

**LEGISLATIVE HISTORY CHECKLIST**  
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(Public office--forfeit)

NJSA: 2C:51-2

LAWS OF: 1995 CHAPTER: 250

BILL NO: A673

SPONSOR(S): Gregory

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY State Government

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage  
 First reprint enacted denoted by superscript  
 numbers

DATE OF PASSAGE: ASSEMBLY: May 16, 1995

SENATE: June 26, 1995

DATE OF APPROVAL: September 12, 1995

## FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

## FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

ASSEMBLY, No. 673

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywoman DERMAN and Assemblyman WARSH

1 AN ACT concerning the forfeiture of public office or employment  
2 and amending N.J.S.2C:51-2.

3

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

6 1. N.J.S.2C:51-2 is amended to read as follows:

7 2C:51-2. Forfeiture of Public Office. a. A person holding any  
8 public office, position, or employment, elective or appointive,  
9 under the government of this State or any agency or political  
10 subdivision thereof, who is convicted of an offense shall forfeit  
11 such office or position if:

12 (1) He is convicted under the laws of this State of an offense  
13 involving dishonesty or of a crime of the third degree or above or  
14 under the laws of another state or of the United States of an  
15 offense or a crime which, if committed in this State, would be  
16 such an offense or crime;

17 (2) He is convicted of an offense involving or touching such  
18 office, position or employment; or

19 (3) The Constitution or a statute other than the code so  
20 provides.

21 b. [The] A court of this State shall enter an order of forfeiture  
22 [set forth in] pursuant to subsection a. [shall take effect]:

23 (1) [Upon] Immediately upon a finding of guilt by the trier of  
24 fact or a plea of guilty [ , if the court so orders; or

25 (2) Upon sentencing] entered in any court of this State unless  
26 the court, for good cause shown, orders a stay of such forfeiture  
27 pending a hearing on the merits at the time of sentencing; or

28 (2) Upon application of the county prosecutor or the Attorney  
29 General, when the forfeiture is based upon a conviction of an  
30 offense under the laws of another state or of the United States.  
31 An order of forfeiture pursuant to this paragraph shall be deemed  
32 to have taken effect on the date the person was found guilty by  
33 the trier of fact or pled guilty to the offense.

34 c. No court shall grant a stay of an order of forfeiture pending  
35 appeal of a conviction or forfeiture order unless the court is  
36 clearly convinced that there is a substantial likelihood of success  
37 on the merits. If the conviction be reversed or the order of  
38 forfeiture be overturned, he shall be restored, if feasible, to his  
39 office, position or employment with all the rights, emoluments  
40 and salary thereof from the date of forfeiture.

41 Any official action taken by the convicted person on or after  
42 the date as of which a forfeiture of the person's office shall take

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.

1 effect shall, during a period of 60 days following the date on  
2 which an order of forfeiture shall have been issued hereunder, be  
3 voidable by the person's successor in office or, if the office of  
4 the person was that of member of the governing body of a county,  
5 municipality or independent authority, by that governing body.

6 [c.] d. In addition to the punishment prescribed for the offense,  
7 and the forfeiture set forth in 2C:51-2a., any person convicted of  
8 an offense involving or touching on his public office, position or  
9 employment shall be forever disqualified from holding any office  
10 or position of honor, trust or profit under this State or any of its  
11 administrative or political subdivisions.

12 [d.] e. Any forfeiture or disqualification under subsection a., b.  
13 or c. which is based upon a conviction of a disorderly persons or  
14 petty disorderly persons offense may be waived by the court upon  
15 application of the county prosecutor or the Attorney General and  
16 for good cause shown.

17 [e.] f. Except as may otherwise be ordered by the Attorney  
18 General as the public need may require, any person convicted of  
19 an offense under section 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7,  
20 2C:29-4, 2C:30-2, or 2C:30-3 of this Title shall be ineligible,  
21 either directly or indirectly, to submit a bid, enter into any  
22 contract, or to conduct any business with any board, agency,  
23 authority, department, commission, public corporation, or other  
24 body of this State, of this or one or more other states, or of one  
25 or more political subdivisions of this State for a period of, but not  
26 more than, 10 years from the date of conviction for a crime of  
27 the second degree, or five years from the date of conviction for a  
28 crime of the third degree. It is the purpose of this subsection to  
29 bar any individual convicted of any of the above enumerated  
30 offenses and any business, including any corporation, partnership,  
31 association or proprietorship in which such individual is a  
32 principal, or with respect to which such individual owns, directly  
33 or indirectly, or controls 5% or more of the stock or other equity  
34 interest of such business, from conducting business with public  
35 entities.

