

SENATE, No. 4924

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED NOVEMBER 24, 2025

Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Somerset and Union)

SYNOPSIS
Expands SCI investigatory powers and duties.

CURRENT VERSION OF TEXT
As introduced.



1 AN ACT expanding the investigatory powers of the State
2 Commission of Investigation, amending P.L.1968, c.409 and
3 P.L.1979, c.254, and amending and supplementing P.L.1968,
4 c.266.

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

8
9 1. (New section) The Legislature finds and declares that:

10 a. Multiple oversight entities within State government are
11 authorized to, among other responsibilities, investigate misconduct
12 by public employees, review the performance of government
13 programs and agencies, provide accountability and transparency,
14 promote the efficiency and integrity of government operations, and
15 identify cost savings.

16 b. This ongoing review of government operations helps guard
17 against the waste, fraud, and abuse of public resources.
18 Nonetheless, the overlapping investigative missions of the Office of
19 the State Comptroller and the State Commission of Investigation
20 has the potential to lead to inefficiencies in the performance of
21 these critical functions.

22 c. To remove these inefficiencies, the functions, powers, and
23 duties that had been performed by the Inspector General pursuant to
24 P.L.2005, c.119 (C.52:15B-1 et seq.), before the Office of the
25 Inspector General was eliminated and its duties consolidated into
26 the Office of the State Comptroller, are transferred to the State
27 Commission of Investigation to allow for a more systematic and
28 coordinated review and oversight of the State and its subdivisions
29 as contemplated by the authority and responsibilities granted to the
30 State Commission of Investigation pursuant to P.L.1968, c.266
31 (C.52:9M-1 et seq.).

32 d. The State Commission of Investigation has, for decades,
33 enjoyed robust investigative resources and a long history of using
34 them for the benefit of the public. It is staffed with seasoned
35 investigators, experienced in matters involving public corruption
36 and waste of taxpayer dollars, as well as fraud and organized crime.
37 Its success in these and other areas contributed to the Legislature
38 establishing the State Commission of Investigation as a permanent
39 entity in 2002.

40 e. The State Commission of Investigation is uniquely designed
41 to include both Gubernatorial and Legislative appointments to
42 ensure independence, political balance, and continuity. It operates
43 as an independent, investigative fact-finding agency and has used
44 its resources effectively.

45 f. The investigations operations of the Office of the State
46 Comptroller is smaller than, and different from, its main

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.

responsibilities, which are Medicaid fraud, procurement oversight, and audit functions. Transferring the investigations function to the State Commission of Investigation does not curtail those responsibilities and is a more logical fit that will capitalize on its experience and success.

g. The investigations work of the Office of the State Comptroller will be reallocated, but not eliminated, by transferring it to an agency with a demonstrated track record of investigative prowess and success. Moreover, the consolidation of investigative functions within the State Commission of Investigation provides necessary insulation from partisan influence, changes in executive administration, and changes in legislative personnel.

h. With these additional resources and reinforcements, the State Commission of Investigation will be even more productive going forward in all of the areas with which it is concerned, including organized crime, taxpayer waste, and corruption, while the core work of the Office of the State Comptroller will continue unabated.

2. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

8. The Attorney General, county prosecutor, or a person designated to act for such an official and to perform **[his] the official's** duties in and during **[his] the official's** actual absence or disability, or with the authorization of the Attorney General, except in those investigations directly involving possible misconduct by officials and employees of the Department of Law and Public Safety, in which case with the authorization of a county prosecutor, the chairperson of the State Commission of Investigation when authorized by a majority vote of that commission, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a violation of N.J.S.2C:12-3 (terroristic threats), violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of

section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-1 punishable by imprisonment for more than one year, arson, burglary, theft and related offenses punishable by imprisonment for more than one year, endangering the welfare of a child pursuant to N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable by imprisonment for more than one year, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, weapons training for illegal activities pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release, abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

(cf: P.L.2013, c.51, s.14)

3. Section 1 of P.L.1968, c.266 (C.52:9M-1) is amended to read as follows:

1. There is hereby created a permanent State Commission of Investigation. The commission shall consist of four members, to be known as commissioners.

