

[First Reprint]

**ASSEMBLY, No. 3828**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman ADAM J. TALIAFERRO**

**District 3 (Cumberland, Gloucester and Salem)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblyman JAMEL C. HOLLEY**

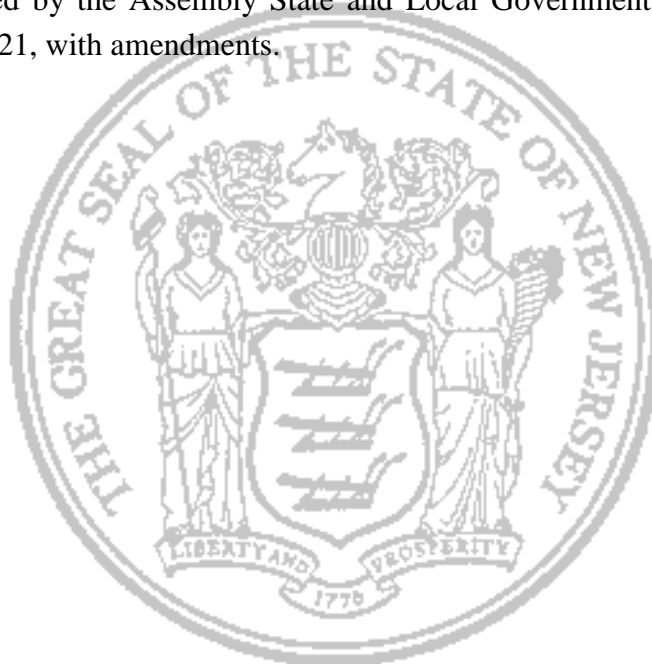
**District 20 (Union)**

**SYNOPSIS**

Provides for LEO benefits for certain public employees enrolled in PERS; prohibits hiring by State or county of public employees after age 35 in positions eligible for PFRS.

**CURRENT VERSION OF TEXT**

As reported by the Assembly State and Local Government Committee on March 17, 2021, with amendments.



**(Sponsorship Updated As Of: 3/22/2021)**

1 AN ACT concerning <sup>1</sup>employment of certain public employees who  
 2 are over the age of 35 and<sup>1</sup> retirement benefits for certain  
 3 <sup>1</sup>**【firefighters, corrections officers, and county police officers】**  
 4 public employees<sup>1</sup> enrolled in the Public Employees' Retirement  
 5 System, <sup>1</sup>and<sup>1</sup> amending and supplementing P.L.1955, c.257  
 6 (C.43:15A-97 et seq.) <sup>1</sup>and supplementing Title 43 of the  
 7 Revised Statutes<sup>1</sup>.

8  
 9 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 10 *of New Jersey:*

11  
 12 <sup>1</sup>**【1.** Section 1 of P.L1955, c. 257 (C. 43:15A-97) is amended to  
 13 read as follows:

14 1. "Law enforcement officer" shall mean any permanent and  
 15 full-time employee of the State of New Jersey holding one of the  
 16 following titles: motor vehicles officer, motor vehicles sergeant,  
 17 motor vehicles lieutenant, motor vehicles captain, assistant chief,  
 18 bureau of enforcement, and chief, bureau of enforcement in the  
 19 Division of Motor Vehicles, and highway patrol officer, sergeant  
 20 highway patrol bureau, lieutenant highway patrol bureau, captain  
 21 highway patrol bureau, assistant chief highway patrol bureau, chief  
 22 highway patrol bureau in the Division of State Police, and  
 23 inspector, investigator, and administrative inspector in the Division  
 24 of Alcoholic Beverage Control, and inspector recruit alcoholic  
 25 beverage control, inspector alcoholic beverage control, senior  
 26 inspector alcoholic beverage control, principal inspector alcoholic  
 27 beverage control, supervising inspector alcoholic beverage control  
 28 in the Division of State Police, and conservation officer, assistant  
 29 district conservation officer and district conservation officer in the  
 30 Division of Fish and Game, and assistant chief marine police and  
 31 senior marine patrolman in the Division of Resource Development,  
 32 and marine police officer, senior marine police officer, principal  
 33 marine police officer in the Division of State Police, and inspector,  
 34 officer, senior inspector, and principal inspector in the Division of  
 35 Shell Fisheries, any permanent and full-time active county  
 36 detective, lieutenant of county detectives, captain of county  
 37 detectives, chief of county detectives, and county investigator in the  
 38 offices of the county prosecutors, and sheriff's officer, sergeant  
 39 sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer,  
 40 chief sheriff's officer, and sheriff's investigator in the offices of the  
 41 county sheriffs and any patrolman or other police officer of the  
 42 Board of Commissioners of the Palisades Interstate Park appointed  
 43 pursuant to R.S. 32:14-21. The term shall also mean county  
 44 corrections officer, county corrections sergeant, county corrections

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted March 17, 2021.

1 lieutenant, county corrections captain, and investigator in a county  
2 department of corrections, and officer, detective, sergeant,  
3 lieutenant, and captain of a county police department. The term  
4 shall also mean any permanent and fulltime firefighter employed by  
5 the State, a county, fire district, or a municipality, or agency  
6 thereof.

7 If the Prison Officers' Pension Fund is terminated as provided in  
8 section 10 hereof, "law enforcement officer" shall also mean any  
9 permanent and full-time active employee of the State of New Jersey  
10 holding the title of correction officer, correction sergeant,  
11 correction lieutenant, correction captain or deputy keeper in the  
12 Division of Correction and Parole, or any member of the Prison  
13 Officers' Pension Fund on the date of such termination.

