

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2408

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2411

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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end

P.L.2015, CHAPTER 138, *approved November 9, 2015*
Assembly, No. 3636

1 **AN ACT** establishing a crime-fraud exception to the marital and
2 civil union partnership privilege, and amending P.L.1960, c.52.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), “The
9 Evidence Act, 1960,” also enumerated as Rule 509 of the New Jersey
10 Rules of Evidence, provides that no person shall disclose any
11 communication made in confidence between such person and his or
12 her spouse or partner in a civil union couple unless both consent to the
13 disclosure, or unless the communication is relevant to an issue in an
14 action between them, or in a criminal action or proceeding in which
15 either spouse or partner consents to the disclosure, or in a criminal
16 action or proceeding under section 17 of P.L.1960, c.52 (C.2A:84A-
17 17), also referenced as Rule 501 of the New Jersey Rules of Evidence,
18 for which a testimonial privilege does not apply. This privilege does
19 not terminate with the couple’s divorce, dissolution of civil union, or
20 separation.

21 b. This privilege arises from the strong public policy of
22 encouraging free and uninhibited communication between spouses and
23 partners, and, consequently, of protecting the sanctity and tranquility
24 of marriages and civil unions. However, in its current form, this
25 privilege also unintentionally serves to immunize conversations
26 between spouses and partners about their ongoing and future joint
27 criminal behavior.

28 c. In a unanimous decision, State v. Terry, 218 N.J. 224 (2014),
29 the New Jersey Supreme Court proposed an amendment to Rule 509 of
30 the New Jersey Rules of Evidence, which corresponds to section 22 of
31 “The Evidence Act, 1960,” to include a crime-fraud exception to the
32 communications privilege in an effort to strike an appropriate balance
33 between marital and civil union partnership privacy and the public’s
34 interest in attaining justice.

35 d. Amending “The Evidence Act, 1960” in accordance with the
36 New Jersey Supreme Court’s proposal will aid in preventing the
37 unintended consequence of immunizing the criminal activity of certain
38 spouses and partners who invoke the privilege, while preserving the
39 general privilege and its intended purpose of protecting and

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 encouraging free and uninhibited communication and confidence
2 between spouses and civil union partners.

3

4 2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to
5 read as follows:

6 22. **【Rule 28.】** Marital privilege--Confidential communications.

7 **【No】** (1) Except as otherwise provided in this section, no
8 person shall disclose any communication made in confidence
9 between such person and his or her spouse **【unless】** or civil union
10 partner.

11 (2) There is no privilege:

12 (a) if both **【shall】** spouses or partners consent to the disclosure
13 **【or unless】;**

14 (b) if the communication is relevant to an issue in an action
15 between **【them or】** the spouses or partners;

16 (c) in a criminal action or proceeding in which either spouse or
17 partner consents to the disclosure**【, or】;**

18 (d) in a criminal action or proceeding coming within section 17
19 of P.L.1960, c.52 (C.2A:84A-17); or

20 (e) in a criminal action or proceeding if the communication
21 relates to an ongoing or future crime or fraud in which the spouses
22 or partners were or are joint participants at the time of the
23 communication.

24 (3) When a spouse or partner is incapacitated or deceased,
25 consent to the disclosure may be given for such spouse or partner
26 by the guardian, executor, or administrator. The requirement for
27 consent shall not terminate with divorce, dissolution of civil union
28 or separation. A communication between spouses or partners while
29 living separate and apart under a divorce from bed and board or
30 legal separation from a partner in a civil union shall not be a
31 privileged communication.

32 (cf: P.L.2013, c.103, s.17)

33

34 3. This act shall take effect immediately.

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STATEMENT

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39 This bill would amend section 22 of “The Evidence Act, 1960,”
40 P.L.1960, c.52 (C.2A:84A-22), which concerns the marital and civil
41 union partnership communications privilege and which is
42 enumerated as Rule 509 of the New Jersey Rules of Evidence.

43 Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22) provides
44 that no person shall disclose any communication made in
45 confidence between a person and his or her spouse or, consistent
46 with section 5 of P.L.2006, c.103 (C.37:1-32), his or her civil union
47 partner unless both consent to the disclosure, or unless the

1 communication is relevant to an issue in an action between them, or
2 in a criminal action or proceeding in which either spouse or partner
3 consents to the disclosure, or in a criminal action or proceeding
4 coming within section 17 of P.L.1960, c.52 (C.2A:84A-17), also
5 referenced as Rule 501 of the New Jersey Rules of Evidence, for
6 which a testimonial privilege does not apply. This privilege against
7 disclosure does not terminate with divorce, dissolution of civil
8 union, or separation.