Two members of the commission shall be appointed by the Governor. One each shall be appointed by the President of the Senate and by the Speaker of the General Assembly. Each member shall serve for a term of four years and until the appointment and qualification of **his** the respective member's successor. **No** person shall serve, in succession, more than two four-year terms and any portion of an unexpired term as a member of the commission. **The Governor** President of the Senate and the Speaker of the General Assembly shall jointly designate one of the members to serve as **chairman** chairperson of the commission.

The members of the commission appointed by the President of the Senate **and** , the Speaker of the General Assembly, and **at least one of the members appointed by** the Governor shall be attorneys admitted to the bar of this State. No member or employee of the commission shall hold any other public office or public employment. No member of the commission shall have held any elective office or have been a candidate for any elective office within the one year preceding **his** the member's appointment to the commission. No member of the **commisson** commission shall hold any elective office or be a candidate for any elective office within the one year subsequent to **his** the member's termination

1 of service as a member of the commission. Not more than two of
2 the members shall belong to the same political party.

3 Each member of the commission shall receive an annual salary
4 of ~~【\$35,000】~~ \$75,000. Each member shall also be entitled to
5 reimbursement for ~~【his】~~ expenses actually and necessarily incurred
6 in the performance of ~~【his】~~ commission duties, including expenses
7 of travel outside of the State.

8 Vacancies on the commission shall be filled for the unexpired
9 terms in the same manner as original appointments. Vacancies on
10 the commission shall be filled by the appropriate appointing
11 authority within 120 days. If the appropriate appointing authority
12 does not fill a vacancy within that time period, the vacancy shall be
13 filled by the Chief Justice of the Supreme Court within 60 days. A
14 vacancy on the commission shall not impair the right of the
15 remaining members to exercise all the powers of the commission.

16 Any determination made by the commission shall be by majority
17 vote. "Majority vote" means the affirmative vote of at least three
18 members of the commission if there are no vacancies on the
19 commission or the affirmative vote of at least two members of the
20 commission if there is a vacancy.

21 (cf: P.L.2005, c.58, s.1)
22

23 4. Section 2 of P.L.1968, c.266 (C.52:9M-2) is amended to
24 read as follows:

25 2. a. The commission shall have the duty and power to
26 conduct investigations in connection with:

27 【a.】 (1) The faithful execution and effective enforcement of the
28 laws of the State, with particular reference but not limited to
29 organized crime and racketeering;

30 【b.】 (2) The conduct of public officers and public employees,
31 and of officers and employees of public corporations and
32 authorities, including, but not limited to, investigating fraud, waste,
33 and abuse of taxpayer funds, as well as legal and fiscal compliance;

34 【c.】 (3) Allegations concerning the misconduct of any civil or
35 criminal enforcement personnel at all levels of State and local
36 government, including, but not limited to, those involving a State or
37 county prosecutor or any member of a prosecution team, including
38 detectives; and

39 (4) Any other matter concerning the public peace, public safety,
40 and public justice and as otherwise provided in P.L.1968, c.266
41 (C.52:9M-1 et seq.).

42 b. The commission shall have the duty and power to assist in
43 connection with:

44 (1) The making of recommendations by the Governor to the
45 Legislature with respect to amendments or supplements to existing
46 provisions of law required for the more effective enforcement of the
47 law; and

1 (2) The Legislature's consideration of amendments or
2 supplements to existing provisions of law required for the more
3 effective administration and enforcement of the law.

4 c. Neither the scope of the commission's investigations, nor its
5 investigative techniques, shall in any manner be limited by the
6 requirements of the police training provisions of P.L.1948, c.439,
7 (C.52:17B-1 et seq.), as amended and supplemented.
8 (cf: P.L.1968, c.266, s.2)

9
10 5. (New section) The commission shall conduct investigations
11 in accordance with prevailing national and professional standards,
12 rules, and practices concerning investigations conducted in
13 governmental environments. The commission shall provide and
14 publicize a process for complaints and requests for investigations to
15 be submitted confidentially to the commission by members of the
16 general public and government employees.

17
18 6. Section 3 of P.L.1968, c.266 (C.52:9M-3) is amended to
19 read as follows:

20 3. At the direction of the Governor or by concurrent resolution
21 of the Legislature the commission shall conduct investigations and
22 otherwise assist in connection with:

23 a. The removal of public officers by the Governor; and

24 b. The making of recommendations by the Governor to any
25 other person or body, with respect to the removal of public officers
26 **【;】**.

