

SENATE CONCURRENT RESOLUTION No. 147

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 19, 2021

Sponsored by:

Senator HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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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 Governor,
7 Philip D. Murphy, committed criminal sexual misconduct on a
8 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 Jersey,
13 top staffers, who would hold senior positions in the Governor-elect
14 Transition 2018 office and the office of Murphy for Governor, were
15 told of the alleged crime, but did not take action to remove the
16 accused perpetrator, who held a senior position on both the
17 Governor-elect Transition 2018 office and the office of Murphy for
18 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 the
21 allegations; and

22 **WHEREAS**, The alleged perpetrator remained in a senior position in the
23 Governor-elect Transition 2018 office after allegations were known,
24 and, further, was offered employment in State government for the
25 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 to
28 investigate or remove the accused perpetrator from his position as
29 chief of staff for the Schools Development Authority; and

30 **WHEREAS**, Later that spring the alleged victim was told that her accused
31 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 her
40 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 that
46 there was an allegation of criminal sexual misconduct against him,
47 and why he continued to be employed for a prolonged period of time

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

3 **WHEREAS**, Despite the Governor's confidence that the victim's
4 allegations were handled appropriately, he acknowledged that Mr.
5 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 the
9 State's policies and procedures to address improvements, only the
10 Legislature has the power to complete a thorough investigation that
11 compels testimony from the Governor's campaign office and the
12 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 that
16 future victims do not have to endure what the victim has in this case;
17 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 the
24 allegations by the aforementioned administration; now, therefore,

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

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

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46 2. The New Jersey Legislative Select Committee on
47 Investigation shall investigate all aspects of the policies, procedures,
48 and management of the Governor's office, the Governor-elect

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

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

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

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

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

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

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

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

45 (7) to respond to any judicial or other process, or to make
 46 application to the courts of this State, any other state, or the United
 47 States;

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

3 (9) to adopt additional rules or procedures not inconsistent with
4 this resolution.

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

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

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

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24 STATEMENT

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