9 The marital and civil union partnership communications
10 privilege arises from the strong public policy in this State of
11 encouraging free and uninhibited communication between spouses
12 and civil union partners, and, consequently, of protecting the
13 sanctity and tranquility of marriages and civil unions. However, in
14 its current form, this privilege also unintentionally serves to
15 immunize conversations between spouses and partners about their
16 ongoing and future joint criminal behavior.

17 In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the
18 New Jersey Supreme Court proposed an amendment to Rule 509 of
19 the New Jersey Rules of Evidence to include a crime-fraud
20 exception to the communications privilege in an effort to strike an
21 appropriate balance between marital and civil union privacy and the
22 public's interest in attaining justice. In response to the New Jersey
23 Supreme Court's proposed amendment, this bill would amend the
24 section of "The Evidence Act, 1960" to which Rule 509
25 corresponds.

26 It is the sponsor's belief that amending the statute to conform to
27 the New Jersey Supreme Court's proposal will aid in preventing the
28 marital and partnership privilege from being used for the
29 unintended consequence of immunizing the criminal activity of
30 certain spouses and partners who invoke the privilege, while
31 preserving the general privilege and its intended purpose of
32 protecting and encouraging free and uninhibited communication and
33 confidence between spouses and civil union partners.

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38 Establishes crime-fraud exception to marital and civil union
39 partnership privilege.

ASSEMBLY, No. 3636

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2014

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

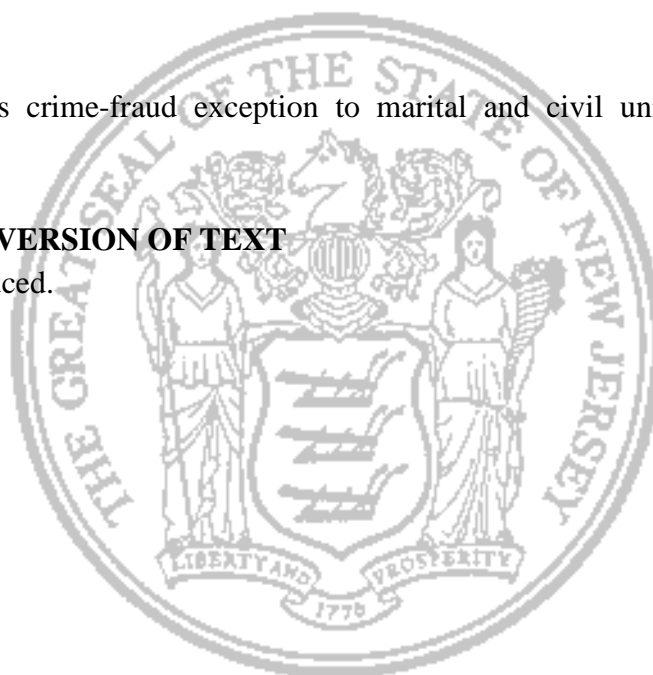
Assemblyman Coughlin

SYNOPSIS

Establishes crime-fraud exception to marital and civil union partnership privilege.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/26/2015)

1 AN ACT establishing a crime-fraud exception to the marital and
2 civil union partnership privilege, and amending P.L.1960, c.52.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), “The
9 Evidence Act, 1960,” also enumerated as Rule 509 of the New Jersey
10 Rules of Evidence, provides that no person shall disclose any
11 communication made in confidence between such person and his or
12 her spouse or partner in a civil union couple unless both consent to the
13 disclosure, or unless the communication is relevant to an issue in an
14 action between them, or in a criminal action or proceeding in which
15 either spouse or partner consents to the disclosure, or in a criminal
16 action or proceeding under section 17 of P.L.1960, c.52 (C.2A:84A-
17 17), also referenced as Rule 501 of the New Jersey Rules of Evidence,
18 for which a testimonial privilege does not apply. This privilege does
19 not terminate with the couple’s divorce, dissolution of civil union, or
20 separation.

21 b. This privilege arises from the strong public policy of
22 encouraging free and uninhibited communication between spouses and
23 partners, and, consequently, of protecting the sanctity and tranquility
24 of marriages and civil unions. However, in its current form, this
25 privilege also unintentionally serves to immunize conversations
26 between spouses and partners about their ongoing and future joint
27 criminal behavior.

28 c. In a unanimous decision, State v. Terry, 218 N.J. 224 (2014),
29 the New Jersey Supreme Court proposed an amendment to Rule 509 of
30 the New Jersey Rules of Evidence, which corresponds to section 22 of
31 “The Evidence Act, 1960,” to include a crime-fraud exception to the
32 communications privilege in an effort to strike an appropriate balance
33 between marital and civil union partnership privacy and the public’s
34 interest in attaining justice.