36 The State Treasurer shall keep and maintain a list of all  
37 corporations barred from conducting such business pursuant to  
38 this section.

39 (cf: P.L.1987, c.427, s.1)

40 2. This act shall take effect immediately.

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43 *SPONSOR'S* STATEMENT

44

45 This bill revises the procedure for effectuating the forfeiture  
46 of office by a person convicted of a crime.

47 Currently, the law provides that a person holding State or local  
48 public office, position or employment, elective or appointive,  
49 forfeits the office, position or employment upon conviction of  
50 certain crimes. The forfeiture takes effect upon a finding of  
51 guilt by the trier of fact or a plea of guilty, if the court so  
52 orders, or upon sentencing unless the court for good cause shown  
53 orders a stay of the forfeiture.

54 It has been held that the existing statute is self-executing and

1 that a forfeiture takes effect as of the date of conviction. State  
2 v. Musto 187 N.J. Super. 264 (Law Div. 1982), aff'd 188 N.J.  
3 Super. 106 (App. Div. 1983). Nevertheless, situations have arisen  
4 in which delays in the implementation of a forfeiture have  
5 enabled a convicted person to continue to exercise his official  
6 duties and, in some cases, make appointments to public office.  
7 For instance, when a public officer or employee is convicted of  
8 an offense under the laws of another state or of the United  
9 States which triggers a forfeiture, it is generally necessary for  
10 the New Jersey Attorney General to thereafter file a suit in the  
11 courts of this State seeking a declaratory judgment that the  
12 office has been forfeited. In addition, a convicted person has, on  
13 occasion, obtained a temporary stay of a court's forfeiture order  
14 from a higher court which does not yet have the complete record  
15 before it.

16 This bill would amend existing law to make it clear that when a  
17 New Jersey Court orders a forfeiture based upon a conviction in  
18 the courts of another state or in federal court, the forfeiture  
19 shall ordinarily be deemed to have taken effect on the date the  
20 person was convicted or pled guilty to the offense. In addition,  
21 the bill provides that no court shall grant a stay of an order of  
22 forfeiture pending appeal of a conviction or forfeiture order  
23 unless the court is clearly convinced that there is a substantial  
24 likelihood of success on the merits. This would place the burden  
25 of justifying a stay pending appeal on the convicted person.  
26 Finally, the bill provides that any official action taken by the  
27 convicted person on or after the date as of which a forfeiture of  
28 the person's office shall take effect shall, during a period of 60  
29 days following the date on which an order of forfeiture shall have  
30 been issued, be voidable by the person's successor in office or, if  
31 the office of the person was that of member of the governing  
32 body of a county, municipality or independent authority, by that  
33 governing body.

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38 Strengthens law governing forfeiture of public office or  
39 employment upon conviction of certain crimes.

[FIRST REPRINT]  
ASSEMBLY, No. 673

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman WARSH  
and Assemblywoman GREGORY-SCOCCHI

1 AN ACT concerning the forfeiture of public office or employment  
2 and amending N.J.S.2C:51-2.

3

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

6 1. N.J.S.2C:51-2 is amended to read as follows:

7 2C:51-2. Forfeiture of Public Office. a. A person holding any  
8 public office, position, or employment, elective or appointive,  
9 under the government of this State or any agency or political  
10 subdivision thereof, who is convicted of an offense shall forfeit  
11 such office or position if:

12 (1) He is convicted under the laws of this State of an offense  
13 involving dishonesty or of a crime of the third degree or above or  
14 under the laws of another state or of the United States of an  
15 offense or a crime which, if committed in this State, would be  
16 such an offense or crime;

17 (2) He is convicted of an offense involving or touching such  
18 office, position or employment; or

19 (3) The Constitution or a statute other than the code so  
20 provides.

