SENATE, No. 616

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator DECLAN J. O'SCANLON, JR.
District 13 (Monmouth)

Co-Sponsored by:
Senator Corrado

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.

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

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

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

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

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

4. This act shall take effect immediately.

STATEMENT

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

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

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

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