

2A:156A-4 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:156A-4 et seq.

Laws of 1975 Chapter 131

Bill No. S1417

Sponsor(s) Fay

Date Introduced Sept. 30, 1974

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense; Judiciary

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

Date of passage: Assembly June 30, 1975

Senate May 27, 1975

Date of approval June 30, 1975

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly ~~XX~~ No

Senate Yes ~~XX~~

Fiscal Note ~~XX~~ No

Veto message ~~XX~~ No

Message on signing ~~XX~~ No

Following were printed:

Reports Yes ~~XX~~

Hearings Yes ~~XX~~

974.90 New Jersey Legislature. Senate. Judiciary Committee.  
C5815 Public hearing on Senate No. 1417.  
1975 Vol. 1 - held January 30, 1975  
Vol. 2 - held April 3, 1975

Cited in sponsor's statement:

\*974.90 New Jersey Dept. of Law & Public Safety.  
C5815 Report on the New Jersey Wiretapping and  
1974 Electronic Surveillance Control Act, L. 1968,  
C. 409, Sept. 16, 1974

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CHAPTER 131 LAWS OF N. J. 1975  
APPROVED 6-30-75

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SENATE, No. 1417

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# STATE OF NEW JERSEY

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INTRODUCED SEPTEMBER 30, 1974

By Senator FAY

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend "An act concerning the interception of wire and oral communications, authorizing interception in certain cases under court order and prescribing procedures therefor, prohibiting unauthorized interception, use or disclosure of wire and oral communications, prescribing penalties for violations and repealing N. J. S. 2A:146-1," approved January 14, 1969 (P. L. 1968, c. 409).

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

1 1. Section 4 of P. L. 1968, c. 409 (C. 2A:156A-4) is amended to  
2 read as follows:

3 4. It shall not be unlawful under this act for:

4 a. An operator of a switchboard, or an officer, agent or employee  
5 of a communication common carrier, whose facilities are used in  
6 the transmission of a wire communication, to intercept, disclose or  
7 use that communication in the normal course of his employment  
8 while engaged in any activity which is a necessary incident to the  
9 rendition of his service or to the protection of the rights or property  
10 of the carrier of such communication. No communication common  
11 carrier shall utilize service observing or random monitoring except  
12 for mechanical or service quality control checks;

13 \***[**b. A person acting under color of law to intercept a wire or  
14 oral communication, where such person is a party to the com-  
15 munication or one of the parties to the communication has given  
16 prior consent to such interception; **or]**\*

17 \**b. Any investigative or law enforcement officer to intercept a*  
18 *wire or oral communication, where such officer is a party to the*  
19 *communication or where another officer who is a party to the com-*  
20 *munication requests or requires him to make such interception;*

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

21 *c. Any investigative or law enforcement officer or any person*  
 22 *acting at the direction of an investigative or law enforcement officer*  
 23 *to intercept a wire or oral communication, where such person is a*  
 24 *party to the communication or one of the parties to the communi-*  
 25 *cation has given prior consent to such interception; provided, how-*  
 26 *ever, that no such interception shall be made unless the Attorney*  
 27 *General or his designee or a county prosecutor within his authority*  
 28 *determines that there exists a reasonable suspicion that evidence*  
 29 *of criminal conduct will be derived from such interception; or\**

30 *\*[c.]\* \*d.\* A person not acting under color of law to intercept*  
 31 *a wire or oral communication, where such person is a party to the*  
 32 *communication or one of the parties to the communication has*  
 33 *given prior consent to such interception unless such communication*  
 34 *is intercepted or used for the purpose of committing any criminal*  
 35 *or tortious act in violation of the Constitution or laws of the*  
 36 *United States or of this State or for the purpose of committing any*  
 37 *other injurious act. Any person who unlawfully intercepts or uses*  
 38 *such communication as provided in this paragraph shall be subject*  
 39 *to the civil liability established in section 24 of this act*  
 40 *(C. 2A:156A-24), in addition to any other criminal or civil liability*  
 41 *imposed by law.*

1 *\*2. Section 5 of P. L. 1968, c. 409 (C. 2A:156A-5) is amended to*  
 2 *read as follows:*

3 *5. Except as otherwise specifically provided in section 6 of this*  
 4 *act, any person who:*

5 *a. Willfully possesses an intercepting device, knowing or having*  
 6 *reason to know that the design [of which] of such device renders*  
 7 *it primarily useful for the purpose of the surreptitious interception*  
 8 *of a wire or oral communication;*

9 *b. Willfully sells an intercepting device, knowing or having*  
 10 *reason to know that the design [of which] of such device renders*  
 11 *it primarily useful for the purpose of the surreptitious interception*  
 12 *of a wire or oral communication;*

13 *c. Willfully distributes an intercepting device, knowing or having*  
 14 *reason to know that the design [of which] of such device renders*  
 15 *it primarily useful for the purpose of the surreptitious interception*  
 16 *of a wire or oral communication;*

17 *d. Willfully manufactures or assembles an intercepting device,*  
 18 *knowing or having reason to know that the design [of which] of*  
 19 *such device renders it primarily useful for the purpose of the sur-*  
 20 *reptitious interception of a wire or oral communication; or*

21 *e. Willfully places in any newspaper, magazine, handbill, or*

22 other publication any advertisement of any intercepting device,  
 23 knowing or having reason to know that the design **[of which]** of  
 24 such device renders it primarily useful for the purpose of the sur-  
 25 reptitious interception of a wire or oral communication or of any  
 26 intercepting device where such advertisement promotes the use of  
 27 such device for the purpose of the surreptitious interception of a  
 28 wire or oral communication;

29 shall be guilty of a misdemeanor and shall be fined not more than  
 30 \$10,000.00 or imprisoned not more than 5 years, or both.

