

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 510

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 510.

This bill concerns the act of bribery in official and political matters. It establishes that a person would be guilty of such bribery if the person acted to solicit, accept, or agree to accept a benefit from another as consideration for taking future action, specifically on behalf of that benefit provider, even though the person had not yet assumed the public or political position needed to act or was not yet otherwise qualified to act. To clarify its application with respect to any candidates for elective public office, the bill expands the definition of “public servant,” a term used periodically under existing bribery laws, to include not just current officeholders, but any person who is a candidate for public office as defined under subsection c. of section 3 of P.L.1973, c.83 (C.19:44A-3), whose activities are subject to regulatory oversight by the Election Law Enforcement Commission, and any person elected but who has not yet assumed office.

Thus, for example, it would be a crime for a candidate for public office to seek out or accept a campaign contribution (the benefit) from an individual contributor as consideration to take future action, specifically on behalf of that contributor, as the officeholder to the position sought in the campaign. By focusing the act of bribery to a direct consideration between the candidate’s solicitation, acceptance, or agreement to accept a campaign contribution and the individual contributor, the bill intends to not criminalize the public and general campaign speeches and promises that generate lawful campaign contributions in accordance with applicable State and federal law, such as “The New Jersey Campaign Contributions and Expenditures Reporting Act,” P.L.1973, c.83 (C.19:44A-1 et seq.). To that end, the provisions of the bill include language stating that the crime of bribery in official and political matters is inapplicable to “any public or general campaign speech, advertisement, or other campaign activity used to generate lawful campaign contributions.”

The bill would make the above described form of bribery a crime of the second degree, which is ordinarily punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both; however, if the benefit involved with the criminal act was valued at \$200 or less, then the bribery would be a crime of the third degree,

ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill, in part, is intended to respond to the 2012 dismissal of a criminal indictment against a New Jersey mayoral candidate in the case of United States v. Manzo, 851 F. Supp.2d 797 (D.N.J. 2012). According to the indictment, the candidate accepted cash payments in exchange for promising to expedite a local development project and promote an individual within the municipal government if the candidate became mayor. Id. at 800. While the federal court found the alleged conduct “deeply objectionable” and “morally reprehensible,” Id. at 819, 829, it dismissed the indictment because the actions did not amount to criminal activity under New Jersey law. This bill is intended to ensure that such future incidents involving persons seeking public or political office are punishable as criminal acts.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.