

2A: 85-6 et al

LEGISLATIVE HISTORY CHECKLIST

HJSA 2A:85-6 et. al. (Official Corruption--Increase Penalties)

LAWS OF 1977 CHAPTER 214

Bill No. S816

Sponsor(s) Skevin

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety, and Defense

Senate Judiciary

Amended during passage Yes ~~xxx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 9, 1977

Senate Nov. 15, 1976

Date of approval September 13, 1977

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	xxx
Senate	Yes	xxx
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	xxx

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Checked Judicial Conference Proceedings, 1973-1976
No mention of bill

Checked Card Catalog Under:
N.J. - Corruption
N.J. - Crime and Criminals

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CHAPTER 214 LAWS OF N. J. 77
APPROVED 9-13-77

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SENATE, No. 816

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators SKEVIN, AMMOND and MENZA

AN ACT concerning certain crimes, amending sections 2A:85-6, 2A:93-4, 2A:93-5, 2A:93-6, 2A:97-1, 2A:105-1, 2A:105-2 and 2A:105-3 and supplementing Title 2A, of the New Jersey Statutes.

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

1 1. N. J. S. 2A:85-6 is amended to read as follows:

2 2A:85-6. *a. Any person found guilty of a crime which by stat-*
3 *ute is declared to be a high misdemeanor, and for which no punish-*
4 *ment is specifically provided, shall be punished by a fine of not*
5 *more than **[\$2,000.00]** ***[\$25,000.00]*** *\$100,000.00* or by imprison-*
6 *ment for not more than 7 years, or both.*

7 *b. Any corporation found guilty of a crime which by statute is*
8 *declared to be a high misdemeanor, and for which no punishment*
9 *is specifically provided, shall be punished by a fine of not more*
10 *than \$100,000.00.*

1 2. N. J. S. 2A:93-4 is amended to read as follows:

2 2A:93-4. Any member or officer of any State, county or municipi-
3 pal government, or member of any public authority, board, associa-
4 tion, commission or committee, who solicits or receives, directly
5 or indirectly, any money or valuable thing, reward or commission
6 for his vote as a member thereof, is guilty of a **misdemeanor, if*
7 *the amount of money, or value of the thing, reward or commission*
8 *is ****[under]** \$200.00 **or less****, and if the amount of money, or*
9 *value of the thing, reward or commission is over \$200.00, such*
10 *person is guilty of a* high misdemeanor.*

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 3. N. J. S. 2A:93-5 is amended to read as follows:

2 2A:93-5. **a.* Any person convicted of an offense under sections*
 3 *2A:93-2, [or] 2A:93-4, 2A:93-6, 2A:97-1, 2A:105-1, or 2A:105-2*
 4 *of this Title, or any judge or magistrate who receives or accepts*
 5 *a bribe, present or reward in violation of section 2A:93-1 of this*
 6 *Title, shall, in addition to the punishment prescribed for such*
 7 *offense, be forever disqualified from holding any office or position*
 8 *of honor, trust or profit under this State.*

9 **b. Except as may otherwise be ordered by the Attorney General*
 10 *as the public need may require, any person convicted of an offense*
 11 *under sections 2A:93-2, 2A:93-6, or 2A:97-1 of this Title shall be*
 12 *ineligible***, either directly or indirectly,*** to submit a bid,*
 13 *enter into any contract, or to conduct any business with any board,*
 14 *agency, authority, department, commission, public corporation, or*
 15 *other body of this State, of this or one or more other states, or of*
 16 *one or more political subdivisions of this State for a period of, but*
 17 *not more than, 5 years from the date of conviction. ***It is the*
 17A *purpose of this section to bar any individual convicted of any of*
 17B *the above enumerated offenses and any business, including any*
 17C *corporation, partnership, association or proprietorship in which*
 17D *such individual is a principal, or with respect to which such indi-*
 17E *vidual owns, directly or indirectly, or controls 5% or more of the*
 17F *stock or other equity interest of such business, from conducting*
 17G *business with public entities pursuant to the provisions of this*
 17H *section.****

18 *The Secretary of State shall keep and maintain a list of all*
 19 *corporations barred from conducting such business pursuant to this*
 20 *section.**