27 c. **【The making of recommendations by the Governor to the**
28 **Legislature with respect to changes in or additions to existing**
29 **provisions of law required for the more effective enforcement of the**
30 **law.】** (Deleted by amendment, P.L. , c. (pending before the
31 Legislature as this bill)

32 d. **【The Legislature's consideration of changes in or additions to**
33 **existing provisions of law required for the more effective**
34 **administration and enforcement of the law.】** (Deleted by
35 amendment, P.L. , c. (pending before the Legislature as this bill)
36 (cf: P.L.1979. c.254, s.1)

37
38 7. Section 4 of P.L.1968, c.266 (C.52:9M-4) is amended to
39 read as follows:

40 4. At the direction or request of the Legislature by concurrent
41 resolution or of the Governor or of the head of any department,
42 board, bureau, commission, authority or other agency created by the
43 State, or to which the State is a party, or otherwise in an appropriate
44 exercise of its duties and powers pursuant to section 2 and 5 of
45 P.L.1968, c.266 (C.52:9M-2 and C.52:9M-5), and section 21 of
46 P.L. , c. (C.) (pending before the Legislature as this bill),
47 the commission shall investigate the management or affairs of any
48 such department, board, bureau, commission, authority or other

1 agency **【; provided, however, that if】** . In the event the commission
2 determines that **【the requests for investigations from the**
3 Legislature, the Governor or the head of any department, board,
4 bureau, commission, authority or other agency created by the State
5 or to which the State is a party,**】** any such investigatory request
6 would exceed the commission's capacity to perform such
7 investigations, **【they】** the commission may **【, by resolution,】** ask
8 the Governor **【or the Attorney General】** or the Legislature **【in the**
9 case of a legislative request, to review those requests upon which it
10 finds itself unable to proceed**】** to provide additional resources.

11 (cf: P.L.1979, c.254, s.4)

12

13 8. Section 5 of P.L.1968, c.266 (C.52:9M-5) is amended to
14 read as follows:

15 5. Upon request of the Attorney General, a county prosecutor,
16 or any **【other】** State law enforcement official, the commission shall
17 **【co-operate】** cooperate with, advise, and assist them in the
18 performance of their official powers and duties.

19 (cf: P.L.1968, c.266, s.5)

20

21 9. (New section) The commission shall meet at periodic
22 intervals, but no less than twice annually, with other State oversight
23 entities, including the Attorney General, the Election Law
24 Enforcement Commission, and any other public officers or
25 employees deemed appropriate by the commission who perform
26 audits, investigations, and performance reviews similar or identical
27 to those authorized to be performed by the commission for the
28 purpose of consulting, coordinating, and cooperating with those
29 officers and employees in the conduct of audits, investigations, and
30 reviews. The Attorney General, the Election Law Enforcement
31 Commission chair, and other public officers or employees
32 determined by the commission shall attend the meetings for the
33 purpose of their consultation, coordination, and cooperation with
34 the commission.

35

36 10. Section 6 of P.L.1968, c.266 (C.52:9M-6) is amended to
37 read as follows:

38 6. **【The commission shall co-operate with】** In the event that a
39 commission investigation reveals a potential violation of federal
40 laws within this State, the commission may notify, and thereafter
41 cooperate with, departments and officers of the United States
42 Government in the investigation of the violations **【of the Federal**
43 **Laws within this State】**.

44 (cf: P.L.1968, c.266. s.6)

45

46 11. Section 8 of P.L.1968, c.266 (C.52:9M-8) is amended to
47 read as follows:

1 8. a. Except as provided in subsection c. of this section,
2 whenever the commission or any employee of the commission
3 obtains any information or evidence of a reasonable possibility of
4 criminal or civil wrongdoing, the commission shall **[immediately]** ,
5 when appropriate, refer such information or evidence to the
6 Attorney General or, if appropriate, another prosecutorial or other
7 investigatory authority. In the event of a referral, the commission is
8 authorized to jointly investigate the wrongdoing with the Attorney
9 General or other investigatory authority. Nothing shall preclude an
10 attorney working for the commission from being designated to
11 assist in a prosecution of the criminal wrongdoing under the
12 direction of another prosecutorial authority.