35 d. Amending “The Evidence Act, 1960” in accordance with the
36 New Jersey Supreme Court’s proposal will aid in preventing the
37 unintended consequence of immunizing the criminal activity of certain
38 spouses and partners who invoke the privilege, while preserving the
39 general privilege and its intended purpose of protecting and
40 encouraging free and uninhibited communication and confidence
41 between spouses and civil union partners.

42

43 2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to
44 read as follows:

45 22. **[Rule 28.]** Marital privilege--Confidential communications.

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 **【No】** (1) Except as otherwise provided in this section, no
2 person shall disclose any communication made in confidence
3 between such person and his or her spouse **【unless】** or civil union
4 partner.
5 (2) There is no privilege:
6 (a) if both **【shall】** spouses or partners consent to the disclosure
7 **【or unless】;**
8 (b) if the communication is relevant to an issue in an action
9 between **【them or】** the spouses or partners;
10 (c) in a criminal action or proceeding in which either spouse or
11 partner consents to the disclosure**【, or】;**
12 (d) in a criminal action or proceeding coming within section 17
13 of P.L.1960, c.52 (C.2A:84A-17); or
14 (e) in a criminal action or proceeding if the communication
15 relates to an ongoing or future crime or fraud in which the spouses
16 or partners were or are joint participants at the time of the
17 communication.
18 (3) When a spouse or partner is incapacitated or deceased,
19 consent to the disclosure may be given for such spouse or partner
20 by the guardian, executor, or administrator. The requirement for
21 consent shall not terminate with divorce , dissolution of civil union
22 or separation. A communication between spouses or partners while
23 living separate and apart under a divorce from bed and board or
24 legal separation from a partner in a civil union shall not be a
25 privileged communication.
26 (cf: P.L.2013, c.103, s.17)

27

28 3. This act shall take effect immediately.

29

30

31

STATEMENT

32

33 This bill would amend section 22 of “The Evidence Act, 1960,”
34 P.L.1960, c.52 (C.2A:84A-22), which concerns the marital and civil
35 union partnership communications privilege and which is
36 enumerated as Rule 509 of the New Jersey Rules of Evidence.37 Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22) provides
38 that no person shall disclose any communication made in
39 confidence between a person and his or her spouse or, consistent
40 with section 5 of P.L.2006, c.103 (C.37:1-32), his or her civil union
41 partner unless both consent to the disclosure, or unless the
42 communication is relevant to an issue in an action between them, or
43 in a criminal action or proceeding in which either spouse or partner
44 consents to the disclosure, or in a criminal action or proceeding
45 coming within section 17 of P.L.1960, c.52 (C.2A:84A-17), also
46 referenced as Rule 501 of the New Jersey Rules of Evidence, for
47 which a testimonial privilege does not apply. This privilege against

1 disclosure does not terminate with divorce, dissolution of civil
2 union, or separation.

3 The marital and civil union partnership communications
4 privilege arises from the strong public policy in this State of
5 encouraging free and uninhibited communication between spouses
6 and civil union partners, and, consequently, of protecting the
7 sanctity and tranquility of marriages and civil unions. However, in
8 its current form, this privilege also unintentionally serves to
9 immunize conversations between spouses and partners about their
10 ongoing and future joint criminal behavior.

11 In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the
12 New Jersey Supreme Court proposed an amendment to Rule 509 of
13 the New Jersey Rules of Evidence to include a crime-fraud
14 exception to the communications privilege in an effort to strike an
15 appropriate balance between marital and civil union privacy and the
16 public's interest in attaining justice. In response to the New Jersey
17 Supreme Court's proposed amendment, this bill would amend the
18 section of "The Evidence Act, 1960" to which Rule 509
19 corresponds.

20 It is the sponsor's belief that amending the statute to conform to
21 the New Jersey Supreme Court's proposal will aid in preventing the
22 marital and partnership privilege from being used for the
23 unintended consequence of immunizing the criminal activity of
24 certain spouses and partners who invoke the privilege, while
25 preserving the general privilege and its intended purpose of
26 protecting and encouraging free and uninhibited communication and
27 confidence between spouses and civil union partners.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3636

STATE OF NEW JERSEY

DATED: SEPTEMBER 22, 2014

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3636.

This bill would amend section 22 of “The Evidence Act, 1960,” P.L.1960, c.52 (C.2A:84A-22), which concerns the marital and civil union partnership communications privilege and which is enumerated as Rule 509 of the New Jersey Rules of Evidence.

Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22) provides that no person shall disclose any communication made in confidence between a person and his or her spouse or, consistent with section 5 of P.L.2006, c.103 (C.37:1-32), his or her civil union partner unless both consent to the disclosure, or unless the communication is relevant to an issue in an action between them, or in a criminal action or proceeding in which either spouse or partner consents to the disclosure, or in a criminal action or proceeding coming within section 17 of P.L.1960, c.52 (C.2A:84A-17), also referenced as Rule 501 of the New Jersey Rules of Evidence, for which a testimonial privilege does not apply. This privilege against disclosure does not terminate with divorce, dissolution of civil union, or separation.

The marital and civil union partnership communications privilege arises from the strong public policy in this State of encouraging free and uninhibited communication between spouses and civil union partners, and, consequently, of protecting the sanctity and tranquility of marriages and civil unions. However, in its current form, this privilege has the unintended consequence of serving to immunize conversations between spouses and partners about their ongoing and future joint criminal behavior.

In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the New Jersey Supreme Court proposed an amendment to Rule 509 of the New Jersey Rules of Evidence to include a crime-fraud exception to the communications privilege. The proposal constituted an effort to strike an appropriate balance between marital and civil union privacy and the public’s interest in attaining justice. In response to the New Jersey Supreme Court’s proposed amendment, this bill would amend the section of “The Evidence Act, 1960” to which Rule 509 corresponds.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3636

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably Assembly Bill No. 3636.

This bill would establish a crime-fraud exception to the marital and civil union partnership communication privilege set forth in section 22 of the “The Evidence Act, 1960,” P.L.1960, c.52 (C.2A:84A-22), which generally immunizes from disclosure communications between spouses and partners for use in various actions or proceedings. The bill’s crime-fraud exception would specifically remove the privileged status of such communications between spouses or partners when the communications related to an ongoing or future crime or fraud in which the spouses or partners were or are joint participants at the time of the communication.

The bill represents the Legislature’s response to the New Jersey Supreme Court’s unanimous decision in State v. Terry, 218 N.J. 224 (2014), which stated the current communication privilege does not provide a crime-fraud exception, and thus could be invoked to protect spouses and partners jointly engaged in ongoing or future criminal activities. In the concluding portion of its decision, the Court proposed amendments to Rule 509 of the New Jersey Rules of Evidence, which is the court rule that enumerates the statutory communication privilege. The provisions of the bill would amend the statutory communication privilege, to which Rule 509 corresponds, based on the Court’s suggested changes.

This bill, as reported, is identical to the Senate Committee Substitute for Senate Bill Nos. 2393, 2408, and 2411, also reported today by the committee.

SENATE, No. 2393

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 18, 2014

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Establishes crime-fraud exception to marital and civil union partnership privilege; amends evidence statute.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a crime-fraud exception to the marital and
2 civil union partnership privilege, and amending P.L.1960, c.52

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), “The
9 Evidence Act, 1960,” also enumerated as Rule 509 of the New Jersey
10 Rules of Evidence, provides that no person shall disclose any
11 communication made in confidence between such person and his or
12 her spouse or partner in a civil union couple unless both consent to the
13 disclosure, or unless the communication is relevant to an issue in an
14 action between them, or in a criminal action or proceeding in which
15 either spouse or partner consents to the disclosure, or in a criminal
16 action or proceeding for which a testimonial privilege does not apply
17 under section 17 of P.L.1960, c.52 (C.2A:84A-17), also referenced as
18 Rule 501 of the New Jersey Rules of Evidence. This privilege does
19 not terminate with the couple’s divorce, dissolution of civil union, or
20 separation.

21 b. The underlying rationale for this privilege is the strong public
22 interest in encouraging free and uninhibited communication between
23 spouses and partners. However, in its current form, this privilege may
24 also be invoked to immunize conversations between spouses and
25 partners about their ongoing and future joint criminal behavior.

26 c. In a unanimous decision, State v. Terry, 218 N.J. 224 (2014),
27 the New Jersey Supreme Court proposed an amendment to Rule 509 of
28 the New Jersey Rules of Evidence, which corresponds to section 22 of
29 “The Evidence Act, 1960,” to include a crime-fraud exception to the
30 communications privilege in an effort to strike an appropriate balance
31 between marital and civil union partnership privacy and the public’s
32 interest in attaining justice.

33 d. Amending “The Evidence Act, 1960” in accordance with the
34 New Jersey Supreme Court’s proposal will help eliminate the
35 protection inadvertently provided to certain criminal spouses and
36 partners as a result of the communications privilege while preserving
37 the privilege and its intended purpose of protecting and encouraging
38 free and uninhibited communication and confidence between spouses
39 and civil union partners.

