

**ASSEMBLY CONCURRENT
RESOLUTION No. 79**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywomen N.Munoz, DiMaso and Gove

SYNOPSIS

Constitutes special committee of Senate and General Assembly entitled
“New Jersey Legislative Select Committee on Investigation.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** constituting a special committee of
2 the Senate and General Assembly entitled the “New Jersey
3 Legislative Select Committee on Investigation.”
4
5 **WHEREAS**, On April 8, 2017, it is alleged that Mr. Albert J. Alvarez,
6 who worked on the campaign for then-candidate, and now
7 Governor, Philip D. Murphy, committed criminal sexual
8 misconduct on a campaign volunteer in her home; and
9 **WHEREAS**, In the succeeding months, the alleged crime was
10 investigated by the Hudson County Prosecutor’s Office, but Mr.
11 Alvarez was never charged with a crime; and
12 **WHEREAS**, Prior to the election for Governor of the State of New
13 Jersey, top staffers, who would hold senior positions in the
14 Governor-elect Transition 2018 office and the office of Murphy for
15 Governor, were told of the alleged crime, but did not take action to
16 remove the accused perpetrator, who held a senior position on both
17 the Governor-elect Transition 2018 office and the office of Murphy
18 for Governor; and
19 **WHEREAS**, After the election of Governor Philip D. Murphy, counsel
20 of the Governor-elect Transition 2018 office were made aware of
21 the allegations; and
22 **WHEREAS**, The alleged perpetrator remained in a senior position in the
23 Governor-elect Transition 2018 office after allegations were
24 known, and, further, was offered employment in State government
25 for the administration of Governor Philip D. Murphy; and
26 **WHEREAS**, In the spring of 2018 the chief counsel and chief ethics
27 officer were made aware of the allegations, but did not take action
28 to investigate or remove the accused perpetrator from his position
29 as chief of staff for the Schools Development Authority; and
30 **WHEREAS**, Later that spring the alleged victim was told that her
31 accused assailant would no longer be employed; and
32 **WHEREAS**, The accused perpetrator remained employed by the
33 administration of Governor Philip D. Murphy until resigning
34 unprompted on October 2, 2018, one-year, five-months and 24 days
35 after the alleged crime; and
36 **WHEREAS**, The Governor’s staff failed to respond in an aggressive,
37 proactive fashion that is appropriate and acceptable; and
38 **WHEREAS**, The Hudson County Prosecutor’s Office did not bring
39 forward charges against Mr. Alvarez despite the victim reporting
40 her assault to authorities, going to the hospital for a sexual-assault
41 examination, and immediately telling friends and family of the
42 alleged attack; and
43 **WHEREAS**, The allegations and succeeding inaction raises questions
44 about why Mr. Alvarez was still hired despite senior administration
45 officials and counsel being made aware on at least four occasions
46 that there was an allegation of criminal sexual misconduct against
47 him, and why he continued to be employed for a prolonged period

1 of time after the victim was told he would no longer be employed
2 by the State; and

3 **WHEREAS**, Despite the Governor’s confidence that the victim’s
4 allegations were handled appropriately, he acknowledged that
5 Mr. Alvarez never should have been hired; and

6 **WHEREAS**, Though the Director of the Statewide Division of Equal
7 Employment Opportunity and Affirmative Action within the Civil
8 Service Commission has been directed by the Governor to review
9 the State’s policies and procedures to address improvements, only
10 the Legislature has the power to complete a thorough investigation
11 that compels testimony from the Governor’s campaign office and
12 the Hudson County Prosecutor’s office; and

13 **WHEREAS**, It is the Legislature’s responsibility to create meaningful
14 policy change on several levels, including legislation ensuring first
15 responders are better trained to handle sexual assault victims and
16 that future victims do not have to endure what the victim has in this
17 case; and

18 **WHEREAS**, Given the gravity of the issues which have been exposed in
19 recent weeks regarding criminal sexual misconduct of a former
20 staffer of the Governor-elect Transition 2018 office and the
21 administration of Governor Philip D. Murphy, it is fitting for the
22 Legislature through an appropriate committee to further investigate
23 all aspects of the allegations, hiring practices and management of
24 the allegations by the aforementioned administration; now,
25 therefore,

26
27 **BE IT RESOLVED** *by the General Assembly of the State of New*
28 *Jersey (the Senate concurring):*

29
30 1. There is constituted a special committee of the Senate and
31 General Assembly entitled the “New Jersey Legislative Select
32 Committee on Investigation,” comprised of 12 members. Six
33 members are to be appointed by the Speaker of the General
34 Assembly, not more than three of whom shall be of the same
35 political party. The Minority Leader of the General Assembly shall
36 submit to the Speaker a list of the Minority Leader’s
37 recommendations of members to the special committee. Six
38 members are to be appointed by the Senate President, not more than
39 three of whom shall be of the same political party. The Minority
40 Leader of the Senate shall submit to the Senate President a list of
41 the Minority Leader’s recommendations of members to the special
42 committee. There shall be two co-chairs of the special committee,
43 appointed from different political parties, one of whom shall be
44 appointed by the Senate President from among the appointed
45 members and one of whom shall be appointed by the Speaker from
46 among the appointed members.