13 b. Except as provided in subsection c. of this section, whenever
14 the commission or any employee of the commission obtains
15 information or evidence of cause for the removal or discipline of a
16 public official or public employee, the commission shall, as soon as
17 practicable, refer such information or evidence to the Attorney
18 General unless the commission shall, by majority vote, determine
19 that special circumstances exist which require the delay in
20 transmittal of the information or evidence.

21 c. Whenever the commission or any employee of the
22 commission obtains any information or evidence of criminal
23 wrongdoing or misconduct on the part of the Attorney General, the
24 commission shall immediately refer such information or evidence to
25 the Governor, the Senate President and the Speaker of the General
26 Assembly for further direction to the commission pursuant to
27 section 3 of P.L. 1968, c.266 (C.52:9M-3) or for any other action
28 authorized by the laws of this State or of the United States.

29 d. Whenever the commission or any employee of the
30 commission obtains any information or evidence indicating a
31 reasonable possibility of an unauthorized disclosure of information
32 or a violation of any provision of P.L. 1968, c.266 (C.52:9M-1 et
33 seq.), the commission shall immediately refer such information to
34 the Attorney General.

35 e. Whenever a criminal referral is made against a prosecutor,
36 the commission shall also notify the Office of Attorney Ethics.
37 Whenever a criminal referral is made against a detective who is part
38 of a prosecution team, the commission shall notify the Attorney
39 General or the county prosecutor, as appropriate, and the notified
40 officer shall document the referral in the detective's personnel file.
41 (cf: P.L.1996, c.44, s.1)

42
43 12. Section 9 of P.L.1968, c.266 (C.52:9M-9) is amended to
44 read as follows:

45 9. The commission shall be authorized to appoint and employ
46 and, at the commission's pleasure, remove **[an]** , as its executive
47 director, **[counsel, investigators, accountants, and such other**
48 **persons as it may deem necessary,]** a qualified individual with the

1 title of State Inspector General. Employees of the commission,
2 including the State Inspector General, shall be hired at will and
3 without regard to civil service [; and to] . The commission shall
4 determine their duties and fix their salaries or compensation within
5 the amounts appropriated therefor. All commission personnel shall
6 be deemed confidential employees for purposes of the "New Jersey
7 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
8 et seq.). [Investigators and accountants appointed by the
9 commission shall be and have all the powers of peace officers] The
10 State Inspector General shall be responsible for acting as the lead
11 investigator for the commission, supervising all investigations the
12 commission undertakes in connection with its responsibilities,
13 carrying out the day-to-day operations of the commission, and
14 otherwise ensuring the commission is discharging its duties and
15 powers pursuant to sections 2 and 5 of P.L.1968, c.266 (C.52:9M-2
16 and C.52:9M-5) and section 21 of P.L. , c. (C.) (pending
17 before the Legislature as this bill).
18 (cf: P.L.1999, c.8, s.1)
19

20 13. Section 12 of P.L.1968, c.266 (C.52:9M-12) is amended to
21 read as follows:

22 12. With respect to the performance of its functions, duties and
23 powers and subject to the limitation contained in paragraph d. of
24 this section, the commission shall be authorized as follows:

25 a. To conduct any investigation authorized by this act at any
26 place within the State; and to maintain offices, hold meetings and
27 function at any place within the State as it may deem necessary;

28 b. To conduct private and public hearings, and to designate a
29 member of the commission to preside over any such hearing; no
30 public hearing shall be held except after adoption of a resolution by
31 majority vote, and no public hearing shall be held by the
32 commission until after the Attorney General and the appropriate
33 county prosecutor or prosecutors shall have been given at least
34 seven days' written notice of the commission's intention to hold
35 such a public hearing and afforded an opportunity to be heard in
36 respect to any objections they or either of them may have to the
37 commission's holding such a hearing;

38 c. To administer oaths or affirmations, [subpena] subpoena
39 witnesses, compel their attendance, examine them under oath or
40 affirmation, and require the production of any books, records,
41 documents or other evidence it may deem relevant or material to an
42 investigation; and the commission may designate any of its
43 members or any member of its staff to exercise any such powers;

44 d. Unless otherwise instructed by a resolution adopted by a
45 majority of the members of the commission, every witness
46 attending before the commission shall be examined privately and
47 the commission shall not make public the particulars of such
48 examination. The commission shall not have the power to take

1 testimony at a private hearing or at a public hearing unless at least
2 two of its members are present at such hearing, except that the
3 commission shall have the power to conduct private hearings, on an
4 investigation previously undertaken by a majority of the members
5 of the commission, with one commissioner present, when so
6 designated by resolution;

7 e. Witnesses summoned to appear before the commission shall
8 be entitled to receive the same fees and mileage as persons
9 summoned to testify in the courts of the State.