40

41 2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to
42 read as follows:

43 22. **[Rule 28.]** Marital privilege--Confidential communications.

44 **[No]** (1) Except as otherwise provided in this section, no
45 person shall disclose any communication made in confidence

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 between such person and his or her spouse **【unless】** or civil union
2 partner.
3 (2) There is no privilege:
4 (a) if both **【shall】** spouses or partners consent to the disclosure
5 **【or unless】:**
6 (b) if the communication is relevant to an issue in an action
7 between **【them or】** the spouses or partners;
8 (c) in a criminal action or proceeding in which either spouse or
9 partner consents to the disclosure**【, or】:**
10 (d) in a criminal action or proceeding coming within section 17
11 of P.L.1960, c.52 (C.2A:84A-17); or
12 (e) in a criminal action or proceeding if the communication
13 relates to an ongoing or future crime or fraud in which the spouses
14 or partners were or are joint participants at the time of the
15 communication.
16 (3) When a spouse or partner is incapacitated or deceased,
17 consent to the disclosure may be given for such spouse or partner
18 by the guardian, executor, or administrator. The requirement for
19 consent shall not terminate with divorce , dissolution of civil union
20 or separation. A communication between spouses or partners while
21 living separate and apart under a divorce from bed and board or
22 legal separation from a partner in a civil union shall not be a
23 privileged communication.
24 (cf: P.L.2013, c.103, s.17)
25

26 3. This act shall take effect immediately.
27
28

29 STATEMENT
30

31 This bill would amend section 22 of “The Evidence Act, 1960,”
32 P.L.1960, c.52 (C.2A:84A-22), which concerns the marital and civil
33 union partnership communications privilege and which is
34 enumerated as Rule 509 of the New Jersey Rules of Evidence.
35 Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22) provides
36 that no person shall disclose any communication made in
37 confidence between a person and his or her spouse or, consistent
38 with section 5 of P.L.2006, c.103 (C.37:1-32), his or her civil union
39 partner unless both consent to the disclosure, or unless the
40 communication is relevant to an issue in an action between them, or
41 in a criminal action or proceeding in which either spouse or partner
42 consents to the disclosure, or in a criminal action or proceeding for
43 which a testimonial privilege does not apply under section 17 of
44 P.L.1960, c.52 (C.2A:84A-17), also referenced as Rule 501 of the
45 New Jersey Rules of Evidence. This privilege against disclosure
46 does not terminate with divorce, dissolution of civil union, or
47 separation.

1 The underlying rationale for this privilege is the strong public
2 interest in encouraging free and uninhibited communication
3 between spouses and partners. However, in its current form, this
4 privilege may also be invoked to immunize conversations between
5 spouses and partners about their ongoing and future joint criminal
6 behavior.

7 In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the
8 New Jersey Supreme Court proposed an amendment to Rule 509 of
9 the New Jersey Rules of Evidence to include a crime-fraud
10 exception to the communications privilege in an effort to strike an
11 appropriate balance between marital and civil union privacy and the
12 public's interest in attaining justice. In response to the New Jersey
13 Supreme Court's proposed amendment, this bill would amend the
14 section of "The Evidence Act, 1960" to which Rule 509
15 corresponds.

16 It is the sponsor's belief that amending the statute in accordance
17 with the New Jersey Supreme Court's proposal will help eliminate
18 the protection inadvertently provided to certain criminal spouses
19 and partners as a result of the communications privilege while
20 preserving the privilege and its intended purpose of protecting and
21 encouraging free and uninhibited communication and confidence
22 between spouses and civil union partners.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2393, 2408, and 2411**

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2393, 2408, and 2411.

This substitute bill would establish a crime-fraud exception to the marital and civil union partnership communication privilege set forth in section 22 of the “The Evidence Act, 1960,” P.L.1960, c.52 (C.2A:84A-22), which generally immunizes from disclosure communications between spouses and partners for use in various actions or proceedings. The bill’s crime-fraud exception would specifically remove the privileged status of such communications between spouses or partners when the communications related to an ongoing or future crime or fraud in which the spouses or partners were or are joint participants at the time of the communication.

The bill represents the Legislature’s response to the New Jersey Supreme Court’s unanimous decision in State v. Terry, 218 N.J. 224 (2014), which stated the current communication privilege does not provide a crime-fraud exception, and thus could be invoked to protect spouses and partners jointly engaged in ongoing or future criminal activities. In the concluding portion of its decision, the Court proposed amendments to Rule 509 of the New Jersey Rules of Evidence, which is the court rule that enumerates the statutory communication privilege. The provisions of the bill would amend the statutory communication privilege, to which Rule 509 corresponds, based on the Court’s suggested changes.