1 2. The New Jersey Legislative Select Committee on
2 Investigation shall investigate all aspects of the policies,
3 procedures, and management of the Governor's office, the
4 Governor-elect Transition 2018 office, the office of Murphy for
5 Governor, and any other governmental entity regarding the
6 management of matters regarding sexual assault including, but not
7 limited to, an incident of sexual assault during the 2017
8 gubernatorial campaign, the prosecutor's investigation, and the
9 subsequent hiring and continued employment of the alleged
10 perpetrator in the Governor's administration. The committee shall
11 issue a report of its findings and make recommendations on
12 potential improvements to create meaningful policy changes,
13 including possible legislative recommendations changing the statute
14 of limitations on civil action related to sexual assault, prosecuting
15 sexual assault crimes, and training programs for first responders and
16 prosecutors working on sexual assault cases.

17
18 3. For the purposes of carrying out its charge under this
19 resolution, the New Jersey Legislative Select Committee on
20 Investigation shall have all the powers conferred under the laws and
21 the Constitution of the State of New Jersey and the United States,
22 including, but not limited to, the following powers:

23 (1) conferred pursuant to chapter 13 of Title 52 of the Revised
24 Statutes, including, but not limited to, the power to issue subpoenas
25 to compel attendance and testimony of persons and the production
26 of books, papers, correspondence, other documents and materials,
27 and electronic records and data;

28 (2) to hold hearings, take testimony under oath, and receive
29 documentary or physical evidence relating to the matters and
30 questions it is authorized to investigate or study;

31 (3) to use any and all reasonable means of interviewing or fact
32 gathering, including, but not limited to, preliminary conferences or
33 interviews;

34 (4) to convene a meeting or hearing to determine the adequacy
35 of the return and rule on the objection if a return on a subpoena or
36 order for the production of documentary evidence is incomplete or
37 accompanied by an objection;

38 (5) to utilize the powers provided under R.S.52:13-3 or hold
39 individuals or entities in contempt of the committee;

40 (6) to make findings and reports to the Senate and General
41 Assembly of any recommendations, including recommendations for
42 enforcement, that the committee may consider appropriate with
43 respect to the willful failure or refusal of any person to appear
44 before it, to answer questions or give testimony during an
45 appearance of that person as a witness, or to produce before the
46 committee any books, papers, correspondence, other documents and
47 materials, and electronic records and data in compliance with any
48 subpoena;

1 (7) to respond to any judicial or other process, or to make
2 application to the courts of this State, any other state, or the United
3 States;

4 (8) to report possible violations of any law, rule, regulation, or
5 code to appropriate federal, State, or local authorities; and

6 (9) to adopt additional rules or procedures not inconsistent with
7 this resolution.
8

9 4. a. The New Jersey Legislative Select Committee on
10 Investigation shall be entitled to call to its assistance and avail itself
11 of the services of the employees of the State of New Jersey, any
12 political subdivision of the State, and any agency thereof, as may be
13 required and as may be available for that purpose, and to employ
14 any other services as may be deemed necessary, in order to perform
15 the duties provided herein, and within the limits of funds
16 appropriated or otherwise made available for that purpose.

17 b. The New Jersey Legislative Select Committee on
18 Investigation shall be entitled to call to its assistance, employ, and
19 avail itself of the services of special counsel retained to assist the
20 New Jersey Legislative Select Committee on Investigation.
21

22 5. This resolution shall take effect immediately and the special
23 committee's powers pursuant to chapter 13 of Title 52 of the
24 Revised Statutes shall expire at noon on Tuesday, January 14, 2020.
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26

27 STATEMENT
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29 This concurrent resolution constitutes a special committee of the
30 Senate and General Assembly, entitled the "New Jersey Legislative
31 Select Committee on Investigation," charged with investigating all
32 aspects of Executive Branch hiring practices and any other matter
33 raising concerns about the reporting and handling of sexual assault
34 cases.