

ASSEMBLY, No. 1956

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman SERENA DIMASO

District 13 (Monmouth)

SYNOPSIS

Provides that persons entering into civil settlement agreement with State entity must make full restitution; elected officials and employees with fiduciary or contracting responsibilities entering into such agreement will forfeit public office or employment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 **AN ACT** concerning certain civil settlement agreements entered into
2 with a public entity and supplementing Title 52 of the Revised
3 Statutes.

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

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8 1. Any person who enters into a civil settlement agreement
9 with a State entity who knowingly and willfully misrepresented
10 information to receive a State benefit shall not be entitled to any
11 compromise with respect to the payment of full restitution under
12 that agreement and shall make full restitution of all benefits
13 improperly received.

14
15 2. Any person holding elective public office who enters into a
16 civil settlement agreement with a public entity in which that person
17 agrees to pay restitution to the public entity for benefits improperly
18 received, and in which the public entity agrees not to refer the
19 matter for criminal prosecution unless the person fails to comply
20 with the agreement, shall forfeit that office and shall be ineligible to
21 hold public office or employment for a period of ten years.

22
23 3. Any person holding public employment who has a fiduciary
24 duty to the public or responsibility for the awarding of public
25 contracts who violates that duty or improperly benefits from the
26 awarding of a contract and enters into a civil settlement agreement
27 with a public entity in which that person agrees to pay restitution to
28 the public entity for any benefits improperly received, and in which
29 the public entity agrees not to refer the matter for criminal
30 prosecution unless the person fails to comply with the agreement,
31 shall forfeit that employment and shall be ineligible to hold public
32 office or employment for a period of ten years.

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34 4. This act shall take effect immediately.

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STATEMENT

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39 Under this bill, any person who enters into a civil settlement
40 agreement with a State entity who knowingly and willfully
41 misrepresented information to receive a State benefit will not be
42 entitled to any compromise with respect to the payment of full
43 restitution under that agreement and will make full restitution of all
44 benefits improperly received.

45 The bill provides that any person holding elective public office
46 who enters into a civil settlement agreement with a public entity in
47 which that person agrees to pay restitution to the public entity for
48 benefits improperly received, and in which the public entity agrees

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1 not to refer the matter for criminal prosecution unless the person
2 fails to comply with the agreement, will forfeit that office and will
3 be ineligible to again hold public office or employment for a period
4 of ten years.

5 The bill also provides that any person holding public
6 employment who has a fiduciary duty to the public or responsibility
7 for the awarding of public contracts who violates that duty or
8 improperly benefits from the awarding of a contract and enters into
9 a civil settlement agreement with a public entity in which that
10 person agrees to pay restitution to the public entity for any benefits
11 improperly received, and in which the public entity agrees not to
12 refer the matter for criminal prosecution unless the person fails to
13 comply with the agreement, will forfeit that employment and will
14 be ineligible to hold public office or employment for a period of ten
15 years.