1 4. N. J. S. 2A:93-6 is amended to read as follows:

2 2A:93-6. Any person who directly or indirectly gives or receives,
 3 offers to give or receive, or promises to give or receive any money,
 4 real estate, service or thing of value as a bribe, present or reward
 5 to obtain, secure or procure any work, service, license, permission,
 6 approval or disapproval, or any other act or thing connected with
 7 or appertaining to any office or department of the government of
 8 the State or of any county, municipality or other political subdi-
 9 vision thereof, or of any public authority, is guilty of a **misdemeanor*
 10 *if the amount of money or value of the real estate, service*
 11 *or thing is **[under]** \$200.00 **or less**, and if the amount of*
 12 *money or value of the real estate, service or thing is over \$200.00,*
 13 *such person is guilty of a* high misdemeanor.*

1 5. N. J. S. 2A:97-1 is amended to read as follows:

2 2A:97-1. Any person who takes any money, real estate, service,
3 thing or other reward, or promise thereof, to compound, or upon
4 agreement to compound, any offense indictable under the laws of
5 this State, is guilty of a **misdemeanor if the amount of money or*
6 *value of the real estate, service, thing, or reward is **[under]***
7 *\$200.00 **or less***, and if the amount of money or value of the real
8 estate, service, thing or reward is over \$200.00, such person is guilty
9 of a ** high* misdemeanor, but in no case shall his punishment be
10 greater than is provided for the offense compounded.

1 6. N. J. S. 2A:105-1 is amended to read as follows:

2 2A:105-1. Any judge, magistrate or public officer who, by color
3 of his office, receives or takes any fee or reward not allowed by
4 law for performing his duties, is guilty of a **misdemeanor if the*
5 *amount of the fee or reward is **[under]** \$200.00 **or less***,
6 and if the amount of the fee or reward is over \$200.00, such person
7 is guilty of a ** high* misdemeanor.

1 7. N. J. S. 2A:105-2 is amended to read as follows:

2 2A:105-2. Any public officer or employee, judge or magistrate
3 who asks, demands or receives from any person, directly or in-
4 directly, any fee or reward for the performance of any service in
5 a criminal case, is guilty of a **misdemeanor if the amount of the*
6 *fee or reward is **[under]** \$200.00 **or less***, and if the amount
7 of the fee or reward is over \$200.00, such person is guilty of a ***
8 *high* misdemeanor.

1 8. N. J. S. 2A:159-3 is amended to read as follows:

2 2A:159-3. Any person holding or having held, or who may here-
3 after hold, any public office, position or employment, either under
4 this State or under any political subdivision or agency thereof,
5 whether elective or appointive, or any person being or having
6 been, or who may hereafter be, an executor, administrator, guar-
7 dian, trustee or receiver, or any officer or director holding or hav-
8 ing held, or who may hereafter hold, office, position or employment
9 with any public, quasi-public or public quasi corporation or with
10 any charitable, religious or fraternal organization or with any
11 mutual benefit society or association for nonpecuniary benefit or
12 with any bank or building and loan association or savings and loan
13 association or with any trust, insurance, mortgage, guaranty, title
14 or investment company, may be prosecuted, tried and punished
15 for any [forgery, larceny or embezzlement, or conspiracy to
15A commit forgery, larceny or embezzlement, or conspiracy to de-
16 fraud, committed while in such office, position or employ-

17 ment,] offense committed in the exercise of the duties of such office,
 18 position or employment or while acting under color of such office,
 18A position or employment, where the indictment has been or may be
 19 found within [5] * [7] * *** [5] *** **7*** years from the time
 20 of committing such offense. This section shall not apply to any
 21 person fleeing from justice.