21 b. [The] A court of this State shall enter an order of forfeiture  
22 [set forth in] pursuant to subsection a. [shall take effect]:

23 (1) [Upon] Immediately upon a finding of guilt by the trier of  
24 fact or a plea of guilty [, if the court so orders; or

25 (2) Upon sentencing] entered in any court of this State unless  
26 the court, for good cause shown, orders a stay of such forfeiture  
27 pending a hearing on the merits at the time of sentencing; or

28 (2) Upon application of the county prosecutor or the Attorney  
29 General, when the forfeiture is based upon a conviction of an  
30 offense under the laws of another state or of the United States.  
31 An order of forfeiture pursuant to this paragraph shall be deemed  
32 to have taken effect on the date the person was found guilty by  
33 the trier of fact or pled guilty to the offense.

34 c. No court shall grant a stay of an order of forfeiture pending  
35 appeal of a conviction or forfeiture order unless the court is  
36 clearly convinced that there is a substantial likelihood of success  
37 on the merits. If the conviction be reversed or the order of  
38 forfeiture be overturned, he shall be restored, if feasible, to his  
39 office, position or employment with all the rights, emoluments  
40 and salary thereof from the date of forfeiture.

41 Any official action taken by the convicted person on or after  
42 the date as of which a forfeiture of the person's office shall take

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:  
Assembly ASG committee amendments adopted April 25, 1994.

1 effect shall, during a period of 60 days following the date on  
2 which an order of forfeiture shall have been issued hereunder, be  
3 voidable by the person's successor in office or, if the office of  
4 the person was that of member of the governing body of a county,  
5 municipality or independent authority, by that governing body.

6 [c.] d. In addition to the punishment prescribed for the offense,  
7 and the forfeiture set forth in 2C:51-2a., any person convicted of  
8 an offense involving or touching on his public office, position or  
9 employment shall be forever disqualified from holding any office  
10 or position of honor, trust or profit under this State or any of its  
11 administrative or political subdivisions.

12 [d.] e. Any forfeiture or disqualification under subsection a., b.  
13 or <sup>1</sup>[c.] d.<sup>1</sup> which is based upon a conviction of a disorderly  
14 persons or petty disorderly persons offense may be waived by the  
15 court upon application of the county prosecutor or the Attorney  
16 General and for good cause shown.

17 [e.] f. Except as may otherwise be ordered by the Attorney  
18 General as the public need may require, any person convicted of  
19 an offense under section 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7,  
20 2C:29-4, 2C:30-2, or 2C:30-3 of this Title shall be ineligible,  
21 either directly or indirectly, to submit a bid, enter into any  
22 contract, or to conduct any business with any board, agency,  
23 authority, department, commission, public corporation, or other  
24 body of this State, of this or one or more other states, or of one  
25 or more political subdivisions of this State for a period of, but not  
26 more than, 10 years from the date of conviction for a crime of  
27 the second degree, or five years from the date of conviction for a  
28 crime of the third degree. It is the purpose of this subsection to  
29 bar any individual convicted of any of the above enumerated  
30 offenses and any business, including any corporation, partnership,  
31 association or proprietorship in which such individual is a  
32 principal, or with respect to which such individual owns, directly  
33 or indirectly, or controls 5% or more of the stock or other equity  
34 interest of such business, from conducting business with public  
35 entities.

36 The State Treasurer shall keep and maintain a list of all  
37 corporations barred from conducting such business pursuant to  
38 this section.

39 <sup>1</sup>g. In any case in which the issue of forfeiture is not raised in  
40 a court of this State at the time of a finding of guilt, entry of  
41 guilty plea or sentencing, a forfeiture of public office, position or  
42 employment required by this section may be ordered by a court of  
43 this State upon application of the county prosecutor or the  
44 Attorney General or upon application of the public officer or  
45 public entity having authority to remove the person convicted  
46 from his public office, position or employment. The fact that a  
47 court has declined to order forfeiture shall not preclude the  
48 public officer or public entity having authority to remove the  
49 person convicted from seeking to remove or suspend the person  
50 from his office, position or employment on the ground that the  
51 conduct giving rise to the conviction demonstrates that the  
52 person is unfit to hold the office, position or employment.<sup>1</sup>

53 (cf: P.L.1987, c.427, s.1)

1        2. This act shall take effect immediately.

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6        \_\_\_\_\_  
7        Strengthens law governing forfeiture of public office or  
         employment upon conviction of certain crimes.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 673

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 20, 1994

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 673.