10 If any person ~~subpenaed~~ subpoenaed pursuant to this section
11 shall neglect or refuse to obey the command of the ~~subpena~~
12 subpoena, any judge of the Superior Court or any municipal court
13 may, on proof by affidavit of service of the ~~subpena~~ subpoena,
14 payment or tender of the fees required and of refusal or neglect by
15 the person to obey the command of the ~~subpena~~ subpoena, issue a
16 warrant for the arrest of ~~said~~ the person to bring ~~him~~ the person
17 before the judge, who is authorized to proceed against such person
18 as for a contempt of court.

19 (cf: P.L.1991, c.91, s.494)
20

21 14. Section 9 of P.L.1979, c.254 (C.52:9M-12.1) is amended to
22 read as follows:

23 9. a. No person may be required to appear at a hearing or to
24 testify at a hearing unless there has been personally served upon
25 ~~him~~ the person prior to the time when ~~he~~ the person is required
26 to appear, a copy of P.L.1968, c.266 as amended and supplemented
27 ~~],~~ and a general statement of the subject of the investigation. A
28 copy of the resolution, statute, order or other provision of law
29 authorizing the investigation shall be furnished by the commission
30 upon request therefor by the person summoned~~].~~

31 b. A witness summoned to a hearing shall have the right to be
32 accompanied by counsel, who shall be permitted to advise the
33 witness of ~~his~~ the witness's rights, subject to reasonable
34 limitations to prevent obstruction of or interference with the orderly
35 conduct of the hearing. Counsel for any witness who testifies at a
36 public or private hearing may submit proposed questions to be
37 asked of the witness relevant to the matters upon which the witness
38 has been questioned and the commission shall ask the witness such
39 of the questions as it may deem appropriate to its inquiry.

40 c. A complete and accurate record shall be kept of each public
41 hearing and a witness shall be entitled to receive a copy of ~~his~~ the
42 witness's testimony at such hearing at ~~his~~ the witness's own
43 expense. Where testimony which a witness has given at a private
44 hearing becomes relevant in a criminal proceeding in which the
45 witness is a defendant, or in any subsequent hearing in which the
46 witness is summoned to testify, the witness shall be entitled to a
47 copy of such testimony, at ~~his~~ the witness's own expense,

1 provided the same is available, and provided further that the
2 furnishing of such copy will not prejudice the public safety or
3 security.

4 d. A witness who testifies at any hearing shall have the right at
5 the conclusion of **【his】** the witness's examination to file a brief
6 sworn statement relevant to **【his】** the witness's testimony for
7 incorporation in the record.

8 e. The commission shall make a good faith effort to notify any
9 person whose name the commission believes will be mentioned in a
10 potentially adverse context at a public hearing. Any person whose
11 name is mentioned or will be mentioned or who is specifically
12 identified and who believes that testimony or other evidence given
13 at a public hearing or comment made by any member of the
14 commission or its counsel at such a hearing tends to defame **【him】**
15 the person or otherwise adversely affect **【his】** the person's
16 reputation shall have the right, either in private or in public or both
17 at a reasonably convenient time to be set by the commission, to
18 appear personally before the commission, and testify **【in his】** on the
19 person's own behalf as to matters relevant to the testimony or other
20 evidence complained of, or in the alternative, to file a statement of
21 facts under oath relating solely to matters relevant to the testimony
22 or other evidence complained of, which statement shall be
23 incorporated in the record.

24 f. Nothing in this section shall be construed to prevent the
25 commission from granting to witnesses appearing before it, or to
26 persons who claim to be adversely affected by testimony or other
27 evidence adduced before it, such further rights and privileges as it
28 may determine.