1 3. Section 6 of P. L. 1968, c. 409 (C. 2A:156A-6) is amended to  
 2 read as follows:

3 6. It shall not be unlawful under this act for:

4 a. A communication common carrier or an officer, agent or em-  
 5 ployee of, or a person under contract with a communication com-  
 6 mon carrier, in the usual course of the communication common  
 7 carrier's business; or

8 b. A person under contract with the United States, a state or a  
 9 political subdivision thereof, or an officer, agent or employee of a  
 10 state or a political subdivision thereof;  
 11 to possess, sell, distribute, manufacture or assemble**[, or advertise]**  
 12 any intercepting device, while acting in furtherance of the appro-  
 13 priate activities of the United States, a state or a political sub-  
 14 division thereof or a communication common carrier.\*

1 \***[2.]**\* \*4.\* Section 8 of P. L. 1968, c. 409 (C. 2A:156A-8) is  
 2 amended to read as follows:

3 8. The Attorney General, a county prosecutor or the chairman of  
 4 the State Commission of Investigation when authorized by a  
 5 majority of the members of that commission, or a person designated  
 6 to act for such an official and to perform his duties in and during  
 7 his actual absence or disability, may authorize, in writing, an  
 8 ex parte application to a judge designated to receive the same for  
 9 an order authorizing the interception of a wire or oral communica-  
 10 tion by the investigative or law enforcement officers or agency  
 11 having responsibility for an investigation when such interception  
 12 may provide evidence of the commission of the offense of murder,  
 13 kidnapping, gambling, robbery, bribery, extortion, loansharking,  
 14 **[dealing in narcotic drugs, marijuana or other dangerous drugs,]**  
 15 violations of section 19 of the "New Jersey Controlled Dangerous  
 16 Substances Act" P. L. 1970, c. 226 (C. 24:21-19), arson, burglary,  
 17 embezzlement, forgery, receiving stolen property punishable by  
 18 imprisonment for more than 1 year, alteration of motor vehicle  
 19 identification numbers, or larceny punishable by imprisonment for

20 more than 1 year, *unlawful manufacture, purchase, use, or transfer*  
21 *of firearms, or unlawful possession or use of bombs or explosives,*  
22 or any conspiracy to commit any of the foregoing offenses or which  
23 may provide evidence aiding in the apprehension of the perpetrator  
24 *or perpetrators* of any of the foregoing offenses.

1 \***[3.]**\* \*5.\* Section 9 of P. L. 1968, c. 409 (C. 2A:156A-9) is  
2 amended to read as follows:

3 9. Each application for an order of authorization to intercept a  
4 wire or oral communication shall be made in writing upon oath  
5 or affirmation and shall state:

6 a. The authority of the applicant to make such application;

7 b. The identity and qualifications of the investigative or law  
8 enforcement officers or agency for whom the authority to intercept  
9 a wire or oral communication is sought and the identity of whoever  
10 authorized the application.

11 c. A particular statement of the facts relied upon by the appli-  
12 cant, including: (1) The identity of the particular person, if known,  
13 committing the offense and whose communications are to be inter-  
14 cepted; (2) The details as to the particular offense that has been,  
15 is being, or is about to be committed; (3) The particular type of  
16 communication to be intercepted; *and a showing that there is*  
17 *probable cause to believe that such communication will be com-*  
18 *municated on the wire communication facility involved or at the*  
19 *particular place where the oral communication is to be intercepted;*  
20 (4) The character and location of the particular wire communica-  
21 tion facilities involved or the particular place where the oral  
22 communication is to be intercepted; (5) A statement of the period  
23 of time for which the interception is required to be maintained;  
24 if the character of the investigation is such that the authorization  
25 for interception should not automatically terminate when the  
26 described type of communication has been first obtained, a par-  
27 ticular statement of facts establishing probable cause to believe  
28 that additional communications of the same type will occur  
29 thereafter; (6) A particular statement of facts showing that other  
30 normal investigative procedures with respect to the offense have  
31 been tried and have failed or reasonably appear to be unlikely to  
32 succeed if tried or to be too dangerous to employ;

33 d. Where the application is for the renewal or extension of an  
34 order, a particular statement of facts showing the results thus far  
35 obtained from the interception, or a reasonable explanation of the  
36 failure to obtain such results;

37 e. A complete statement of the facts concerning all previous  
38 applications, known to the individual authorizing and to the indi-

39 vidual making the application, made to any court for authorization  
40 to intercept a wire or oral communication involving any of the  
41 same facilities or places specified in the application or involving  
42 any person whose communication is to be intercepted, and the action  
43 taken by the court on each such application; and

44 f. Such additional testimony or documentary evidence in support  
45 of the application as the judge may require.

1 \*6. Section 10 of P. L. 1968, c. 409 (C. 2A:156A-10) is amended  
2 to read as follows:

3 10. Upon consideration of an application, the judge may enter an  
4 ex parte order, as requested or as modified, authorizing the inter-  
5 ception of a wire or oral communication, if the court determines  
6 on the basis of the facts submitted by the applicant that there is or  
7 was probable cause for belief that:

8 a. The person whose communication is to be intercepted is en-  
9 gaging or was engaged over a period of time as a part of a continu-  
10 ing criminal activity or is committing, has or had committed or is  
11 about to commit an offense as provided in section 8 of this act;

12 b. Particular communications concerning such offense may be  
13 obtained through such interception;

14 c. Normal investigative procedures with respect to such offense  
15 have been tried and have failed or reasonably appear to be unlikely  
16 to succeed if tried or to be too dangerous to employ;

17 d. The facilities from which, or the place where, the wire or oral  
18 communications are to be intercepted, are or have been used, or are  
19 about to be used, in connection with the commission of such offense,  
20 or are leased to, listed in the name of, or commonly used by, such  
21 individual; **[and]**

22 e. The investigative or law enforcement officers or agency to be  
23 authorized to intercept the wire or oral communication are qualified  
24 by training and experience to execute the interception sought; and

25 f. In the case of an application, other than a renewal or exten-  
26 sion, for an order to intercept a communication of a person or on a  
27 facility which was the subject of a previous order authorizing inter-  
28 ception, the application is based upon new evidence or information  
29 different from and in addition to the evidence or information  
30 offered to support the prior order, regardless of whether such  
31 evidence was derived from prior interceptions or from other  
32 sources.

