

SENATE, No. 2233

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senator KOSCO

1 AN ACT concerning county corrections officers and supplementing
2 chapter 23 of Title 40 of the Revised Statutes.

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

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7 1. Whenever any county corrections officer is a defendant in an
8 action or legal proceeding arising out of or incidental to the
9 performance of his duties, the county shall provide that officer with
10 necessary means for the defense of the action or proceeding, but not
11 for the officer's defense in a disciplinary or criminal proceeding. If
12 such disciplinary or criminal proceeding is dismissed or finally
13 determined in favor of the officer, the officer shall be reimbursed for
14 the expense of the officer's defense.

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16 2. Whenever any county corrections officer is charged under the
17 laws of this State, another state, or the United States, and has been
18 suspended without pay as a result of an action or legal proceeding
19 arising out of or incidental to the performance of the officer's duties,
20 or otherwise, and is found not guilty at trial, or if the charges are
21 dismissed or the prosecution is terminated, that officer shall be
22 reinstated to the position held prior to being charged and shall recover
23 all pay withheld during the period of suspension subject to any
24 disciplinary proceedings or administrative action.

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26 3. This act shall take effect immediately.

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STATEMENT

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31 Under section 1 of P.L.1971, c.197 (C.40A:14-155), municipalities
32 are required to pay for the defense of any municipal law enforcement
33 officer who is a defendant in any action or legal proceeding arising out
34 of the performance of that person's official duties. This requirement
35 does not apply, however, to disciplinary or criminal proceedings. In
36 those cases, the municipality is required to reimburse the law
37 enforcement officer for the cost of the officer's defense if the

1 proceeding is either determined in favor of the officer or dismissed.

2 In case of law enforcement officers who have been suspended
3 without pay because of charges arising out of the performance of their
4 duties, or otherwise, but who are later acquitted of those charges or
5 have those charges dismissed, the provisions of P.L.1973, c.270
6 (C.40:14A-149.1 et seq.) require their reinstatement by the
7 municipality and establish their entitlement to the recovery of all pay
8 withheld during the period of suspension.

9 The provisions of this bill would entitle county corrections officers
10 to the same rights to legal defense and protections if found not guilty
11 in any action or legal proceeding arising out of the performance of
12 their official duties which currently accrue to municipal law
13 enforcement officers.

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18 Provides for legal defense of county correction officers; authorizes
19 reinstatement and recovery of wages under certain circumstances.