29 (cf: P.L.1996, c.44, s.4)

30

31 15. Section 14 of P.L.1968, c.266 (C.52:9M-14) is amended to
32 read as follows:

33 14. a. The commission 【may request and shall receive from
34 every】 is authorized to call upon any department, division, board,
35 bureau, commission, authority, or other agency created by the State,
36 or to which the State is a party, or of any political subdivision
37 thereof, 【co-operation and assistance in the performance of its
38 duties】 to provide information, resources, or other cooperation and
39 assistance the commission deems necessary to discharge the
40 commission's duties, responsibilities and purposes of P.L.1968,
41 c.266 (C.52:9M-1 et seq.). Each such entity shall cooperate with
42 the commission and provide the commission with such assistance.

43 b. Whenever a person places a request with a public agency for
44 a record that has been provided to the commission during the course
45 of an investigation and that record was open for public inspection,
46 examination, or copying before the investigation commenced, the
47 public agency from which the commission obtained the record shall

1 comply with the request pursuant to P.L.1963, c.73 (C.47:1A-1.1 et
2 seq.), provided that the request does not in any way identify the
3 record sought by means of a reference to the commission's
4 investigation or to an investigation by any other public agency,
5 including, but not limited to, a reference to a subpoena issued
6 pursuant to the investigation. Requests for records made to the
7 commission pursuant to this section shall be referred to the agency
8 that initially provided the records to the commission.

9 (cf: P.L.1968, c.266, s.14)

10
11 16. Section 15 of P.L.1968, c.266 (C.52:9M-15) is amended to
12 read as follows:

13 15. a. Any person conducting or participating in any
14 examination or investigation who **【shall disclose】** discloses, or any
15 person who, coming into possession of or knowledge of the
16 substance of any examination or investigation, **【shall disclose】**
17 discloses, or any person who shall cause, encourage or induce a
18 person, including any witness or informant, to disclose, other than
19 as authorized or required by law, to any person other than the
20 commission or an officer having the power to appoint one or more
21 of the commissioners the name of any witness examined, or any
22 information obtained or given upon such examination or
23 investigation, except as directed by the Governor or commission,
24 **【or any】** shall be guilty of a crime of the third degree. Any person,
25 other than a member or employee of the commission or any person
26 entitled to assert a legal privilege, who, coming into possession of
27 or knowledge of the substance of any pending examination or
28 investigation **【who】** , fails to advise the Attorney General and the
29 commission of such possession or knowledge and to deliver to the
30 Attorney General and the commission any documents or materials
31 containing such information, shall be guilty of a **【misdemeanor**
32 **until September 1, 1979 when such person shall be guilty of a】**
33 **crime of the third degree. 【Any member or employee of the**
34 **commission who shall violate this section shall be dismissed from**
35 **his office or discharged from his employment.】**

36 b. Any statement made by a member of the commission or an
37 employee thereof relevant to any proceedings before, or
38 investigative activities of, the commission shall be absolutely
39 privileged, and such privilege shall be a complete defense to any
40 action for libel or slander; provided, however, that nothing in this
41 subsection shall be deemed to grant immunity for conduct that was
42 outside the scope of **【his】** the member's employment or constituted
43 a crime, actual fraud, actual malice, or willful misconduct.

44 c. Nothing contained in this section shall in any way prevent
45 the commission from furnishing information or making reports, as
46 required by this act, or from furnishing information to the
47 Legislature, or to a standing reference committee thereof, pursuant

1 to a resolution duly adopted by a standing reference committee or
2 pursuant to a duly authorized **【subpena】 subpoena** or **【subpena】**
3 **subpoena** duces tecum, provided, however, that nothing herein shall
4 be deemed to preclude the commission from seeking from a court of
5 competent jurisdiction an order to quash a subpoena or a protective
6 order to avoid compliance with such **【subpena】 subpoena** or duces
7 tecum on the grounds that the commission's investigative files shall
8 remain secret because the confidentiality of such files is necessary
9 for the commission's unobstructed performance of its duties and to
10 exercise its powers as set forth in P.L.1968, c.266 (C.52:9M-1 et
11 seq.). Absent a showing that other interests outweigh the
12 importance of protecting the commission's files from disclosure, a
13 court shall grant an appropriate order protecting such files.

14 d. Nothing in P.L.1963, c.73 (C.47:1A-1 et seq.), as amended
15 and supplemented by P.L.2001, c.404, shall be construed to require
16 the commission to disclose any information acquired or any records
17 created, except as provided by this section.