33 As part of the consideration of an application in which there is  
34 no corroborative evidence offered, the judge shall inquire in camera  
35 as to the identity of any informants or any other additional infor-

36 *mation concerning the basis upon which the investigative or law*  
 37 *enforcement officer or agency has applied for the order of authoriza-*  
 38 *tion which the judge finds relevant in order to determine if there is*  
 39 *probable cause pursuant to this section.\**

1 \***[4.]**\* \*7.\* Section 11 of P. L. 1968, c. 409 (C. 2A:156A-11) is  
 2 amended to read as follows:

3 11. If the facilities from which a wire communication is to be  
 4 intercepted are public, no order shall be issued unless the court,  
 5 in addition to the matters provided in section 10 above, determines  
 6 that there is a special need to intercept wire communications over  
 7 such facilities.

8 If the facilities from which, or the place where, the wire or oral  
 9 communications are to be intercepted are being used, or are about  
 10 to be used, or are leased to, listed in the name of, or commonly  
 11 used by, a licensed physician, *a licensed practicing psychologist*, an  
 12 attorney at law, **[or]** *a practicing clergyman, or a newspaperman*,  
 13 or is a place used primarily for habitation by a husband and wife,  
 14 no order shall be issued unless the court, in addition to the matters  
 15 provided in section 10 above, determines that there is a special need  
 16 to intercept wire or oral communications over such facilities or in  
 17 such places. *Special need as used in this **[paragraph]** \*section\**  
 18 *shall require in addition to the matters required by section 10 of*  
 19 *this act, a showing that the licensed physician, licensed practicing*  
 20 *psychologist, attorney-at-law, practicing **[clergman]** \*clergy-*  
 21 *man\* or newspaperman is personally engaging in or was engaged*  
 22 *in over a period of time as a part of a continuing criminal activity*  
 23 *or is committing, has or had committed or is about to commit an*  
 24 *offense as provided in section 8 of the act \*or that the public*  
 25 *facilities are being regularly used by someone who is personally*  
 26 *engaging in or was engaged in over a period of time as a part of a*  
 27 *continuing criminal activity or is committing, has or had committed*  
 28 *or is about to commit such an offense\* . No otherwise privileged*  
 29 *wire or oral communication intercepted in accordance with, or in*  
 30 *violation of, the provisions of this act, shall lose its privileged*  
 31 *character.*

1 \***[5.]**\* \*8.\* Section 12 of P. L. 1968, c. 409 (C. 2A:156A-12) is  
 2 amended to read as follows:

3 12. Each order authorizing the interception of any wire or oral  
 4 communication shall state:

5 a. The judge is authorized to issue the order;

6 b. The identity of, or a particular description of, the person, if  
 7 known, whose communications are to be intercepted;

8 c. The character and location of the particular communication  
9 facilities as to which, or the particular place of the communication  
10 as to which, authority to intercept is granted;

11 d. A particular description of the type of the communication to  
12 be intercepted and a statement of the particular offense to which  
13 it relates:

14 e. The identity of the investigative or law enforcement officers or  
15 agency to whom the authority to intercept a wire or oral communi-  
16 cation is given and the identity of whoever authorized the appli-  
17 cation; and

18 f. The period of time during which such interception is autho-  
19 rized, including a statement as to whether or not the interception  
20 shall automatically terminate when the described communication  
21 has been first obtained.

22 No order entered under this section shall authorize the inter-  
23 ception of any wire or oral communication for a period of time in  
24 excess of that necessary under the circumstances. Every order  
25 entered under this section shall require that such interception begin  
26 and terminate as soon as practicable and be conducted in such a  
27 manner as to minimize or eliminate the interception of such com-  
28 munications not otherwise subject to interception under this act  
29 *by making reasonable efforts, whenever possible, to reduce the*  
30 *hours of interception authorized by said order.* In no case shall an  
31 order entered under this section authorize the interception of wire  
32 or oral communications for any period exceeding **[30]** 20 days.  
33 Extensions or renewals of such an order may be granted for  
34 *\*two additional\** periods of not more than **[30]** **[20]** *\*10\** days.  
35 No extension or renewal shall be granted unless an application for  
36 it is made in accordance with this section, and the court makes the  
37 findings required by sections 10, 11 and this section.

38 Whenever an order authorizing an interception is entered, the  
39 order may require reports to be made to the judge who issued the  
40 order showing what progress has been made toward achievement of  
41 the authorized objective and the need for continued interception.  
42 Such reports shall be made at such intervals as the court may  
43 require.

44 *An order authorizing the interception of a wire or oral com-*  
45 *munication shall, upon \***[a showing of special need by]**\* \*request*  
46 *of\* the applicant, direct that a communication common carrier*  
47 *\***[use its best efforts to]**\* \*shall\* furnish **[forthwith]**\* the appli-*  
48 *cant **[with]**\* \*forthwith\* all information, facilities and technical*  
49 *assistance necessary to accomplish **[an in-progress trace or]**\**

50 *\*the\* interception\*~~]. This assistance shall be provided]~~\* unobtru-*  
 51 *sively and with a minimum of interference with the services that*  
 52 *such carrier is affording the person whose communications are to*  
 53 *be intercepted. ~~][Said order shall limit the hours that the carrier~~*  
 54 *shall be obligated to provide said assistance, and shall specify the*  
 55 *circumstances under which an obligation to provide assistance shall*  
 56 *arise.]\** *Any communication common carrier furnishing such*  
 57 *facilities or technical assistance shall be compensated ~~][for the~~*  
 58 *costs of any assistance rendered to]\* *\*therefor by\* the applicant*  
 59 *\*at the prevailing rates\*. Said carrier shall be immune from civil*  
 60 *liability for any assistance rendered to the applicant pursuant to*  
 61 *this section.**

1 ~~\*[6.]~~\* ~~\*9.\*~~ Section 17 of P. L. 1968, c. 409 (C. 2A:156A-17) is  
 2 amended to read as follows:

