

# ASSEMBLY, No. 1462

## STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Morris and Passaic)**

**Assemblywoman ALISON LITTELL MCHOSE**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Assemblymen Johnson, Albano and Assemblywoman Karrow**

**SYNOPSIS**

Requires Attorney General to defend certain local law enforcement officers.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the defense of local law enforcement officers in  
2 certain cases and amending P.L.1972, c.48.

3

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

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7 1. Section 1 of P.L.1972, c.48 (C.59:10A-1) is amended to read  
8 as follows:

9 1. Except as provided in section 2 **[hereof]** of P.L.1972, c.48  
10 (C.59:10A-2), the Attorney General shall, upon a request of an  
11 employee or former employee of the State, provide for the defense  
12 of any action brought against such State employee or former State  
13 employee on account of an act or omission in the scope of his  
14 employment. The Attorney General shall provide for the defense of  
15 any action brought against a county or municipal law enforcement  
16 officer on account of an act or omission arising out of the officer's  
17 lawful exercise of police powers while assigned to and acting under  
18 the supervision of the county prosecutor while serving on a special  
19 county task force.

20 For the purposes of this section, the Attorney General's duty to  
21 defend shall extend to a cross-action, counterclaim or cross-  
22 complaint against an employee or former employee.

23 (cf: P.L.1972, c.48, s.1)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill requires the Attorney General to defend local law  
31 enforcement officers who are subject to a legal action arising out of  
32 the lawful exercise of their police powers while serving on a special  
33 county task force under the supervision of the county prosecutor.

34 On occasion, local law enforcement officers are assigned to  
35 special task forces and investigative units organized and supervised  
36 by the county prosecutor or other State law enforcement officers or  
37 entities. These multi-jurisdictional law enforcement initiatives are  
38 effective crime fighting instruments.

39 Recently, the Attorney General refused to defend a group of  
40 local law enforcement officers who were sued for police actions  
41 they had taken while serving on a special county task force under  
42 the direct supervision of the county prosecutor. If the State refuses  
43 to defend local law enforcement officers while they are serving on  
44 these special task forces, their employing jurisdictions may hesitate  
45 in permitting them to participate in these critical law enforcement

**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.

1 operations, citing the local government's potential liability in law  
2 suit.

3 Requiring the Attorney General to defend local law enforcement  
4 officers in legal proceedings arising from their police work as part  
5 of special State organized and supervised task forces will eliminate  
6 this stumbling block by limiting the liability local governmental  
7 units might incur as a result of permitting their law enforcement  
8 officers to participate in these special task forces and investigative  
9 units.