This substitute bill, as reported, is identical to Assembly Bill No. 3636, also reported today by the committee.

SENATE, No. 2408

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED SEPTEMBER 18, 2014

Sponsored by:

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Establishes crime-fraud exception applicable to marital and civil union partnership privilege.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a crime-fraud exception to the marital and
2 civil union partnership privilege, and amending P.L.1960, c.52.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), “The
9 Evidence Act, 1960,” also enumerated as Rule 509 of the New Jersey
10 Rules of Evidence, provides that no person shall disclose any
11 communication made in confidence between such person and his or
12 her spouse or partner in a civil union couple unless both consent to the
13 disclosure, or unless the communication is relevant to an issue in an
14 action between them, or in a criminal action or proceeding in which
15 either spouse or partner consents to the disclosure, or in a criminal
16 action or proceeding for which a testimonial privilege does not apply
17 under section 17 of P.L.1960, c.52 (C.2A:84A-17). The
18 communications privilege against disclosure does not terminate with
19 the couple’s divorce, dissolution of civil union, or separation.

20 b. This privilege stems from the strong public policy in this
21 State of encouraging free and uninhibited communication between
22 spouses and partners. However, in its current form, this privilege
23 may also have the unintended consequence of immunizing
24 conversations between spouses and partners about their ongoing and
25 future joint criminal behavior.

26 c. In a unanimous decision, State v. Terry, 218 N.J. 224 (2014),
27 the New Jersey Supreme Court proposed an amendment to Rule 509 of
28 the New Jersey Rules of Evidence, which corresponds to section 22 of
29 “The Evidence Act, 1960,” to include a crime-fraud exception to the
30 communications privilege in an effort to strike an appropriate balance
31 between marital and civil union partnership privacy and the public’s
32 interest in attaining justice.

33 d. Amending “The Evidence Act, 1960” in accordance with the
34 New Jersey Supreme Court’s proposal will help obviate the
35 unintended protection currently provided to certain criminal spouses
36 and partners as a result of the communications privilege while
37 preserving the privilege, which is essential to the preservation of the
38 marital and civil union relationship.

39

40 2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to
41 read as follows:

42 22. **[Rule 28.]** Marital privilege--Confidential communications.

43 **[No]** (1) Except as otherwise provided in this section, no
44 person shall disclose any communication made in confidence

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 between such person and his or her spouse **【unless】** or civil union
2 partner.
3 (2) There is no privilege:
4 (a) if both **【shall】** spouses or partners consent to the disclosure
5 **【or unless】:**
6 (b) if the communication is relevant to an issue in an action
7 between **【them or】** the spouses or partners;
8 (c) in a criminal action or proceeding in which either spouse or
9 partner consents to the disclosure**【, or】:**
10 (d) in a criminal action or proceeding coming within section 17
11 of P.L.1960, c.52 (C.2A:84A-17); or
12 (e) in a criminal action or proceeding if the communication
13 relates to an ongoing or future crime or fraud in which the spouses
14 or partners were or are joint participants at the time of the
15 communication.
16 (3) When a spouse or partner is incapacitated or deceased,
17 consent to the disclosure may be given for such spouse or partner
18 by the guardian, executor, or administrator. The requirement for
19 consent shall not terminate with divorce , dissolution of civil union
20 or separation. A communication between spouses or partners while
21 living separate and apart under a divorce from bed and board or
22 legal separation from a partner in a civil union shall not be a
23 privileged communication.
24 (cf: P.L.2013, c.103, s.17)
25

26 3. This act shall take effect immediately.
27
28

29 STATEMENT
30

31 This bill would amend section 22 of “The Evidence Act, 1960,”
32 P.L.1960, c.52 (C.2A:84A-22), which concerns the marital and civil
33 union partnership communications privilege and which is
34 enumerated as Rule 509 of the New Jersey Rules of Evidence.
35 Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22) provides
36 that no person shall disclose any communication made in
37 confidence between a person and his or her spouse or, consistent
38 with section 5 of P.L.2006, c.103 (C.37:1-32), his or her civil union
39 partner unless both consent to the disclosure, or unless the
40 communication is relevant to an issue in an action between them, or
41 in a criminal action or proceeding in which either spouse or partner
42 consents to the disclosure, or in a criminal action or proceeding for
43 which a testimonial privilege does not apply under section 17 of
44 P.L.1960, c.52 (C.2A:84A-17), also referenced as Rule 501 of the
45 New Jersey Rules of Evidence. This privilege against disclosure
46 does not terminate with divorce, dissolution of civil union, or
47 separation.