This bill revises the New Jersey Criminal Code's "forfeiture" statute (N.J.S.2C:51-2), which provides that a person holding State or local public office, position or employment, elective or appointive, forfeits the office, position or employment upon conviction of any of the following: (a) an offense under New Jersey law involving dishonesty or constituting a crime of the third degree or above, or an offense under the laws of another state or the United States which would constitute such an offense or crime if committed in this State; (b) an offense "involving or touching" the office, position or employment; or (c) an offense for the commission of which the State Constitution or statutory law requires such a forfeiture. The statute currently provides that forfeitures shall take effect upon a finding of guilt by the trier of fact or a plea of guilty, if the court so orders, or upon sentencing unless the court for good cause shown orders a stay of the forfeiture.

The bill addresses the latter provisions governing implementation of forfeitures. Under the legislation:

(1) In cases in which forfeiture is imposed for the commission of an offense under the laws of another state or the United States, it would be made explicit that entry by a New Jersey court of an order of forfeiture could be granted upon application of the county prosecutor or the Attorney General, such order to be deemed to have taken effect on the date on which the verdict of guilt was issued by, or plea of guilty entered with, the foreign court;

(2) In cases in which such a verdict was issued by or plea entered with a court of this State, a court of this State is to enter an order of forfeiture immediately;

(3) In all cases, any stay of such a forfeiture order is to be limited to the pendency of a hearing on the merits at the time of sentencing, so that the discretion currently allowed the court to extend the effective date of the forfeiture beyond the time of sentencing "for good cause shown" would be eliminated; and

(4) A court could not grant a stay of an order of forfeiture pending appeal of either a conviction or the forfeiture order itself unless it were "clearly convinced that there is a substantial likelihood of success on the merits."

In addition, the bill provides that any official action taken by the convicted person on or after the date as of which a forfeiture of the person's office shall take effect shall, during a period of 60 days following the date on which an order of forfeiture shall have



been issued, be voidable by the person's successor in office or, if the office of the person was that of member of the governing body of a county, municipality or independent authority, by that governing body.

Finally, the bill provides that failure to raise the issue of forfeiture at the time at which the finding or entry of a plea of guilt or the time of sentencing shall not preclude the county prosecutor, Attorney General or any public officer or entity authorized to remove from public office or employment the person who is the subject of that finding, plea or sentencing from applying to a court of this State for an order of forfeiture. It further provides that the fact that a court has declined to order forfeiture shall not preclude the officer or entity having such removal authority from seeking the person's removal or suspension on grounds of unfitness to hold the public office, position or employment.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

#### COMMITTEE AMENDMENTS

The committee adopted amendments to incorporate the provisions establishing that (1) failure to raise the issue of forfeiture at the time at which a public servant's guilt is established or sentencing imposed shall not preclude a court from subsequently issuing a forfeiture order upon application of an appropriate party, and (2) a court's declining to order forfeiture of public office, position or employment shall not preclude the party having removal authority with respect to the particular office, position or employment from exercising that authority on grounds of the person's unfitness therefor. The amendments also correct a reference.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 673

STATE OF NEW JERSEY

DATED: MARCH 13, 1995

The Senate Judiciary Committee reports favorably Assembly Bill No. 673 (1R).

This bill would revise N.J.S.2C:51-2 which provides that a person holding State or local public office, position or employment, elective or appointive, forfeits the office, position or employment upon conviction in certain cases. The statute currently provides that forfeitures shall take effect upon a finding of a guilt by the trier of fact or a plea of guilty, if the court so orders, or upon sentencing unless the court for good cause shown orders a stay of the forfeiture.

The bill clarifies the provision of 2C:51-2 governing the implementation of forfeiture of office by providing that in cases in which forfeiture is imposed for the commission of an offense under the laws of another state or the United States, that a forfeiture order could be granted by a New Jersey court upon application of a county prosecutor or the Attorney General and that such orders would be deemed to have taken effect on the date on which the verdict of guilt was issued by, or plea of guilty entered with, the foreign court.

The bill also clarifies that when a person is found guilty or enters a guilty plea, the court is to enter an order of forfeiture immediately.

Under the bill, a court could not grant a stay of an order of forfeiture pending appeal of either a conviction or the forfeiture order itself unless it were "clearly convinced that there is a substantial likelihood of success on the merits."