1 9. (New section) A person who has been convicted of a violation
 2 of N. J. S. 2A :93-4, 2A :93-6, 2A :97-1, 2A :105-1 or 2A :105-2 from
 3 which there has occurred pecuniary gain to the offender or
 4 pecuniary loss to the victim may be ordered by the court to make
 5 restitution to the victim, in addition to paying any fine. In such
 6 a case the court shall**, *without a jury*,** conduct such hearing as is
 7 necessary to make findings as to the monetary amount of the
 8 pecuniary gain or pecuniary loss. For the purposes of this section,
 9 the term "gain" means the amount of money or the value of prop-
 10 erty derived by the offender, the term "loss" means the amount of
 11 money or the value of property separated from the victim, and the
 12 term "victim" includes the State or any of its political or admini-
 13 strative subdivisions. No restitution ordered paid to the victim
 14 shall exceed the victim's loss.

1 10. (New section) If any section, subsection, paragraph,
 2 sentence or other part of this act is adjudged unconstitutional or
 3 invalid, such judgment shall not affect, impair or invalidate the
 4 remainder of this act, but shall be confined in its effect to the section,
 5 subsection, paragraph, sentence or other part of this act directly
 6 involved in the controversy in which said judgment shall have been
 7 rendered.

1 11. This act shall take effect immediately, but shall not affect
 2 any violation occurring before the effective date.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 816

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 1976

The purpose of this bill is to increase penalties for crimes of official corruption. The fines for persons or corporations were increased from \$2,000.00 to \$100,000.00 by committee amendment. The bill was also amended by the committee to make it a misdemeanor offense for any person to take a bribe, or thing of value under \$200.00, and a high misdemeanor for any person to take a bribe or thing of value over \$200.00.

The bill further provides that any person convicted of an act of official corruption from which there has occurred pecuniary gain to the offender may be ordered by the court to make restitution to the victim, in addition to paying any fine which may be imposed.

The committee further amended the bill to reduce the statute of limitations from 7 years to 5, and to provide that any person or corporation convicted of certain offenses involving official corruption may be barred from doing any business with the State for a period not to exceed 5 years.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 816
with Committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 20, 1976

Under the provisions of this bill, any person convicted of a crime of official corruption involving \$200.00 or less would be guilty of a misdemeanor. Those persons convicted of a similar crime involving more than \$200.00 would be guilty of a high misdemeanor. Fines for persons or corporations found guilty of high misdemeanors were increased from not more than \$2,000.00 to not more than \$100,000.00.

The bill further provides that any person convicted of an act of official corruption from which there has occurred pecuniary gain to the offender may be ordered by the court to make restitution to the victim, in addition to paying any fine which may be imposed and that any person or corporation convicted of certain offenses involving official corruption may be barred from doing any business with the State for a period not to exceed 5 years.

The bill was amended in committee to clarify that crimes involving exactly \$200.00 were covered and that a hearing to determine the amount of restitution would be without a jury.

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SEPTEMBER 13, 1977

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

ANNE BURNS

G61

Governor Brendan Byrne today signed the following bills into law in a public ceremony in his office:

A-2149 - sponsored by Assemblyman Steven Perskie, D-Atlantic, which provides for an exemption from the "Sales and Use Tax Act" for sales, renting or leasing of commercial motor vehicles registered in New Jersey for more than 18,000 pounds or which are regulated by the Interstate Commerce Commission. Repair and replacement parts for such vehicles will also be exempt from the tax.

The Division of Taxation estimates that the loss in revenue to the state will be approximately \$12.8 million. However, it is expected that the elimination of the sales tax will lead to an increase in registration fee revenues as more trucking firms register their vehicles in the state. This increase in revenue is estimated at \$13.5 million.

S-816 - sponsored by Senators John M. Skevin, D-Bergen; Alene Ammond, D-Camden; and Alexander J. Menza, D-Union, which is known as the Official Corruptions bill.

It raises from misdemeanors to high misdemeanors various corrupt acts by officials and provides for a fine of \$100,000 for corporations convicted of high misdemeanors for which no specific penalty is named. The bill also increases the penalty for individuals convicted of corruption from \$2,000 to \$100,000 and provides a statute of limitations of seven years.

Included in this legislation is a provision barring anyone convicted under this act from submitting bids, contracting or conducting business with any state agency for five years from the date of conviction.

The legislation also provides that persons convicted of certain crimes may not hold public office. These crimes are: bribery in connection with government work and compounding of crimes. Also added to the list are two statutes prohibiting kickbacks and extortion.

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