18 e. Members or employees of the commission who violate
19 subsections a. or b. of this section shall be dismissed from their
20 office or discharged from their employment.

21 (cf: P.L.2005, c.58, s.3)

22
23 17. Section 17 of P.L.1968, c.266 (C.52:9M-17) is amended to
24 read as follows:

25 17. a. If, in the course of any investigation or hearing conducted
26 by the commission pursuant to this act, a person refuses to answer a
27 question or questions or produce evidence of any kind on the
28 ground that **【he】 the person** will be exposed to criminal
29 prosecution or penalty or to a forfeiture of **【his】 the person's** estate
30 thereby, the commission may order the person to answer the
31 question or questions or produce the requested evidence and confer
32 immunity as in this section provided. No order to answer or
33 produce evidence with immunity shall be made except by majority
34 vote and after the Attorney General, the United States Attorney for
35 the District of New Jersey, and the appropriate county prosecutor
36 shall have been given at least seven days written notice of the
37 commission's intention to issue such order and afforded an
38 opportunity to be heard in respect to any objections they or either
39 of them may have to the granting of immunity.

40 b. If upon issuance of such an order, the person complies
41 therewith, **【he】 the person** shall be immune from having such
42 responsive answer given by **【him】 the person** or such responsive
43 evidence produced by **【him】 the person**, or evidence derived
44 therefrom used to expose **【him】 the person** to criminal prosecution
45 or penalty or to a forfeiture of **【his】 the person's** estate, except that
46 **【such】 the person** may nevertheless be prosecuted for any perjury
47 committed in such answer or in producing such evidence, or be

1 prosecuted for willful refusal to give an answer or produce evidence
2 in accordance with an order of the commission pursuant to section
3 13 of P.L.1979, c. 254 (C.52:9M-17.1) or held in contempt for
4 failing to give an answer or produce evidence in accordance with
5 the order of the commission pursuant to section **11** 12 of
6 P.L.1968, c.266 (C.52:9M-12); and any such answer given or
7 evidence produced shall be admissible against **him** the person
8 upon any criminal investigation, proceeding or trial against **him**
9 the person for such perjury, or upon any investigation, proceeding
10 or trial against **him** the person for such contempt or willful
11 refusal to give an answer or produce evidence in accordance with an
12 order of the commission.

13 c. If the commission proceeds against any witness for contempt
14 of court for refusal to answer, subsequent to a grant of immunity,
15 said witness may be incarcerated at the discretion of the Superior
16 Court; provided, however, that (1) no incarceration for civil
17 contempt shall exceed a period of five years of actual incarceration
18 exclusive of releases for whatever reason; (2) the commission may
19 seek the release of a witness for good cause on appropriate motion
20 to the Superior Court; and (3) nothing contained herein shall be
21 deemed to limit any of the vested constitutional rights of any
22 witness before the commission.

23 (cf: P.L.1984, c.110, s.3)

24
25 18. Section 13 of P.L.1979, c.254 (C.52:9M-17.1) is amended to
26 read as follows:

27 13. a. Any person who shall willfully refuse to answer a
28 question or questions or produce evidence after being ordered to do
29 so by the State Commission of Investigation in accordance with
30 **the act** P.L.1968, c.266 (C.52:9M-1 et seq.) to which **this act**
31 P.L.1979, c.254 (C.52:9M-1.1 et al.) is a supplement **P.L.1968,**
32 **c.266 (C.52:9M-1 et seq.)** is guilty of a **high misdemeanor until**
33 **September 1, 1979, when such person shall be guilty of a** crime of
34 the second degree. Notwithstanding any other provision of law, no
35 person imprisoned pursuant to this section shall be eligible for
36 parole or reconsideration of sentence except upon a showing that
37 after imposition of the sentence **he** the person testified or
38 furnished the required evidence at a time when the commission's
39 needs were substantially met. Action against such person shall
40 ensue upon a complaint signed by the **chairman** chairperson upon
41 resolution of the commission. Such complaint shall be referred for
42 prosecution to the Attorney General.