The bill further provides that any official action taken by the convicted persons on or after the date as of which a forfeiture of the person's office shall take effect shall, during a period of 60 days following the date on which an order of forfeiture shall have been issued, be voidable by the person's successor in office or, if the person was a member of the governing body of a county, municipality or independent authority, by that governing body.

In addition to the provisions described above, the bill contains language providing that failure to raise the issue of forfeiture at the time at which the guilty finding or the entry of a guilty plea or at the time of sentencing shall not preclude a county prosecutor, the Attorney General or any public officer or entity authorized to remove the convicted person from public office or employment from applying to a court for an order of forfeiture. This language further provides that the fact that a court has declined to order forfeiture shall not preclude an officer or entity having such removal authority from seeking the person's removal or suspension on grounds of unfitness to hold the public office, position or employment.

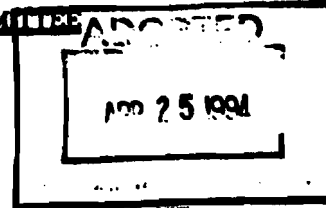
**ASSEMBLY STATE GOVERNMENT COMMITTEE ADOPTED**

**AMENDMENTS**

to

**ASSEMBLY, No. 673**

(Sponsored by Assemblywoman DERMAN, Assemblyman WARSH  
and Assemblywoman GREGORY-SCOCCHI)



**REPLACE SECTION 1 TO READ:**

1. N.J.S.2C:51-2 is amended to read as follows:

2C:51-2. Forfeiture of Public Office. a. A person holding any public office, position, or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof, who is convicted of an offense shall forfeit such office or position if:

(1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws of another state or of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime;

(2) He is convicted of an offense involving or touching such office, position or employment; or

(3) The Constitution or a statute other than the code so provides.

b. [The] A court of this State shall enter an order of forfeiture [set forth in] pursuant to subsection a. [shall take effect]:

(1) [Upon] Immediately upon a finding of guilt by the trier of fact or a plea of guilty [, if the court so orders; or

(2) Upon sentencing] entered in any court of this State unless the court, for good cause shown, orders a stay of such forfeiture pending a hearing on the merits at the time of sentencing; or

(2) Upon application of the county prosecutor or the Attorney General, when the forfeiture is based upon a conviction of an offense under the laws of another state or of the United States. An order of forfeiture pursuant to this paragraph shall be deemed to have taken effect on the date the person was found guilty by the trier of fact or pled guilty to the offense.

c. No court shall grant a stay of an order of forfeiture pending appeal of a conviction or forfeiture order unless the court is clearly convinced that there is a substantial likelihood of success on the merits. If the conviction be reversed or the order of forfeiture be overturned, he shall be restored, if feasible, to his office, position or employment with all the rights, emoluments and salary thereof from the date of forfeiture.

Any official action taken by the convicted person on or after the date as of which a forfeiture of the person's office shall take effect shall, during a period of 60 days following the date on which an order of forfeiture shall have been issued hereunder, be voidable by the person's successor in office or, if the office of

the person was that of member of the governing body of a county, municipality or independent authority, by that governing body.

[c.] d. In addition to the punishment prescribed for the offense, and the forfeiture set forth in 2C:51-2a., any person convicted of an offense involving or touching on his public office, position or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions.

[d.] e. Any forfeiture or disqualification under subsection a., b. or <sup>1</sup>[c.] d.<sup>1</sup> which is based upon a conviction of a disorderly persons or petty disorderly persons offense may be waived by the court upon application of the county prosecutor or the Attorney General and for good cause shown.

[e.] f. Except as may otherwise be ordered by the Attorney General as the public need may require, any person convicted of an offense under section 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, or 2C:30-3 of this Title shall be ineligible, either directly or indirectly, to submit a bid, enter into any contract, or to conduct any business with any board, agency, authority, department, commission, public corporation, or other body of this State, of this or one or more other states, or of one or more political subdivisions of this State for a period of, but not more than, 10 years from the date of conviction for a crime of the second degree, or five years from the date of conviction for a crime of the third degree. It is the purpose of this subsection to bar any individual convicted of any of the above enumerated offenses and any business, including any corporation, partnership, association or proprietorship in which such individual is a principal, or with respect to which such individual owns, directly or indirectly, or controls 5% or more of the stock or other equity interest of such business, from conducting business with public entities.