3 a. Any investigative or law enforcement officer *or other person*  
 4 who, by any means authorized by this act, has obtained knowledge  
 5 of the contents of any wire or oral communication, or evidence  
 6 derived therefrom, may disclose or use such contents or evidence to  
 7 ~~[another]~~ investigative or law enforcement ~~[officer]~~ *officers of*  
 8 *this or another state, any of its political subdivisions, or of the*  
 9 *United States to the extent that such disclosure or use is appro-*  
 10 *priate to the proper performance of his official duties.*

11 b. Any person who, by any means authorized by this act, has  
 12 obtained any information concerning any wire or oral communica-  
 13 tion or evidence derived therefrom intercepted in accordance with  
 14 the provisions of this act, may disclose the contents of such com-  
 15 munications or derivative evidence while giving testimony under  
 16 oath or affirmation in any criminal proceeding in any court of this  
 17 or another state or of the United States or before any Federal or  
 18 State grand jury\*; *provided, however, that the contents of any*  
 19 *wire or oral communication may be initially disclosed solely through*  
 20 *the use of the testimony of a witness to such communication or the*  
 21 *actual recording of the communication\*.*

22 c. The contents of any intercepted wire or oral communication,  
 23 or evidence derived therefrom, may otherwise be disclosed or used  
 24 only upon a showing of good cause before a court of competent  
 25 jurisdiction.

1 ~~\*10.~~ Section 21 of P. L. 1968, c. 409 (C. 2A:156A-21) is amended  
 2 to read as follows:

3 21. Any aggrieved person in any trial, hearing, or proceeding in  
 4 or before any court or other authority of this State may move to  
 5 suppress the contents of any intercepted wire or oral communica-  
 6 tion, or evidence derived therefrom, on the grounds that:

7     *a. The communication was unlawfully intercepted;*  
 8     *b. The order of authorization is insufficient on its face;*  
 9     *c. The interception was not made in conformity with the order*  
 10 *of authorization or in accordance with the requirements of section*  
 11 *12.*

12     *The motion shall be made at least 10 days before the trial, hear-*  
 13 *ing, or proceeding unless there was no opportunity to make the*  
 14 *motion or the moving party was not aware of the grounds for the*  
 15 *motion. The court, upon the filing of such motion by the aggrieved*  
 16 *person, [may in his discretion] shall make available to the*  
 17 *aggrieved person or his counsel for inspection such portions of the*  
 18 *intercepted communication, or evidence derived therefrom, as the*  
 19 *court determines to be in the interests of justice. If the motion is*  
 20 *granted, the entire contents of [the] all intercepted wire or oral*  
 21 *[communication] communications obtained during or after any*  
 22 *interception which is determined to be in violation of this act under*  
 23 *subsections a., b., or c. above, or evidence derived therefrom, shall*  
 24 *not be received in evidence in the trial, hearing or proceeding.*

25     *In addition to any other right to appeal, the State shall have the*  
 26 *right to appeal from an order granting a motion to suppress if the*  
 27 *official to whom the order authorizing the intercept was granted*  
 28 *shall certify to the court that the appeal is not taken for purposes*  
 29 *of delay. The appeal shall be taken within the time specified by the*  
 30 *Rules of Court and shall be diligently prosecuted.\**

1     \***[7.]** \*\*11.\* Section 23 P. L. 1968, c. 409 (C. 2A:156A-23) is  
 2 amended to read as follows:

3     23. \*a.\* In addition to reports required to be made by applicants  
 4 pursuant to Federal law, all judges of the Superior Court autho-  
 5 rized to issue orders pursuant to this act shall make annual reports  
 6 on the operation of this act to the Administrative Director of the  
 7 Courts. The reports by the judges shall contain (1) the number  
 8 of applications made; (2) the number of orders issued; (3) the  
 9 effective periods of such orders; (4) the number and duration of  
 10 any renewals thereof; (5) the crimes in connection with which the  
 11 conversations were sought; (6) the names of the applicants; and  
 12 (7) such other and further particulars as the Administrative Direc-  
 13 tor of the Courts may require.

14     \*b.\* In addition to reports required to be made by applicants pur-  
 15 suant to Federal Law, the Attorney General shall make annual  
 16 reports on the operation of this act to the Administrative Director  
 17 of the Courts. The reports by the Attorney General shall contain  
 18 (1) the number of applications made; (2) the number of orders

19 issued; (3) the effective periods of such orders; (4) the number  
20 and duration of any renewals thereof; (5) the crimes in connection  
21 with which the conversations were sought; (6) the name of the  
22 applicants; (7) the number of indictments resulting from each  
23 application; (8) the crime or crimes which each indictment charges;  
24 and (9) the disposition of each indictment.

25 c. In addition to reports and records otherwise required by law,  
26 the Attorney General and the county prosecutor shall maintain  
27 records of all interceptions authorized by them pursuant to section  
28 4 c., on forms prescribed by the Attorney General. Such records  
29 shall include the name of the person requesting the authorization,  
30 the reasons for the request, and the results of any authorized inter-  
31 ception. The Attorney General shall require that copies of such  
32 records maintained by county prosecutors be filed with him  
33 periodically and he shall report annually to the Governor and Legis-  
34 lature on the operation of section 4 c.

35 \*d.\* The Chief Justice of the Supreme Court and the Attorney  
36 General shall annually report to the Governor and the Legislature  
37 on such aspects of the operation of this act as [he deems] they  
38 respectively deem appropriate including any recommendations  
39 [he]they may care to make as to legislative changes or improve-  
40 ments to effectuate the purposes of this act and to assure and  
41 protect individual rights.

1 \***[8.]**\* \*12.\* Section 28 of P. L. 1968, c. 409 is amended to read as  
2 follows:

3 28. This act shall take effect January 1, 1969 and remain in  
4 effect until \***[December 31, [1974] 1980]**\* \*July 1, 1978\*.

1 \***[9.]**\* \*13.\* This act shall take effect immediately.

SENATE, No. 1417

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 30, 1974

By Senator FAY

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend "An act concerning the interception of wire and oral communications, authorizing interception in certain cases under court order and prescribing procedures therefor, prohibiting unauthorized interception, use or disclosure of wire and oral communications, prescribing penalties for violations and repealing N. J. S. 2A:146-1," approved January 14, 1969 (P. L. 1968, c. 409).