43 b. The trial of a defendant for an indictment made pursuant to
44 this act shall be stayed pending the disposition of any review on
45 appeal of the commission's order to testify and the indictment shall
46 be dismissed if the order to testify is set aside on appeal or if,
47 within 30 days after the order to testify is sustained on appeal, the

1 defendant notifies the commission that **[he]** the defendant will
2 comply with the order and does so promptly upon being afforded an
3 opportunity to do so.

4 c. Any period of incarceration for contempt of an order of the
5 commission shall be credited against any period of imprisonment to
6 which a defendant is sentenced pursuant to subsection a. of this
7 section.

8 (cf: P.L.1979, c.254, s.13)

9
10 19. (New section) a. Except as otherwise provided in P.L. , c.
11 (C.) (pending before the Legislature as this bill), whenever, in
12 any law, rule, regulation, order, reorganization plan, contract,
13 document, judicial, or administrative proceeding, or otherwise,
14 reference is made to the Office of the Inspector General or the
15 Office of the State Inspector General, which was abolished and its
16 functions, duties, and powers transferred to the Office of the State
17 Comptroller pursuant to section 2 of P.L.2010, c.33 (C.52:15C-21),
18 or reference is made to the State Comptroller when exercising the
19 former Inspector General's functions, duties, and powers, the same
20 shall mean and refer to the State Commission of Investigation.

21 b. The remaining functions, powers, and duties conferred upon
22 or required to be exercised by the Office of the State Comptroller
23 are continued within the Office of the State Comptroller.

24 c. Employees of the Office of the State Comptroller who are
25 employed by that office on the effective date of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 and determined by the State Commission of Investigation to be
28 necessary to carry out the duties of the State Commission of
29 Investigation pursuant to P.L. , c. (C.) (pending before the
30 Legislature as this bill) are continued and transferred to the State
31 Commission of Investigation. For purposes of maintaining current
32 levels of compensation and recognized lengths of service at the time
33 of transfer, as well as any right or protection under any pension law
34 or retirement system, such transfers shall be made in a manner
35 consistent with the "State Agency Transfer Act," P.L.1971, c.375
36 (C.52:14D-1 et seq.). Employees transferred pursuant to P.L. , c.
37 (C.) (pending before the Legislature as this bill), shall be
38 deemed confidential employees for the purposes of the "New Jersey
39 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
40 et seq.).

41
42 20. This act shall take effect 90 days after the date of enactment.
43
44

45 STATEMENT

46
47 This bill expands the State Commission of Investigation's (SCI)
48 investigatory powers and duties.

1 This bill continues the process of consolidating and eliminating
2 duplication among State government oversight entities. The initial
3 step towards achieving the accompanying efficiencies was the
4 consolidation of the Offices of the Inspector General and the
5 Medicaid Inspector General into the Office of the State Comptroller
6 in 2010. This bill adopts the same approach to consolidation by
7 transferring to the SCI the powers, functions, and duties which had
8 belonged to the Office of the Inspector General, which had been
9 transferred to and are currently being exercised by the Office of the
10 State Comptroller.

11 The bill also clarifies and enhances the SCI's duties and powers,
12 strengthens cooperation between the SCI and other State and local
13 oversight entities, and establishes that the qualified individual hired
14 as executive director of the commission will function as a State
15 Inspector General. This is consistent with the original findings of
16 the Special Joint Legislative Committee to Study Crime and the
17 System of Criminal Justice in New Jersey, also known as the
18 Forsythe Committee, in 1968. The SCI's role with respect to other
19 State entities and the criminal justice system includes
20 responsibilities akin to that of an inspector general, who will
21 investigate allegations concerning the misconduct of civil or
22 criminal enforcement personnel at all levels of State and local
23 government. To do so, the SCI will provide a confidential process
24 for submitting complaints and or other requests for investigations,
25 or both, by the public and government employees.

26 The bill reaffirms that the SCI can request information,
27 resources, and assistance from any State department or agency to
28 fulfill its duties and is authorized to collaborate with other State
29 oversight entities, including the Attorney General and the Election
30 Law Enforcement Commission, and may participate in joint
31 investigations with these agencies, in order to fulfill its
32 responsibilities. The bill requires the SCI and other State oversight
33 entities to meet at least twice annually to coordinate efforts, share
34 information, and prevent duplication of work.

35 This bill increases the SCI member salary from \$35,000 per year
36 to \$75,000 per year.