

**SENATE, No. 3716**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED OCTOBER 7, 2024

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Clarifies that bribery statute applies to unlawful gratuities received either before or after official acts.

**CURRENT VERSION OF TEXT**

As introduced.



S3716 VITALE

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1 AN ACT concerning bribery and amending N.J.S.2C:27-2.

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

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

7 2C:27-2. Bribery in Official and Political Matters. A person  
8 is guilty of bribery if he directly or indirectly offers, confers or  
9 agrees to confer upon another, or solicits, accepts or agrees to  
10 accept from another:

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

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

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

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

22 For the purposes of this section "benefit as consideration" shall  
23 be deemed to mean:

24 (1) any benefit not authorized by law; and

25 (2) any such benefit regardless of when the benefit was received,  
26 whether before or after any decision, opinion, recommendation,  
27 vote, exercise of discretion, or violation of official duty as set forth  
28 in subsections a. through d. of this section.

29 It is no defense to prosecution under this section that a person  
30 whom the actor sought to influence was not qualified to act in the  
31 desired way whether because he had not yet assumed office, or  
32 lacked jurisdiction, or for any other reason.

33 In any prosecution under this section of an actor who offered,  
34 conferred or agreed to confer, or who solicited, accepted or agreed  
35 to accept a benefit, it is no defense that he did so as a result of  
36 conduct by another constituting theft by extortion or coercion or an  
37 attempt to commit either of those crimes.

38 Any offense proscribed by this section is a crime of the second  
39 degree. If the benefit offered, conferred, agreed to be conferred,  
40 solicited, accepted or agreed to be accepted is of the value of  
41 \$200.00 or less, any offense proscribed by this section is a crime of  
42 the third degree.

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

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45 2. This act shall take effect immediately.

**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.**

STATEMENT

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This bill amends the bribery statute to clarify that it is an offense to receive any benefits as consideration for past official acts as well as any benefits as consideration for future official acts.

Under current law, a person is guilty of bribery if he directly or indirectly offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another: (a) any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter on any public issue or in any public election; (b) any benefit as consideration for a decision, vote, recommendation or exercise of official discretion in a judicial or administrative proceeding; (c) any benefit as consideration for a violation of an official duty of a public servant or party official; or (d) any benefit as consideration for the performance of official duties. Under current law, the term “benefit as consideration” means any benefit not authorized by law.

Recently, in Snyder v. United States, 144 S. Ct. 1947 (2024), the United States Supreme Court held that the federal bribery statute only applies to criminalize instances when a benefit is given or promised before an official act, but does not apply to instances where a benefit is conferred after the official act.

This bill amends State law to make it clear that New Jersey’s criminal bribery statute penalizes all instances where a person directly or indirectly offers, confers, or agrees to confer upon another, or solicits, accepts, or agrees to accept from another any benefit as consideration regardless of whether the benefit was received before or after the official act.