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

1 1. Section 4 of P. L. 1968, c. 409 (C. 2A:156A-4) is amended to  
2 read as follows:

3 4. It shall not be unlawful under this act for:

4 a. An operator of a switchboard, or an officer, agent or employee  
5 of a communication common carrier, whose facilities are used in  
6 the transmission of a wire communication, to intercept, disclose or  
7 use that communication in the normal course of his employment  
8 while engaged in any activity which is a necessary incident to the  
9 rendition of his service or to the protection of the rights or property  
10 of the carrier of such communication. No communication common  
11 carrier shall utilize service observing or random monitoring except  
12 for mechanical or service quality control checks;

13 b. A person acting under color of law to intercept a wire or oral  
14 communication, where such person is a party to the communication  
15 or one of the parties to the communication has given prior consent  
16 to such interception; or

17 c. A person not acting under color of law to intercept a wire or  
18 oral communication, where such person is a party to the communi-  
19 cation or one of the parties to the communication has given prior  
20 consent to such interception unless such communication is inter-

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

21 cepted or used for the purpose of committing any criminal or  
 22 tortious act in violation of the Constitution or laws of the United  
 23 States or of this State or for the purpose of committing any other  
 24 injurious act. *Any person who unlawfully intercepts or uses such*  
 25 *communication as provided in this paragraph shall be subject to the*  
 26 *civil liability established in section 24 of this act (C. 2A:156A-24),*  
 27 *in addition to any other criminal or civil liability imposed by law.*

1 2. Section 8 of P. L. 1968, c. 409 (C. 2A:156A-8) is amended to  
 2 read as follows:

3 8. The Attorney General, a county prosecutor or the chairman of  
 4 the State Commission of Investigation when authorized by a  
 5 majority of the members of that commission, or a person designated  
 6 to act for such an official and to perform his duties in and during  
 7 his actual absence or disability, may authorize, in writing, an  
 8 ex parte application to a judge designated to receive the same for  
 9 an order authorizing the interception of a wire or oral communica-  
 10 tion by the investigative or law enforcement officers or agency  
 11 having responsibility for an investigation when such interception  
 12 may provide evidence of the commission of the offense of murder,  
 13 kidnapping, gambling, robbery, bribery, extortion, loansharking,  
 14 **[dealing in narcotic drugs, marijuana or other dangerous drugs,]**  
 15 *violations of section 19 of the "New Jersey Controlled Dangerous*  
 16 *Substances Act" P. L. 1970, c. 226 (C. 24:21-19), arson, burglary,*  
 17 *embezzlement, forgery, receiving stolen property punishable by*  
 18 *imprisonment for more than 1 year, alteration of motor vehicle*  
 19 *identification numbers, or larceny punishable by imprisonment for*  
 20 *more than 1 year, unlawful manufacture, purchase, use, or transfer*  
 21 *of firearms, or unlawful possession or use of bombs or explosives,*  
 22 *or any conspiracy to commit any of the foregoing offenses or which*  
 23 *may provide evidence aiding in the apprehension of the perpetrator*  
 24 *or perpetrators of any of the foregoing offenses.*

1 3. Section 9 of P. L. 1968, c. 409 (C. 2A:156A-9) is amended to  
 2 read as follows:

3 9. Each application for an order of authorization to intercept a  
 4 wire or oral communication shall be made in writing upon oath  
 5 or affirmation and shall state:  
 6 a. The authority of the applicant to make such application;  
 7 b. The identity and qualifications of the investigative or law  
 8 enforcement officers or agency for whom the authority to intercept  
 9 a wire or oral communication is sought and the identity of whoever  
 10 authorized the application.

11 c. A particular statement of the facts relied upon by the appli-  
12 cant, including: (1) The identity of the particular person, if known,  
13 committing the offense and whose communications are to be inter-  
14 cepted; (2) The details as to the particular offense that has been,  
15 is being, or is about to be committed; (3) The particular type of  
16 communication to be intercepted; *and a showing that there is*  
17 *probable cause to believe that such communication will be com-*  
18 *municated on the wire communication facility involved or at the*  
19 *particular place where the oral communication is to be intercepted;*  
20 (4) The character and location of the particular wire communica-  
21 tion facilities involved or the particular place where the oral  
22 communication is to be intercepted; (5) A statement of the period  
23 of time for which the interception is required to be maintained;  
24 if the character of the investigation is such that the authorization  
25 for interception should not automatically terminate when the  
26 described type of communication has been first obtained, a par-  
27 ticular statement of facts establishing probable cause to believe  
28 that additional communications of the same type will occur  
29 thereafter; (6) A particular statement of facts showing that other  
30 normal investigative procedures with respect to the offense have  
31 been tried and have failed or reasonably appear to be unlikely to  
32 succeed if tried or to be too dangerous to employ;

33 d. Where the application is for the renewal or extension of an  
34 order, a particular statement of facts showing the results thus far  
35 obtained from the interception, or a reasonable explanation of the  
36 failure to obtain such results;

37 e. A complete statement of the facts concerning all previous  
38 applications, known to the individual authorizing and to the indi-  
39 vidual making the application, made to any court for authorization  
40 to intercept a wire or oral communication involving any of the  
41 same facilities or places specified in the application or involving  
42 any person whose communication is to be intercepted, and the action  
43 taken by the court on each such application; and

44 f. Such additional testimony or documentary evidence in support  
45 of the application as the judge may require.

1 4. Section 11 of P. L. 1968, c. 409 (C. 2A:156A-11) is amended to  
2 read as follows:

3 11. If the facilities from which a wire communication is to be  
4 intercepted are public, no order shall be issued unless the court,  
5 in addition to the matters provided in section 10 above, determines  
6 that there is a special need to intercept wire communications over  
7 such facilities.

