

ASSEMBLY, No. 983

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GEIST

1 AN ACT concerning witnesses and jurors, supplementing Title 2C of
2 the New Jersey Statutes and amending P.L.1989, c.22.

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

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7 1. (New Section) a. Except as provided in subsection b., no
8 witness in a criminal prosecution, prior to discharge, shall accept or
9 receive, directly or indirectly, any money or any other consideration
10 for providing any information obtained as a result of witnessing the
11 event or occurrence which that person knows or reasonably should
12 know is a crime or for having personal knowledge of the facts that the
13 person knows or reasonably should know may require that person to
14 be called as a witness in a criminal prosecution. Any witness who
15 violates this section is guilty of a disorderly persons offense and may
16 be subject to a fine not exceeding three time the amount of money or
17 consideration accepted or received.

18 b. The provisions of subsections a. shall not apply to any of the
19 following circumstances:

20 (1) Lawful compensation paid to expert witnesses, investigators,
21 employees, or agents by a prosecutor, law enforcement agency, an
22 attorney employed to represent a person in a criminal matter or by a
23 defendant.

24 (2) Lawful compensation provided to an informant by a prosecutor
25 or law enforcement agency.

26 (3) Compensation paid to a publisher, editor, reporter, writer, or
27 other person connected with or employed by a newspaper, magazine,
28 or other publication or a television or radio news reporter or other
29 person connected with a television or radio station, for disclosing
30 information obtained in the ordinary course of business.

31 (4) Statutorily authorized rewards offered by governmental
32 agencies for information leading to the arrest and conviction of

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

Matter underlined thus is new matter.

1 specified offenders.

2 c. As used in this section: "information" does not include a
3 photograph, videotape, audiotape, or any other direct recording of an
4 event or occurrence.

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6 2. Section 1 of P.L.1989, c.22 (C.2C:29-8.1) is amended to read
7 as follows:

8 1. a. Any person impaneled as a petit or grand juror in any criminal
9 action in this State who, before the rendering of a verdict, entry of a
10 plea, or the termination of service as a grand juror, solicits, negotiates,
11 accepts, or agrees to accept a contract for a movie, book, magazine
12 article, other literary expression, recording, radio or television
13 presentation, or live entertainment or presentation of any kind which
14 would depict his service as a juror is guilty of a crime of the fourth
15 degree.

16 b. Any person who offers, negotiates, confers, or agrees to confer
17 a contract for a movie, book, magazine article, other literary
18 expression, recording, radio or television presentation, or live
19 entertainment or presentation of any kind which would depict the
20 juror's service, to any person impaneled as a petit or grand juror in any
21 criminal action in this State, during the term of service of the juror, is
22 guilty of a crime of the fourth degree.

23 c. Any person impaneled as a petit or grand juror in any criminal
24 action in this State shall not, before the rendering of a verdict, entry
25 of a plea, or the termination of service as a grand juror, accept, agree
26 to accept or benefit directly from any payment or other consideration
27 for supplying any information concerning the trial. Any juror who
28 violates this section is guilty of a crime of the fourth degree and may
29 be subject to a fine not exceeding three times the amount of money or
30 consideration accepted or received.

31 As used in this subsection: "information" does not include a
32 photograph, videotape, audiotape, or any other direct recording of an
33 event or occurrence.

34 (cf: P.L.1989, c.22, s.1)

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36 3. This act shall take effect immediately.

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STATEMENT

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41 This bill would impose a fine on any witness in a criminal
42 prosecution who, prior to discharge, accepts or receives, directly or
43 indirectly, any money or any other consideration for providing
44 information obtained as result of witnessing the event. The witness
45 must know or reasonably should know that the event was a crime or
46 have personal knowledge of facts that the witness knows or reasonably

1 should know may require him to be called as a witness in a criminal
2 prosecution. A person found guilty of violating this section of the law
3 would be guilty of a disorderly persons offense and may be subject to
4 a fine not exceeding three times the amount of the money or
5 consideration received.

6 The provisions of section 1 of the bill would not apply to expert
7 witnesses, investigators, employees, or agents representing either
8 party; informants; publishers, editors, reporters, writers, or any other
9 person connected with or employed by a newspaper, magazine, or
10 other publication or a television or radio news reporter or other person
11 connected with a television or radio station who is paid for disclosing
12 information obtained in the ordinary course of business; or in the case
13 of a statutorily authorized reward offered by governmental agencies
14 for information leading to the arrest and conviction of specified
15 offenders.

16 Also, under the bill it would be a crime of the fourth degree for any
17 juror prior to termination of service to accept, agree to accept or
18 benefit directly from any payment or other consideration for supplying
19 any information concerning the trial and the juror may be subject to a
20 fine not exceeding three times the amount of the money or
21 consideration received. Currently the law prohibits jurors from
22 soliciting, negotiating, accepting or agreeing to accept a contract for
23 a movie, book, magazine article, recording, radio or television
24 presentation of any kind which would depict his service as a juror.
25 This provision is not changed.

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31 Makes it a criminal offense for any witness or juror to receive payment
for supplying certain information.