

[First Reprint]

ASSEMBLY, No. 2472

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Assemblywoman MARILYN PIPERNO

District 11 (Monmouth)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Assemblymen Space, Wirths, Catalano, McKeon and Senator Johnson

SYNOPSIS

Establishes bribery in official and political matters applies to person soliciting, accepting, or agreeing to accept benefit as consideration to act even though not yet in office or otherwise qualified to act.

CURRENT VERSION OF TEXT

As amended on May 19, 2022 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning certain acts of bribery in official and political
 2 matters, and amending N.J.S.2C:27-2.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. N.J.S.2C:27-2 is amended to read as follows:

8 2C:27-2. Bribery in Official and Political Matters. A person is
 9 guilty of bribery if ¹**["he"]** the person¹ directly or indirectly offers,
 10 confers or agrees to confer upon another, or solicits, accepts or
 11 agrees to accept from another:

12 a. Any benefit as consideration for a decision, opinion,
 13 recommendation, vote or exercise of discretion of a public servant,
 14 party official or voter on any public issue or in any public election;
 15 or

16 b. Any benefit as consideration for a decision, vote,
 17 recommendation or exercise of official discretion in a judicial or
 18 administrative proceeding; or

19 c. Any benefit as consideration for a violation of an official
 20 duty of a public servant or party official; or

21 d. Any benefit as consideration for the performance of official
 22 duties.

23 For the purposes of this section **["benefit"]**:

24 "Benefit as consideration" shall be deemed to mean any benefit
 25 not authorized by law; and

26 ¹**["Public servant"** shall, in addition to the definition set forth in
 27 subsection g. of N.J.S.2C:27-1, be deemed to mean any person who
 28 is a candidate for public office as defined under subsection c. of
 29 section 3 of P.L.1973, c.83 (C.19:44A-3), whose activities are
 30 subject to regulatory oversight by the Election Law Enforcement
 31 Commission, and any person elected but who has not yet assumed
 32 office]

33 "Prohibited act" means a direct or indirect offer, conferral or
 34 agreement to confer upon another, solicitation, or acceptance or
 35 agreement to accept from another a benefit as consideration for any
 36 of the actions set forth in subsection a., b., c., or d. of this section.

37 It shall not be an element of this offense that a person whose
 38 influence was sought or who sought to be influenced was, at the
 39 time of the prohibited act or thereafter, a public servant, party
 40 official, or voter, or had assumed the office or position or
 41 commenced such employment, or had jurisdiction to exercise
 42 official discretion or perform an official duty, nor shall it be an
 43 element of this offense that the person whose influence was sought

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's
 recommendations May 19, 2022.

1 or who sought to be influenced was qualified or had the capacity,
2 ability or jurisdiction to act in the desired way¹.

3 It is no defense to prosecution under this section that a person
4 'who performed a prohibited act or a person to' whom '[the actor
5 sought to offer, confer, or agreed to confer a benefit as
6 consideration to influence, or a person who acted to solicit, accept,
7 or agree to accept a benefit as consideration for influencing
8 specifically on behalf of an individual benefit provider] a
9 prohibited act was directed¹ was not 'able or' qualified to act in the
10 desired way 'for any reason', '[whether] including, but not limited
11 to,¹ because '[he] the person was not a public servant, party
12 official, or voter at the time of the prohibited act,¹ had not yet
13 assumed 'the' office, 'or position or commenced employment' or
14 lacked jurisdiction¹[, or for any other reason] to exercise an official
15 duty¹.

16 In any prosecution under this section of '[an actor] a person¹
17 who offered, conferred or agreed to confer, or who solicited,
18 accepted or agreed to accept a benefit, it is no defense that '[he]
19 the person¹ did so as a result of conduct by another constituting
20 theft by extortion or coercion or an attempt to commit either of
21 those crimes.

22 The provisions of this section concerning a solicitation,
23 acceptance, or agreement to accept a benefit as consideration for
24 influencing shall not be deemed to apply to any public or general
25 campaign speech, advertisement, or other campaign activity used to
26 generate lawful campaign contributions in accordance with
27 applicable State and federal law, including "The New Jersey
28 Campaign Contributions and Expenditures Reporting Act,"
29 P.L.1973, c.83 (C.19:44A-1 et seq.).

30 Any offense proscribed by this section is a crime of the second
31 degree. If the benefit offered, conferred, agreed to be conferred,
32 solicited, accepted or agreed to be accepted is of the value of
33 \$200.00 or less, any offense proscribed by this section is a crime of
34 the third degree.

35 (cf: P.L.1979, c.178, s.48)

36

37 2. This act shall take effect immediately.