8 If the facilities from which, or the place where, the wire or oral  
9 communications are to be intercepted are being used, or are about  
10 to be used, or are leased to, listed in the name of, or commonly  
11 used by, a licensed physician, *a licensed practicing psychologist*, an  
12 attorney at law, [or] *a practicing clergyman, or a newspaperman*,  
13 or is a place used primarily for habitation by a husband and wife,  
14 no order shall be issued unless the court, in addition to the matters  
15 provided in section 10 above, determines that there is a special need  
16 to intercept wire or oral communications over such facilities or in  
17 such places. *Special need as used in this paragraph shall require*  
18 *in addition to the matters required by section 10 of this act, a*  
19 *showing that the licensed physician, licensed practicing psycholo-*  
20 *gist, attorney-at-law, practicing clergyman or newspaperman is*  
21 *personally engaging in or was engaged in over a period of time as*  
22 *a part of a continuing criminal activity or is committing,*  
23 *has or had committed or is about to commit an offense*  
24 *as provided in section 8 of the act.* No otherwise privileged wire  
25 or oral communication intercepted in accordance with, or in  
26 violation of, the provisions of this act, shall lose its privileged  
27 character.

1 5. Section 12 of P. L. 1968, c. 409 (C. 2A:156A-12) is amended to  
2 read as follows:

3 12. Each order authorizing the interception of any wire or oral  
4 communication shall state:

5 a. The judge is authorized to issue the order;

6 b. The identity of, or a particular description of, the person, if  
7 known, whose communications are to be intercepted;

8 c. The character and location of the particular communication  
9 facilities as to which, or the particular place of the communication  
10 as to which, authority to intercept is granted;

11 d. A particular description of the type of the communication to  
12 be intercepted and a statement of the particular offense to which  
13 it relates:

14 e. The identity of the investigative or law enforcement officers or  
15 agency to whom the authority to intercept a wire or oral communi-  
16 cation is given and the identity of whoever authorized the appli-  
17 cation; and

18 f. The period of time during which such interception is autho-  
19 rized, including a statement as to whether or not the interception  
20 shall automatically terminate when the described communication  
21 has been first obtained.

22 No order entered under this section shall authorize the inter-  
23 ception of any wire or oral communication for a period of time in  
24 excess of that necessary under the circumstances. Every order  
25 entered under this section shall require that such interception begin  
26 and terminate as soon as practicable and be conducted in such a  
27 manner as to minimize or eliminate the interception of such com-  
28 munications not otherwise subject to interception under this act  
29 *by making reasonable efforts, whenever possible, to reduce the*  
30 *hours of interception authorized by said order.* In no case shall an  
31 order entered under this section authorize the interception of wire  
32 or oral communications for any period exceeding **[30]** 20 days.  
33 Extensions or renewals of such an order may be granted for  
34 periods of not more than **[30]** 20 days. No extension or renewal  
35 shall be granted unless an application for it is made in accordance  
36 with this section, and the court makes the findings required by  
37 sections 10, 11 and this section.

38 Whenever an order authorizing an interception is entered, the  
39 order may require reports to be made to the judge who issued the  
40 order showing what progress has been made toward achievement of  
41 the authorized objective and the need for continued interception.  
42 Such reports shall be made at such intervals as the court may  
43 require.

44 *An order authorizing the interception of a wire or oral com-*  
45 *munication shall, upon a showing of special need by the applicant,*  
46 *direct that a communication common carrier use its best efforts to*  
47 *furnish forthwith the applicant with all information, facilities and*  
48 *technical assistance necessary to accomplish an in-progress trace*  
49 *or interception. This assistance shall be provided unobtrusively,*  
50 *and with a minimum of interference with the services that such*  
51 *carrier is affording the person whose communications are to be*  
52 *intercepted. Said order shall limit the hours that the carrier shall*  
53 *be obligated to provide said assistance, and shall specify the cir-*  
54 *cumstances under which an obligation to provide assistance shall*  
55 *arise. Any communication common carrier furnishing such facili-*  
56 *ties or technical assistance shall be compensated for the costs of*  
57 *any assistance rendered to the applicant. Said carrier shall be*  
58 *immune from civil liability for any assistance rendered to the*  
59 *applicant pursuant to this section.*

1 6. Section 17 of P. L. 1968, c. 409 (C. 2A:156A-17) is amended  
2 to read as follows:

3 a. Any investigative or law enforcement officer *or other person*  
4 who, by any means authorized by this act, has obtained knowledge

5 of the contents of any wire or oral communication, or evidence  
 6 derived therefrom, may disclose or use such contents or evidence to  
 7 **[another]** investigative or law enforcement **[officer]** *officers of*  
 8 *this or another state, any of its political subdivisions, or of the*  
 9 *United States* to the extent that such disclosure or use is appro-  
 10 priate to the proper performance of his official duties.

11 b. Any person who, by any means authorized by this act, has  
 12 obtained any information concerning any wire or oral communica-  
 13 tion or evidence derived therefrom intercepted in accordance with  
 14 the provisions of this act, may disclose the contents of such com-  
 15 munications or derivative evidence while giving testimony under  
 16 oath or affirmation in any criminal proceeding in any court of this  
 17 or another state or of the United States or before any Federal or  
 18 State grand jury.

19 c. The contents of any intercepted wire or oral communication,  
 20 or evidence derived therefrom, may otherwise be disclosed or used  
 21 only upon a showing of good cause before a court of competent  
 22 jurisdiction.

1 7. Section 23 P. L. 1968, c. 409 (C. 2A:156A-23) is amended to  
 2 read as follows:

3 23. In addition to reports required to be made by applicants  
 4 pursuant to Federal law, all judges of the Superior Court autho-  
 5 rized to issue orders pursuant to this act shall make annual reports  
 6 on the operation of this act to the Administrative Director of the  
 7 Courts. The reports by the judges shall contain (1) the number  
 8 of applications made; (2) the number of orders issued; (3) the  
 9 effective periods of such orders; (4) the number and duration of  
 10 any renewals thereof; (5) the crimes in connection with which the  
 11 conversations were sought; (6) the names of the applicants; and  
 12 (7) such other and further particulars as the Administrative Direc-  
 13 tor of the Courts may require.

14 The Chief Justice of the Supreme Court *and the Attorney*  
 15 *General* shall annually report to the Governor and the Legislature  
 16 on such aspects of the operation of this act as **[he deems]** *they*  
 17 *respectively deem* appropriate including any recommendations  
 18 **[he]** *they* may care to make as to legislative changes or improve-  
 19 ments to effectuate the purposes of this act and to assure and  
 20 protect individual rights.

