to testify in the courts of the State.

25 13. Nothing contained in sections 2 through 12 of this act shall be  
26 construed to supersede, repeal or limit any power, duty or function  
27 of the Executive Department or any other department or agency of  
28 the State, or any political subdivision thereof, as prescribed or

29 defined by law.

1 14. The commission may request and shall receive from every  
2 department, division, board, bureau, commission, authority or other  
3 agency created by the State, or to which the State is a party, or of  
4 any political subdivision thereof, co-operation and assistance in the  
5 performance of its duties.

1 15. Any person conducting or participating in any examination  
2 or investigation who shall disclose to any person other than the  
3 commission or an officer having the power to appoint one or more  
4 of the commissioners the name of any witness examined, or any  
5 information obtained or given upon such examination or investiga-  
6 tion, except as directed by the Governor or commission, shall be  
7 adjudged a disorderly person.

1 16. Upon the application of the commission, or a duly authorized  
2 member of its staff, the Superior Court or a judge thereof may  
3 impound any exhibit marked in evidence in any public or private  
4 hearing held in connection with an investigation conducted by the  
5 commission, and may order such exhibit to be retained by, or  
6 delivered to and placed in the custody of, the commission. When  
7 so impounded such exhibit shall not be taken from the custody of  
8 the commission, except upon further order of the court made upon  
9 5 days' notice to the commission or upon its application or with its  
10 consent.

1 17. a. If, in the course of any investigation or hearing conducted  
2 by the commission pursuant to this act, a person refuses to answer  
3 a question or questions or produce evidence of any kind on the  
4 ground that he will be exposed to criminal prosecution or penalty or  
5 to a forfeiture of his estate thereby, the commission may order the  
6 person to answer the question or questions or produce the requested  
7 evidence and confer immunity as in this section provided. No order  
8 to answer or produce evidence with immunity shall be made except  
9 by resolution of a majority of all the members of the commission  
10 and after \***the Commissioner of Criminal Justice,**\* the Attorney  
11 General and the appropriate county prosecutor shall have been  
12 given at least 24 hours written notice of the commission's intention  
13 to issue such order and afforded an opportunity to be heard in  
14 respect to any objections they or either of them may have to the  
15 granting of immunity.

16 b. If upon issuance of such an order, the person complies there-  
17 with, he shall be immune from having such responsive answer given  
18 by him or such responsive evidence produced by him, or evidence  
19 derived therefrom used to expose him to criminal prosecution or  
20 penalty or to a forfeiture of his estate, except that such person may

21 nevertheless be prosecuted for any perjury committed in such  
22 answer or in producing such evidence, or for contempt for failing  
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24 of the commission; and any such answer given or evidence produced  
25 shall be admissible against him upon any criminal investigation,  
26 proceeding or trial against him for such perjury, or upon any  
27 investigation, proceeding or trial against him for such contempt.

1 18. If any section, clause or portion of this act shall be uncon-  
2 stitutional or be ineffective in whole or in part, to the extent that  
3 it is not unconstitutional or ineffective it shall be valid and effective  
4 and no other section, clause or provision shall on account thereof  
5 be deemed invalid or ineffective.

1 19. There is hereby appropriated to the commission the sum of  
2 \$400,000.00.

2 until December 31, 1974.

1 20. This act shall take effect immediately and remain in effect

SENATE, No. 716

STATE OF NEW JERSEY

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#### STATEMENT

This bill is recommended by the Joint Legislative Committee to Study Crime and the System of Criminal Justice in New Jersey to implement Recommendation 2 in its report dated April 22, 1968.

SENATE AMENDMENTS TO  
**SENATE, No. 716**

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**STATE OF NEW JERSEY**

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ADOPTED JUNE 17, 1968

Amend page 2, section 5, line 1, delete "the Commissioner of Criminal Justice,".

Amend page 4, section 17, line 10, delete "the Commissioner of Criminal Justice,".