1 This privilege stems from the strong public policy in this State of
2 encouraging free and uninhibited communication between spouses
3 and civil union partners. However, in its current form, this
4 privilege may also have the unintended consequence of immunizing
5 conversations between spouses and partners about their ongoing and
6 future joint criminal behavior.

7 In a unanimous decision, State v. Terry, 218 N.J. 224 (2014), the
8 New Jersey Supreme Court proposed an amendment to Rule 509 of
9 the New Jersey Rules of Evidence to include a crime-fraud
10 exception to the communications privilege in an effort to strike an
11 appropriate balance between marital and civil union privacy and the
12 public's interest in attaining justice. In response to the New Jersey
13 Supreme Court's proposed amendment, this bill would amend the
14 section of "The Evidence Act, 1960" to which Rule 509
15 corresponds.

16 It is the sponsor's belief that amending the statute in accordance
17 with the New Jersey Supreme Court's proposal will help obviate the
18 unintended protection currently provided to certain criminal spouses
19 and partners as a result of the communications privilege while
20 preserving the privilege, which is essential to the preservation of the
21 marital and civil union relationship.

SENATE, No. 2411

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 18, 2014

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Establishes crime-fraud exception applicable to marital and civil union partnership privilege; amends statutory law.

CURRENT VERSION OF TEXT

As introduced.



S2411 SCUTARI

2

1 AN ACT establishing a crime-fraud exception to the marital and
2 civil union partnership privilege, and amending P.L.1960, c.52.

3

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

6

7 1. (New section) The Legislature finds and declares that:

8 a. Currently, section 22 of P.L.1960, c.52 (C.2A:84A-22), “The
9 Evidence Act, 1960,” also enumerated as Rule 509 of the New Jersey
10 Rules of Evidence, provides that no person shall disclose any
11 communication made in confidence between such person and his or
12 her spouse or partner in a civil union couple unless both consent to the
13 disclosure, or unless the communication is relevant to an issue in an
14 action between them, or in a criminal action or proceeding in which
15 either spouse or partner consents to the disclosure, or in a criminal
16 action or proceeding under section 17 of P.L.1960, c.52 (C.2A:84A-
17 17), also referenced as Rule 501 of the New Jersey Rules of Evidence,
18 for which a testimonial privilege does not apply.

19 b. The underlying rationale for this privilege is the strong public
20 interest in encouraging free and uninhibited communication between
21 spouses and partners. However, in its current form, this privilege may
22 also be used for the unintended purpose of immunizing conversations
23 between spouses and partners about their ongoing and future joint
24 criminal behavior.

25 c. In a unanimous decision, State v. Terry 218 N.J. 224 (2014),
26 the New Jersey Supreme Court proposed an amendment to Rule 509 of
27 the New Jersey Rules of Evidence, which corresponds to section 22 of
28 “The Evidence Act, 1960,” to include a crime-fraud exception to the
29 communications privilege in an effort to strike an appropriate balance
30 between marital and civil union partnership privacy and the public’s
31 interest in attaining justice.

32 d. Amending “The Evidence Act, 1960” in accordance with the
33 New Jersey Supreme Court’s proposal will assist in removing the
34 protection that is currently available to certain criminal spouses and
35 partners as a result of the communications privilege while preserving
36 the privilege and its intended purpose of protecting the sanctity and
37 tranquility of marriages and civil unions.

38

39 2. Section 22 of P.L.1960, c.52 (C.2A:84A-22) is amended to
40 read as follows:

41 22. **[Rule 28.]** Marital privilege--Confidential communications.

42 **[No]** (1) Except as otherwise provided in this section, no
43 person shall disclose any communication made in confidence
44 between such person and his or her spouse **[unless]** or civil union
45 partner.

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.

S2411 SCUTARI

3

1 (2) There is no privilege:

2 (a) if both [shall] spouses or partners consent to the disclosure
3 [or unless];

4 (b) if the communication is relevant to an issue in an action
5 between [them or] the spouses or partners;

6 (c) in a criminal action or proceeding in which either spouse or
7 partner consents to the disclosure[, or];

8 (d) in a criminal action or proceeding coming within section 17
9 of P.L.1960, c.52 (C.2A:84A-17); or

10 (e) in a criminal action or proceeding if the communication
11 relates to an ongoing or future crime or fraud in which the spouses
12 or partners were or are joint participants at the time of the
13 communication.

14 (3) When a spouse or partner is incapacitated or deceased,
15 consent to the disclosure may be given for such spouse or partner
16 by the guardian, executor, or administrator. The requirement for
17 consent shall not terminate with divorce, dissolution of civil union
18 or separation. A communication between spouses or partners while
19 living separate and apart under a divorce from bed and board or
20 legal separation from a partner in a civil union shall not be a
21 privileged communication.

