

SENATE, No. 3986

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 17, 2019

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Permits member of Judicial Retirement System to defer retirement to serve as county prosecutor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/26/2019)

1 **AN ACT** concerning the deferment of retirement by certain members
2 of the Judicial Retirement System, and supplementing P.L.1973,
3 c.140 (C.43:6A-1 et seq.) and P.L.1961, c.49 (C.52:14-17.26 et
4 seq.).

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

8
9 1. Notwithstanding the provisions of any law or regulation to
10 the contrary, a member of the Judicial Retirement System who has
11 been appointed by the Governor, with the advice and consent of the
12 Senate, to the position of county prosecutor in accordance with
13 N.J.S.2A:158-1 may file, prior to commencing service as the county
14 prosecutor, a written and duly executed application for retirement
15 for any reason other than disability if the member has attained the
16 age of 65 years and has served at least 25 consecutive years as a
17 judge of the several courts. The approval process shall be
18 expedited. If the application is approved, the effective date of
19 retirement for that member shall be deferred to the first day of the
20 month following the termination of the member's service in the
21 position of county prosecutor. The application for retirement shall
22 be accompanied by a copy of the member's written resignation from
23 the judicial office effective as of the date of the approval of the
24 retirement application.

25 If such a person attains the age of 70 years while serving as a
26 county prosecutor, the person shall be deemed to be retired for the
27 purposes of section 7 of P.L.1973, c.140 (C.43:6A-7) and paragraph
28 3 of Section VI of Article VI of the Constitution of the State of New
29 Jersey based on the approved application for the member's
30 retirement the effective date of which has been deferred.

31 If such a person dies while in service as a county prosecutor, the
32 death shall not be considered a death in active service. The
33 beneficiary shall be eligible for a pension or survivor's benefit, and
34 for any death benefits, based on the approved retirement application
35 and the retirement shall be effective as of the date of death. The
36 election by the member of an option in accordance with in section 1
37 of P.L.2002, c.54 (C.43:6A-16.1) shall become effective and
38 payable.

39 Notwithstanding any other provision of law to the contrary, a
40 person who files an application for retirement pursuant to this
41 section and serves in the position of county prosecutor shall not be
42 eligible to participate in the Defined Contribution Retirement
43 System, enroll in any other State-administered retirement system, or
44 receive any other payments from the county or State deemed to be
45 payments for retirement accounts, funds, pensions, or annuities.
46 The person and the person's dependents shall be eligible for health
47 care benefits coverage provided for the position of county
48 prosecutor during service in that position.

1 This section shall be effective if the qualified status of the
2 retirement system under federal law can be maintained upon its
3 application, and such modifications to the system as may be
4 available shall be made to allow for its application.

5
6 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-
7 17.26 et seq.) to the contrary, from funds appropriated therefor, the
8 State shall pay the premium or periodic charges for the benefits
9 provided to a retired State employee and any dependents under the
10 program, but not including survivors, if the employee: (a) submitted
11 an application for retirement with the Judicial Retirement System
12 pursuant to section 1 of P.L. , c. (C.)(pending before the
13 Legislature as this bill); (b) subsequently served in the position of
14 county prosecutor; (c) was covered by the program at the time of
15 terminating full-time employment as a judge with the State, and (d)
16 was eligible for health care benefits coverage in retirement under
17 the program paid in full or in part by the State at the time of
18 terminating full-time employment as a judge with the State.

19 The health care benefits coverage in retirement under the
20 program to which the former State employee is entitled shall be
21 deferred. The former State employee shall notify the program of
22 the date on which employment as a county prosecutor is terminated
23 and the deferred retirement is to commence pursuant to section 1 of
24 P.L. , c. (C.)(pending before the Legislature as this bill).
25 The former State employee and the employee's dependents shall be
26 enrolled in the program as soon as feasible after that termination
27 date and shall be entitled to such health care benefits coverage and
28 payments for such coverage as the former State employee was
29 eligible on the date terminating full-time employment as a judge
30 with the State.

31
32 3. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill will permit a member of the Judicial Retirement System
38 to resign as a judge and apply for but defer retirement in order to
39 serve as a county prosecutor upon appointed by the Governor. To
40 be eligible, the member must be at least 65 years of age and have at
41 least 25 years of continuous service as a judge.

42 The retirement would become effective after service as a county
43 prosecutor ends. In addition, the health care benefits under the
44 State Health Benefits Program that the person would be entitled to
45 upon retirement as a State employee would also be deferred until
46 after service as a prosecutor ends and the retirement becomes
47 effective.