

P.L. 2021, CHAPTER 105, *approved June 11, 2021*
Senate, No. 3197

1 **AN ACT** concerning deferred retirement for certain judges in the
2 Judicial Retirement System and amending P.L.2019, c.287.

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

6
7 1. Section 1 of P.L.2019, c.287 (C.43:6A-11.1) is amended to
8 read as follows:

9 1. Notwithstanding the provisions of any law or regulation to the
10 contrary, a member of the Judicial Retirement System who has been
11 appointed by the Governor, with the advice and consent of the Senate,
12 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 for
15 any reason other than disability if the member has attained the age of
16 65 years **and has served at least 25 consecutive years as a judge of**
17 **the several courts**, has the necessary judicial service credit for a full
18 judicial retirement, and has served for 25 years as a judge for any
19 court in New Jersey. The approval process shall be expedited. If the
20 application is approved, the effective date of retirement for that
21 member shall be deferred to the first day of the month following the
22 termination of the member's service in the position of county
23 prosecutor. The application for retirement shall be accompanied by
24 a copy of the member's written resignation from the judicial office
25 effective as of the date of the approval of the retirement application.

26 If such a person attains the age of 70 years while serving as a
27 county prosecutor**,** the person shall be deemed to be retired for the
28 purposes of section 7 of P.L.1973, c.140 (C.43:6A-7) and paragraph
29 3 of Section VI of Article VI of the Constitution of the State of New
30 Jersey based on the **and has an** approved application for the
31 member's retirement the effective date of which has been deferred,
32 this section shall specifically override the JRS mandatory retirement
33 age of 70 enacted in section 7 of P.L.1973, c.140 (C.43:6A-7) and in
34 the administrative code, and shall allow for the deferment of the
35 mandatory retirement for JRS to the first day of the month following
36 the termination of the member's service in the position of county
37 prosecutor.

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

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 Notwithstanding any other provision of law to the contrary, a
2 person who files an application for retirement pursuant to this section
3 and serves in the position of county prosecutor shall not be eligible
4 to participate in the Defined Contribution Retirement System, enroll
5 in any other State-administered retirement system, or receive any
6 other payments from the county or State deemed to be payments for
7 retirement accounts, funds, pensions, or annuities. The person and
8 the person's dependents shall be eligible for health care benefits
9 coverage provided for the position of county prosecutor during
10 service in that position.

11 This section shall be effective if the qualified status of the
12 retirement system under federal law can be maintained upon its
13 application, and such modifications to the system as may be available
14 shall be made to allow for its application.
15 (cf: P.L.2019, c.287, s.1)

16

17 2. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill changes the eligibility criteria for a deferred retirement
23 for a member of the Judicial Retirement System (JRS) who has been
24 appointed by the Governor, with the advice and consent of the Senate,
25 to the position of county prosecutor.

26 This bill clarifies the law to provide this deferred retirement to a
27 JRS member who is at least 65 years of age, has the necessary judicial
28 service credit for a full judicial retirement, and has served for 25
29 years as a judge for any court in New Jersey.

30 For this purpose, this bill also specifically overrides the JRS
31 mandatory retirement age of 70 set forth in law and in the
32 administrative code, and allows for the deferment of the mandatory
33 retirement for JRS to the first day of the month following the
34 termination of the member's service in the position of county
35 prosecutor.

36

37

38

39

40 Clarifies eligibility for deferred retirement for certain judges in
41 JRS.