

**ASSEMBLY, No. 3768**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Preserves judicial duty of impartiality by prohibiting certain communications by local government officers or employees with municipal court judges or candidates for municipal court judgeships.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain communications by local officials and  
2 amending P.L.1991, c.29.

3

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

6

7 1. Section 5 of P.L.1991, c.29 (C.40A:9-22.5) is amended to  
8 read as follows:

9 5. Local government officers or employees under the  
10 jurisdiction of the Local Finance Board shall comply with the  
11 following provisions:

12 a. No local government officer or employee or member of his  
13 immediate family shall have an interest in a business organization  
14 or engage in any business, transaction, or professional activity,  
15 which is in substantial conflict with the proper discharge of his  
16 duties in the public interest;

17 b. No independent local authority shall, for a period of one year  
18 next subsequent to the termination of office of a member of that  
19 authority:

20 (1) award any contract which is not publicly bid to a former  
21 member of that authority;

22 (2) allow a former member of that authority to represent, appear  
23 for or negotiate on behalf of any other party before that authority;  
24 or

25 (3) employ for compensation, except pursuant to open  
26 competitive examination in accordance with Title 11A of the New  
27 Jersey Statutes and the rules and regulations promulgated pursuant  
28 thereto, any former member of that authority.

29 The restrictions contained in this subsection shall also apply to  
30 any business organization in which the former authority member  
31 holds an interest.

32 c. No local government officer or employee shall use or  
33 attempt to use his official position to secure unwarranted privileges  
34 or advantages for himself or others;

35 d. No local government officer or employee shall act in his  
36 official capacity in any matter where he, a member of his immediate  
37 family, or a business organization in which he has an interest, has a  
38 direct or indirect financial or personal involvement that might  
39 reasonably be expected to impair his objectivity or independence of  
40 judgment;

41 e. No local government officer or employee shall undertake  
42 any employment or service, whether compensated or not, which  
43 might reasonably be expected to prejudice his independence of  
44 judgment in the exercise of his official duties;

45 f. No local government officer or employee, member of his  
46 immediate family, or business organization in which he has an

**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 interest, shall solicit or accept any gift, favor, loan, political  
2 contribution, service, promise of future employment, or other thing  
3 of value based upon an understanding that the gift, favor, loan,  
4 contribution, service, promise, or other thing of value was given or  
5 offered for the purpose of influencing him, directly or indirectly, in  
6 the discharge of his official duties. This provision shall not apply  
7 to the solicitation or acceptance of contributions to the campaign of  
8 an announced candidate for elective public office, if the local  
9 government officer has no knowledge or reason to believe that the  
10 campaign contribution, if accepted, was given with the intent to  
11 influence the local government officer in the discharge of his  
12 official duties;

13 g. No local government officer or employee shall use, or allow  
14 to be used, his public office or employment, or any information, not  
15 generally available to the members of the public, which he receives  
16 or acquires in the course of and by reason of his office or  
17 employment, for the purpose of securing financial gain for himself,  
18 any member of his immediate family, or any business organization  
19 with which he is associated;

20 h. No local government officer or employee or business  
21 organization in which he has an interest shall represent any person  
22 or party other than the local government in connection with any  
23 cause, proceeding, application or other matter pending before any  
24 agency in the local government in which he serves. This provision  
25 shall not be deemed to prohibit one local government employee  
26 from representing another local government employee where the  
27 local government agency is the employer and the representation is  
28 within the context of official labor union or similar representational  
29 responsibilities;

30 i. No local government officer shall be deemed in conflict with  
31 these provisions if, by reason of his participation in the enactment  
32 of any ordinance, resolution or other matter required to be voted  
33 upon or which is subject to executive approval or veto, no material  
34 or monetary gain accrues to him as a member of any business,  
35 profession, occupation or group, to any greater extent than any gain  
36 could reasonably be expected to accrue to any other member of  
37 such business, profession, occupation or group;

38 j. No elected local government officer shall be prohibited from  
39 making an inquiry for information on behalf of a constituent, if no  
40 fee, reward or other thing of value is promised to, given to or  
41 accepted by the officer or a member of his immediate family,  
42 whether directly or indirectly, in return therefor; **[and]**

43 k. Nothing shall prohibit any local government officer or  
44 employee, or members of his immediate family, from representing  
45 himself, or themselves, in negotiations or proceedings concerning  
46 his, or their, own interests; and

47 l. No local government officer or employee shall discuss with  
48 any municipal court judge or any candidate for a municipal court

1 judgeship pursuant to N.J.S.2B:12-4 the local government agency's  
2 need for or reliance upon municipal court revenues.  
3 (cf: P.L.1991, c.29, s.5)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill intends to preserve the duty of impartiality of a  
11 municipal court judge by prohibiting local government officers or  
12 employees from discussing a local government's need for or  
13 reliance upon municipal court revenues with a municipal judge or a  
14 candidate for a municipal judgeship.

15 It is the sponsor's intent to prevent a municipal or county official  
16 from attempting to interfere with a municipal court judge's duty of  
17 impartiality by pressuring a municipal court judge or a candidate for  
18 a municipal judgeship to increase the fines he or she may impose on  
19 litigants in order to increase revenues for the municipality or  
20 county. This bill prevents any potential influence by a local  
21 government official over the imposition of fines by prohibiting  
22 certain communications by local government officers or employees  
23 that may create such pressure on a candidate for a municipal  
24 judgeship in the process for appointment of a municipal judge or on  
25 a sitting municipal court judge as set forth in N.J.S.2B:12-4.

26 A violation of this provision would subject a local government  
27 official or employee to the violations and penalties set forth in  
28 section 10 of P.L.1991, c.29 (C.40A:9-22.10).