1 8. Section 28 of P. L. 1968, c. 409 is amended to read as follows:

2 28. This act shall take effect January 1, 1969 and remain in  
 3 effect until December 31, **[1974]** 1980.

1 9. This act shall take effect immediately.

## STATEMENT

This bill reflects the Attorney General's report and recommendations regarding the past 6 years of operation of the New Jersey Wiretapping and Electronic Surveillance Control Act, transmitted to the Governor and the Legislature September 16, 1974.

SENATE COMMITTEE AMENDMENTS TO  
SENATE, No. 1417

STATE OF NEW JERSEY

ADOPTED MAY 19, 1975

Amend page 1, section 1, lines 13-16, omit in entirety, insert the following:

“b. Any investigative or law enforcement officer to intercept a wire or oral communication, where such officer is a party to the communication or where another officer who is a party to the communication requests or requires him to make such interception;

c. Any investigative or law enforcement officer or any person acting at the direction of an investigative or law enforcement officer to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the Attorney General or his designee or a county prosecutor within his authority determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception; or”.

Amend page 1, section 1, line 17, omit “c.”, insert “d.”.

Amend page 2, section 1, line 27, after line 27, insert new sections as follows:

“2. Section 5 of P. L. 1968, c. 409 (C. 2A:156A-5) is amended to read as follows:

5. Except as otherwise specifically provided in section 6 of this act, any person who:

a. Willfully possesses an intercepting device, *knowing or having reason to know that the design [of which] of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;*

b. Willfully sells an intercepting device, *knowing or having reason to know that the design [of which] of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;*

c. Willfully distributes an intercepting device, *knowing or having reason to know that the design [of which] of such device renders it*

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

primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

d. Willfully manufactures or assembles an intercepting device, *knowing or having reason to know that the design [of which] of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication*; or

e. Willfully places in any newspaper, magazine, handbill or other publication any advertisement of any intercepting device, *knowing or having reason to know that the design [of which] of such device renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication or of any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication*;

shall be guilty of a misdemeanor and shall be fined not more than \$10,000.00 or imprisoned not more than 5 years, or both.

3. Section 6 of P. L. 1968, c. 409 (C. 2A:156A-6) is amended to read as follows:

6. It shall not be unlawful under this act for:

a. A communication common carrier or an officer, agent or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

b. A person under contract with the United States, a state or a political subdivision thereof, or an officer, agent, or employee of a state or a political subdivision thereof;

to possess, sell, distribute, manufacture or assemble[, or advertise] any intercepting device, while acting in furtherance of the appropriate activities of the United States, a state or a political subdivision thereof or a communication common carrier.''.

Amend page 2, renumber sections 2. and 3. as sections 4. and 5.

Amend page 3, section 3, line 45, after line 45, insert new section as follows:

“6. Section 10 of P. L. 1968, c. 409 (C. 2A:156A-10) is amended to read as follows:

10. Upon consideration of an application, the judge may enter an ex parte order, as requested or as modified, authorizing the interception of a wire or oral communication, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

a. The person whose communication is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of this act;

b. Particular communications concerning such offense may be obtained through such interception;

c. Normal investigative procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;

d. The facilities from which, or the place where, the wire or oral communications are to be intercepted, are or have been used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by, such individual; **[and]**

e. The investigative or law enforcement officers or agency to be authorized to intercept the wire or oral communication are qualified by training and experience to execute the interception sought; *and*

*f. In the case of an application, other than a renewal or extension, for an order to intercept a communication of a person or on a facility which was the subject of a previous order authorizing interception, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order, regardless of whether such evidence was derived from prior interceptions or from other sources.*

*As part of the consideration of an application in which there is no corroborative evidence offered, the judge shall inquire in camera as to the identity of any informants or any other additional information concerning the basis upon which the investigative or law enforcement officer or agency has applied for the order of authorization which the judge finds relevant in order to determine if there is probable cause pursuant to this section.''*

Amend page 3, section 4, line 1, omit "4.", insert "7."

Amend page 4, section 4, line 17, omit "paragraph", insert "section".

Amend page 4, section 4, line 20, omit "clergman", insert "clergyman".

Amend page 4, section 4, line 24, after "act", insert "or that the public facilities are being regularly used by someone who is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit such an offense".

Amend page 4, section 5, line 1, omit "5.", insert "8."

Amend page 5, section 5, line 33, after "for", insert "two additional".

Amend page 5, section 5, line 34, omit "20", insert "10".

Amend page 5, section 5, line 45, omit "a showing of special need by", insert "request of".

Amend page 5, section 5, line 46, omit "use its best efforts to", insert "shall".

Amend page 5, section 5, line 47, omit "forthwith"; after "applicant", omit "with", insert "forthwith".

Amend page 5, section 5, lines 48-49, omit "an in-progress trace or", insert "the".

Amend page 5, section 5, line 49, omit ". This assistance shall be provided".

Amend page 5, section 5, lines 52-55, omit "Said order shall limit the hours that the carrier shall be obligated to provide said assistance, and shall specify the circumstances under which an obligation to provide assistance shall arise."

Amend page 5, section 5, lines 56-57, omit "for the costs of any assistance rendered to", insert "therefor by"; after "applicant", insert "at the prevailing rates".

Amend page 5, section 6, line 1, omit "6.", insert "9."

Amend page 6, section 6, line 18, after "jury", insert "; provided, however, that the contents of any wire or oral communication may be initially disclosed solely through the use of the testimony of a witness to such communication or the actual recording of the communication".

Amend page 6, section 6, line 22, after line 22, insert new section as follows:

"10. Section 21 of P. L. 1968, c. 409 (C. 2A:156A-21) is amended to read as follows:

21. Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

- a. The communication was unlawfully intercepted;
- b. The order of authorization is insufficient on its face;
- c. The interception was not made in conformity with the order of authorization *or in accordance with the requirements of section 12.*

The motion shall be made at least 10 days before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. The court, upon the filing of such motion by the aggrieved person, [may in his discretion] shall make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the *entire* contents of

**[the]** *all* intercepted wire or oral **[communication]** *communications* obtained during or after any interception which is determined to be in violation of this act under subsections a., b., or c. above, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.”.