The State Treasurer shall keep and maintain a list of all corporations barred from conducting such business pursuant to this section.

<sup>1</sup>g. In any case in which the issue of forfeiture is not raised in a court of this State at the time of a finding of guilt, entry of guilty plea or sentencing, a forfeiture of public office, position or employment required by this section may be ordered by a court of this State upon application of the county prosecutor or the Attorney General or upon application of the public officer or public entity having authority to remove the person convicted from his public office, position or employment. The fact that a court has declined to order forfeiture shall not preclude the public officer or public entity having authority to remove the person convicted from seeking to remove or suspend the person from his office, position or employment on the ground that the conduct giving rise to the conviction demonstrates that the person is unfit to hold the office, position or employment.<sup>1</sup>

(cf: P.L.1987, c.427, s.1)



## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**

**CONTACT:** Jayne Rebovich  
(609)777-2600

**TRENTON, NJ 08625**

**RELEASE: Sept. 12, 1996**

Gov. Christie Whitman signed legislation today establishing the act of graffiti as an offense under the criminal mischief law. The law allows a court to suspend or postpone for one year the driving privileges of any juvenile convicted of committing an act of graffiti.

A-765/S-1374 adds a new section to the criminal mischief statute which makes an act of graffiti an offense under the statute. An act of graffiti is defined as the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

In addition to permitting the suspension or postponement of driving privileges of juveniles who are adjudicated delinquent of the new offense, the law permits the court to impose restitution or community services for an act of graffiti committed by either an adult or a juvenile.

The legislation was sponsored by former Assemblyman Frank Catania (R-Passaic) and Assemblymen Alex DeCroce (R-Essex/Morris/Passaic), Arthur Albohn (R-Morris), Gerald Zecker (R-Essex/Passaic) and Senator John Girgenti (D-Passaic).

Gov. Whitman also signed legislation making it more difficult for public officials to continue to hold office once convicted of a crime.

A-673/S-1102 provides that a court must impose forfeiture of the public office immediately upon conviction unless the court, for good cause, orders a stay of the forfeiture pending a hearing to be held at the time of sentencing. Under current law, a court has the discretion to either order the forfeiture at the time of conviction or wait until the time of sentencing.

The bill also requires that when a state court orders a forfeiture of office based upon a conviction in another state of the United States, the forfeiture must be imposed immediately upon application of the county prosecutor or the Attorney General.

Courts are prohibited, under the legislation, from granting stays of forfeiture orders pending appeal of a conviction or forfeiture unless the clearly convinced that there is a "substantial

likelihood of success" of the appeal. This eliminates the discretion currently accorded to courts to extend the effective date of the forfeiture beyond the time of sentencing "for good cause shown."

The bill further provides that if any official action is taken by a convicted person on or after the date which the forfeiture is effective, the convicted person's successor has 60 days to void the action.

The legislation was sponsored by former Assemblywoman Harriet Derman (R-Middlesex) and Assemblyman Jeff Warsh (R-Middlesex) and Senators Jack Sinagra (R-Middlesex) and Peter Inverso (R-Mercer/Middlesex).

Gov. Whitman also signed the following:

**S-2066/A-2963**, sponsored by Senators Louis Kosco (R-Bergen) and C. William Haines and Assemblyman Francis Bodine and Martha Bark, all (R-Atlantic/Burlington/Camden) and Rose Heck (R-Bergen), makes the Legislative Initiative Municipal Block Grant program enacted as part of the FY 1995 Appropriations Act a permanent program of State block grant aid to municipalities.

The bill requires that the Legislature annually appropriate an amount of not less than \$33 million to the program. The funds are distributed to municipalities based on their population and must be used for property tax reduction.

**A-638**, sponsored by Assemblyman George Geist (R-Camden/Gloucester), requires notice of proposed district zoning change to property owners within 200 feet.

**A-2834/S-2007**, sponsored by Assemblyman Joseph Azzolina (R-Middlesex/Monmouth) and Assemblywoman Carol Murphy (R-Essex/Morris/Passaic) and Senators Joseph Kyrillos (R-Middlesex/Monmouth) and Robert Singer (R-Burlington/Monmouth/Ocean), authorizes special license plates to raise funds to acquire, restore and maintain the Battleship U.S.S. New Jersey.