

ASSEMBLY, No. 1168

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman COHEN

1 AN ACT granting members of the Legislature the right not to disclose  
2 certain information and supplementing Title 2A of the New Jersey  
3 Statutes.

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

7  
8 1. a. A member of the Legislature shall have a privilege, which  
9 may be claimed by the member or the member's agent or employee, to  
10 refuse to disclose in any legal or quasi-legal proceeding or before any  
11 investigative body, including, but not limited to, any court, grand jury,  
12 petit jury, administrative agency, the Legislature or legislative  
13 committee, or elsewhere, the existence or content of any  
14 communication or correspondence between the member and any  
15 person who has contacted the member in the member's official  
16 capacity.

17 b. The privilege conferred by this section shall not extend to any  
18 communication or correspondence which is in aid of the commission  
19 of a crime or of a violation of a code of ethics promulgated pursuant  
20 to law.

21  
22 2. This act shall take effect immediately.

23  
24  
25 STATEMENT

26  
27 The purpose of this bill is to protect the integrity of, and increase  
28 public confidence in, the legislative process by giving members of the  
29 Legislature, as a matter of substantive law, greater ability to protect  
30 communications with constituents. The bill would give a member of  
31 the Legislature the privilege, which may be claimed by the member or  
32 the member's agent or employee, to refuse to disclose in any legal or  
33 quasi-legal proceeding or before any investigative body, including, but  
34 not limited to, any court, grand jury, petit jury, administrative agency,  
35 the Legislature or legislative committee, or elsewhere, the existence or

1 content of any communication or correspondence between the member  
2 and any person who has contacted the member in the member's official  
3 capacity. Exercise of the privilege would be permissive, rather than  
4 mandatory, and a member of the Legislature would be free to disclose  
5 or withhold this information. The privilege would not extend to any  
6 communication or correspondence which is in aid of the commission  
7 of a crime or of a violation of a code of ethics promulgated pursuant  
8 to law.

9

10

11

12

13 Grants member of the Legislature privilege to refuse to disclose  
14 certain information in connection with certain proceedings or  
15 investigations.

WITHDRAWN