

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 813 and 1217**

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Senate Judiciary Committee reports favorably a committee substitute for Senate Bill No. 813 and Senate Bill No. 1217. Senate Committee Substitute for S813 and S1217 would modify the statutes governing the operations of the State Commission of Investigation. The following is a brief summary of the provisions of the committee substitute.

STATUTORY AUTHORIZATION

The present statutory authorization for the S.C.I. is scheduled to expire on July 1, 1996. SCS for S-813 and S-1217 would extend the S.C.I.'s present statutory authorization until July 1, 2002.

NOTICE TO THE ATTORNEY GENERAL

Under present law, the S.C.I. is required to report evidence of either criminal wrongdoing or noncriminal misconduct on the part of a public official to the Attorney General as soon as practicable unless the S.C.I., by majority vote, determines that special circumstances exist which require the delay in the transmittal of such information or evidence. The committee substitute would retain the present notice requirement with regard to noncriminal matters which could lead to the removal or discipline of a public official or employee. With regard to evidence or information of possible criminal wrongdoing, the committee substitute would require the S.C.I. to immediately notify the Attorney General. The only exemption to these notice requirements would be when the evidence of criminal wrongdoing or misconduct would involve the Attorney General, in which case, the S.C.I. would notify the Governor and the presiding officer of each house of the Legislature.

The committee substitute would also require the S.C.I., whenever the S.C.I. intends to issue a report disclosing possible criminal wrongdoing, to notify the Attorney General and to afford the Attorney General the opportunity to raise any objections to issuance of the report. Under the committee substitute, the Attorney General could

also request that the S.C.I. delay the issuance of a report for a period of up to 120 days.

CIVIL IMMUNITY

Under present law, statements made by commissioners and employees of the S.C.I. in connection with S.C.I. investigations are absolutely privileged and this privilege acts as a complete defense in civil actions for slander or libel. The committee substitute would modify present law and provide that commissioners and employees of the S.C.I. would not have immunity for any statement made with knowledge of its falsity or with reckless regard as to whether it was true or false.

OTHER PROVISIONS

Other provisions contained in the committee substitute would:

1. Provide that the S.C.I. not issue any report until any person adversely mentioned in the report has an opportunity to submit a written response.
2. Require that the S.C.I. include in its reports any evidence of an exculpatory nature.
3. Require that the S.C.I. reports include, at the request of the Attorney General, a statement indicating the results of any criminal investigation or disciplinary action arising from that report.
4. Permit any person who testifies at a private hearing to submit proposed questions to the S.C.I. (Presently only persons who appear at public hearings may suggest questions.)
5. Provide for the establishment of a committee to review the status of the S.C.I. in the year 2000.