Amend page 6, section 7, line 1, omit “7.”, insert “11.”.

Amend page 6, section 7, line 3, after “23.”, insert “a.”.

Amend page 6, section 7, line 13, after line 13, insert the following:

“b. In addition to reports required to be made by applicants pursuant to Federal Law, the Attorney General shall make annual reports on the operation of this act to the Administrative Director of the Courts. The reports by the Attorney General shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the name of the applicants; (7) the number of indictments resulting from each application; (8) the crime or crimes which each indictment charges; and (9) the disposition of each indictment.

c. In addition to reports and records otherwise required by law, the Attorney General and the county prosecutor shall maintain records of all interceptions authorized by them pursuant to section 4 c., on forms prescribed by the Attorney General. Such records shall include the name of the person requesting the authorization, the reasons for the request, and the results of any authorized interception. The Attorney General shall require that copies of such records maintained by county prosecutors be filed with him periodically, and he shall report annually to the Governor and Legislature on the operation of section 4 c.

Amend page 6, section 7, line 14, before “The”, insert “d.”.

Amend page 6, section 8, line 1, omit “8.”, insert “12.”.

Amend page 6, section 8, line 3, omit “December 31, **[1974]** 1980”, insert “July 1, 1978”.

Amend page 6, section 9, line 1, omit “9.”, insert “13.”.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1417**

with committee amendments

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**STATE OF NEW JERSEY**

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DATED: MAY 19, 1975

This bill would extend the New Jersey Wiretapping and Electronic Surveillance Control Act which will expire on June 30, 1975 until July 1, 1978. The committee changed the expiration date from December 31, 1980 in order that the conduct of the Attorney General and the prosecutors under the law will receive more frequent and closer scrutiny by the Legislature and the Governor.

The bill proposes several changes in the present law:

1. If a person who is a party to a communication intercepts it or consents to its interception, for the purpose of committing a tortious or criminal act, such an interception is presently illegal. This bill would also make it illegal if an interception done or consented to by a party to the communication is used for the purpose of committing a criminal or tortious act, even though that was not the purpose when the communication was intercepted. In addition, the committee amendments add a requirement that if a person other than a law enforcement officer consents to the interception of a communication by such an officer, or intercepts it at the direction of such an officer, the Attorney General or the County Prosecutor must first determine that there is a reasonable suspicion that evidence of criminal conduct will be derived from the interception.

2. Section 5 of the present law was amended by the committee in order to limit prosecutions for possession, sale, distribution, manufacture or advertisement of an intercepting device to those who know or should know that it is primarily designed for surreptitious interceptions. This amendment follows the federal law as does the deletion of "advertise" from section 6.

3. This bill updates the offenses which may be investigated by electronic surveillance and also includes the manufacture, possession and use of firearms, bombs and explosives which are not now covered.

4. There would be an added showing required in the statement of facts in the application for an order that there is probable cause to

believe that the communication sought will be on the telephone or in the place involved.

5. As introduced, the bill changed the maximum initial authorization period from 30 to 20 days. The committee amended the bill in order to limit the number of extensions of an order which may be authorized, to two additional 10-day periods. These are presently limited to 30 days in length but there is no limit to the number which may be granted. However, an entirely new order may be obtained on the same facility or the same person on the basis of new evidence obtained even if that evidence is gained from the original order.

6. The amendments by the committee also require a judge to inquire into the identity of the informant or other additional information if no corroborative evidence is offered with an application for a surveillance order if the judge finds such information relevant.

7. The "special need" which must be shown for a wiretap order if certain people are involved is broadened to include licensed practicing psychologists and newspapermen, as well as physicians, attorneys, clergymen and husbands and wives. In addition, "special need", not now defined, is defined to mean that there must be a showing that the person is or was engaged in a continuing criminal activity or is committing, has committed or is about to commit an offense that may be investigated by electronic surveillance. If it is a public facility, the committee amendments define "special need" for an order to require a showing that it is regularly used by someone who is personally engaged in such continuing criminal activity or is committing, has committed or is about to commit such an offense.

8. The bill adds to the requirement that interceptions be conducted so as to "minimize or eliminate" communications not subject to interception so as to define that requirement to mean "making reasonable efforts to reduce the hours of interceptions whenever possible." (The present provision has been interpreted by some law enforcement officials to mean shutting the machine off as such communications arise.)

9. The committee amended the bill's provision which added a specific requirement that as part of an order a communication common carrier could be required to furnish technical assistance in order to conform this provision to the federal law.

10. Anyone who has knowledge of communications or evidence therefrom would be able to disclose it to any law enforcement officer of this state, other states or the federal government. At present, the law limits such exchanges to ones between intra-state law enforcement officials.

11. The committee amendments require that the contents of the

interception be disclosed to a jury solely by the direct testimony of a witness, or the playing of a tape and not by the use of a transcript either before or during the playing of such a recording. Only after such playing would a transcript be available to the jury.

12. The committee amendments change the duty of a judge who, on the filing of a motion to suppress the contents of an interception, determines that in the interest of justice portions of the communication should be available to the moving party for inspection from a discretionary duty to make such material available to a mandatory one.

13. If a motion to suppress the contents of an interception is granted, the Committee amendments provide that all of the interceptions made after that, both relevant and irrelevant, will be suppressed. This amendment is designed to overrule *State v. Dye* (60 N. J. 518) as to those relevant interceptions made after a violation of the requirements of the order has taken place.

14. The Attorney General, as well as the Chief Justice, would be required to report yearly to the Governor and the Legislature on the operation of the act. In addition, under the committee amendments, he would be required to keep records concerning consent surveillances which required his or the County Prosecutor's approval and to report to the Governor and the Legislature on the operation of this aspect of the act. He would also be required to make an informational report to the Administrative Director of the Courts on certain statistical data concerning the operation of the act.