22 (cf: P.L.2013, c.103, s.17)

23

24 3. This act shall take effect immediately.

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STATEMENT

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31 union partnership communications privilege and which is
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37 partner unless both consent to the disclosure, or unless the
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39 in a criminal action or proceeding in which either spouse or partner
40 consents to the disclosure, or in a criminal action or proceeding
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42 referenced as Rule 501 of the New Jersey Rules of Evidence, for
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45 interest in encouraging free and uninhibited communication
46 between spouses and partners. However, in its current form, the
47 privilege may also be used for the unintended purpose of

S2411 SCUTARI

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2 ongoing and future joint criminal behavior.

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4 New Jersey Supreme Court proposed an amendment to Rule 509 of
5 the New Jersey Rules of Evidence to include a crime-fraud
6 exception to the communications privilege in an effort to strike an
7 appropriate balance between marital and civil union privacy and the
8 public's interest in attaining justice. In response to the New Jersey
9 Supreme Court's proposed amendment, this bill would amend the
10 section of "The Evidence Act, 1960" to which Rule 509
11 corresponds.

12 It is the sponsor's belief that amending "The Evidence Act,
13 1960" in accordance with the New Jersey Supreme Court's proposal
14 will assist in removing the protection that is currently available to
15 certain criminal spouses and partners as a result of the
16 communications privilege while preserving the privilege and its
17 intended purpose of protecting the sanctity and tranquility of
18 marriages and civil unions.

Governor Christie Takes Action On Pending Legislation

Monday, November 9, 2015 Tags: [Bill Action](#)



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...

Trenton, NJ – Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

• **Enhanced Penalties For Domestic Violence.** Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.

• **Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence.** The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole

ineligibility.

- **Prioritizing Victims Who Seek Firearms For Protection.** The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin) - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale) - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

A-1029/S-274 (Benson, Vainieri Huttie, Jasey, Tucker, Wimberly/Greenstein, Ruiz) - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

A-1041/S-2676 (Schaer, Johnson, Vainieri Huttie, Eustace, Mazzeo/Rumana, Gordon, Weinberg) - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

A-1102/S-1145 (Vainieri Huttie, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez) - Provides for licensure of dementia care homes by DOH

ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg) - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/Weinberg) - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak) - Exempts certain offers and sales of securities from registration

A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey) - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer) - Establishes requirements for pharmacists to dispense biological products

A-2714/S-1993 (Giblin, Sumter/Barnes) - Requires continuing education for licensed practicing psychologists

A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors) - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

A-3012/S-2296 (Ciattarelli, Dancer/Bateman) - Criminalizes bestiality

A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCroce/Turner, Ruiz) - Prohibits administration of standardized assessments in kindergarten through second grade

A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach) - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer) - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Daniels, Wimberly/Madden, Turner) - Prohibits sale of powdered alcohol

A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel) - Establishes crime-fraud exception to marital and civil union partnership privilege

A-3669/S-2655 (Mazzeo, Burzichelli/Whelan) - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

A-3807/S-2619 (Eustace, Greenwald/Whelan) - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges

A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg) – Upgrades violation of a stalking restraining order to a crime of the third degree

A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice) - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz) - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho) - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill) - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

A-4078/S-2686 (Vainieri Huttie, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck) - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer) - Revises certain provisions of dental service corporation law

A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriguez-Gregg, Gusciora, Mazzeo/Barnes, Addiego) - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack) – Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

A-4333/S-3020 (Singleton, Gill) - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco) - Revises definition of all-terrain vehicles

A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman) - Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning crime

A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner) - Prohibits withholding of State school aid based on student participation rate on State assessments

A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez) – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz) - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

BILLS VETOED:

S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty) – **ABSOLUTE** -Concerns certain workers' compensation supplemental benefits

A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco) - **CONDITIONAL** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas

A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice) – **CONDITIONAL** - Requires release of bid list prior to bid date under "Local Public Contracts Law"

A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz) – **CONDITIONAL** -Establishes Task Force on Engineering Curriculum and Instruction

A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttie, Wimberly/Gordon) – **CONDITIONAL** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

floodplains

A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL - Requires Division of Local Government Services to include certain property tax information on division's web page

A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL - "Casino Property Taxation Stabilization Act"

A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL - Removes provisions of law relating to Atlantic City Alliance

A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE - Authorizes operation of lottery courier services

A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL - Revises certain laws concerning domestic violence and firearms

A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

A-4476/S-2876 (Conaway/Codey) - CONDITIONAL - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE - Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

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