

ASSEMBLY, No. 5785

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Co-Sponsored by:

Assemblyman Caputo

SYNOPSIS

Permits prosecutors to enroll in Prosecutors Part of PERS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/2/2021)

1 AN ACT concerning enrollment in the Prosecutors Part of the Public
2 Employees' Retirement System and amending P.L.2001, c.366.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2001, c.366 (C. 43:15A-156) is amended to
8 read as follows:

9 2. a. Notwithstanding the provisions of any other law,
10 prosecutors shall be members of the Prosecutors Part, established
11 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
12 Employees' Retirement System, established pursuant to P.L.1954,
13 c.84 (C.43:15A-1 et seq.), **if enrolled in the part prior to the**
14 **effective date of P.L.2010, c.1,** and shall be subject to the same
15 membership and benefit provisions as State employees, except as
16 provided by P.L.2001, c.366. Membership in the retirement system
17 shall be a condition of employment for service as a prosecutor **for**
18 **a prosecutor enrolled in the part prior to the effective date of**
19 **P.L.2010, c.1**. Any service credit which has been established in
20 the Public Employees' Retirement System by a prosecutor prior to
21 the effective date of this act, P.L. , c. (pending before the
22 Legislature as this bill), shall be established in the Prosecutors Part
23 without further assessment of cost to the prosecutor; provided,
24 however, any service credit which has been established in the
25 Public Employees' Retirement System by a member of the
26 retirement system in any position prior to service as a county
27 prosecutor, nominated and appointed pursuant to Article VII,
28 Section II, paragraph 1 of the New Jersey Constitution, shall be
29 established in the Prosecutors Part without further assessment of
30 cost to the prosecutor.

31 **【A prosecutor who becomes a member of the retirement system**
32 **on or after the effective date of P.L.2010, c.1 shall not be a member**
33 **of the Prosecutors Part and the provisions of P.L.2001, c.366**
34 **(C.43:15A-155 et seq.) shall not apply to such prosecutor or the**
35 **prosecutor's beneficiary.】**

36 b. All outstanding obligations, such as loans, purchases and
37 other arrearage, shall be satisfied by a prosecutor as previously
38 scheduled for payment to the Public Employees' Retirement
39 System.

40 (cf: P.L.2010, c.1, s.30)

41

42 2. This act shall take effect immediately.

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.

STATEMENT

1
2
3 This bill allows prosecutors hired on or after May 21, 2010 to
4 enroll in the Prosecutors Part of the Public Employees' Retirement
5 System (PERS) which was originally established on January 7,
6 2002, but closed to new members on May 21, 2010. The bill
7 restores equity among all prosecutors by enrolling them in the same
8 part of the PERS. The bill will empower the Attorney General and
9 County Prosecutors throughout the State to attract skilled and
10 diverse attorneys and retain experienced prosecutors committed to
11 promoting public safety and seeking equal justice under the law.
12 Any service credit accrued in regular PERS as a prosecutor prior
13 to the effective date of this bill would be established in the
14 Prosecutors Part without further assessment or cost to the
15 prosecutor, in accordance with the original provisions of P.L.2001,
16 c.366 (C.43:15A-155 et seq.).