14 (cf: P.L.1985, c.262, s.1)<sup>1</sup>

15  
16 <sup>1</sup>1. Section 1 of P.L1955, c.257 (C.43:15A-97) is amended to  
17 read as follows:

18 1. "Law enforcement officer" shall mean any permanent and  
19 full-time employee of the State of New Jersey holding one of the  
20 following titles: motor vehicles officer, motor vehicles sergeant,  
21 motor vehicles lieutenant, motor vehicles captain, assistant chief,  
22 bureau of enforcement, and chief, bureau of enforcement in the  
23 Division of Motor Vehicles, and highway patrol officer, sergeant  
24 highway patrol bureau, lieutenant highway patrol bureau, captain  
25 highway patrol bureau, assistant chief highway patrol bureau, chief  
26 highway patrol bureau in the Division of State Police, and  
27 inspector, investigator, and administrative inspector in the Division  
28 of Alcoholic Beverage Control, and inspector recruit alcoholic  
29 beverage control, inspector alcoholic beverage control, senior  
30 inspector alcoholic beverage control, principal inspector alcoholic  
31 beverage control, supervising inspector alcoholic beverage control  
32 in the Division of State Police, and conservation police officer,  
33 assistant district conservation police officer and district  
34 conservation police officer in the Division of Fish and Wildlife in  
35 the Department of Environmental Protection, and assistant chief  
36 marine police and senior marine patrolman in the Division of  
37 Resource Development, and marine police officer, senior marine  
38 police officer, principal marine police officer in the Division of  
39 State Police, and inspector, officer, senior inspector, and principal  
40 inspector in the Division of Shell Fisheries, any permanent and full-  
41 time active county detective, lieutenant of county detectives,  
42 captain of county detectives, chief of county detectives, and county  
43 investigator in the offices of the county prosecutors, and sheriff's  
44 officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain  
45 sheriff's officer, chief sheriff's officer, and sheriff's investigator in  
46 the offices of the county sheriffs, and any patrolman or other police  
47 officer of the Board of Commissioners of the Palisades Interstate  
48 Park appointed pursuant to R.S.32:14-21. The term shall also mean

county corrections police officer, county corrections police sergeant, county corrections police lieutenant, county corrections police captain, and investigator in a county department of corrections, and officer, detective, sergeant, lieutenant, and captain of a county police department. The term shall also mean State corrections officer and detective and investigator in the Division of Criminal Justice in the Department of Law and Public Safety. The term shall also mean sheriff's corrections police officer, sheriff's corrections police sergeant, sheriff's corrections police lieutenant, and sheriff's corrections police captain. The term shall also mean Burlington County Bridge Commission police officer, Burlington County Bridge Commission police sergeant, Burlington County Bridge Commission police lieutenant, and Burlington County Bridge Commission police captain. The term shall also mean Cherry Hill campus police officer. The term shall also mean any permanent and fulltime firefighter, emergency medical technician, and public safety dispatcher employed by the State, a county, fire district, or a municipality, or agency thereof.

If the Prison Officers' Pension Fund is terminated as provided in section 10 hereof, "law enforcement officer" shall also mean any permanent and full-time active employee of the State of New Jersey holding the title of correction officer, correction sergeant, correction lieutenant, correction captain or deputy keeper in the Division of Correction and Parole, or any member of the Prison Officers' Pension Fund on the date of such termination.<sup>1</sup>

(cf: P.L.2019, c.407, s.20)

2. (New section) <sup>1</sup>**【A county corrections officer, county corrections sergeant, county corrections lieutenant, county corrections captain, and an investigator in a county department of corrections, and an officer, detective, sergeant, lieutenant, and captain of a county police department, and a permanent and fulltime firefighter】** Persons<sup>1</sup> employed on the effective date <sup>1</sup>of P.L. , c. (pending before the Legislature as this bill)<sup>1</sup> by the State, a county, fire district, <sup>1</sup>school district,<sup>1</sup> or a municipality, or agency thereof, who <sup>1</sup>【was】 hold a title added to the definition of “law enforcement officer” in section 1 of P.L.1955, c. 257 (C. 43:15A-97) by section 1 of P.L. , c. (pending before the Legislature as this bill) and who were<sup>1</sup> enrolled in the Public Employees’ Retirement System before the effective date of P.L. , c. (pending before the Legislature as this bill) shall be enrolled as a participant in the law enforcement officer category of the system within 90 days of that effective date, unless the member signs a waiver of participation within 60 days of receiving the notification of eligibility for participation in that category. A member who signs the waiver shall remain enrolled as a non-law enforcement officer in the regular system and the member shall not

1 be subject to compulsory retirement as provided in section 3 of  
2 P.L.1955, c.257 (C.43:15A-99).

3 Any member who is enrolled as a participant of the law  
4 enforcement officer category of the system in accordance with this  
5 section shall be eligible for all the benefits and shall be subject to  
6 all the requirements set forth in P.L.1955, c.257 (C.43:15A-  
7 97 et seq.) from the date the member is made a participant. All  
8 service credit in the regular system in a position eligible for  
9 participation in the category shall be considered service credit as a  
10 law enforcement officer in that category when the member is made  
11 a participant of the category.

12  
13 <sup>1</sup>3. (New section) On or after the effective date of P.L. \_\_\_\_\_, c.  
14 (pending before the Legislature as this bill), no person who is over  
15 the age of 35 years shall be appointed by a county or the State to a  
16 position that is eligible for enrollment in the Police and Firemen's  
17 Retirement System, established pursuant to P.L.1944, c.255  
18 (C.43:16A-2 et seq.).

19 Wherein Title 11A (Civil Service) of the New Jersey Statutes is  
20 operative, any person who shall have met the age requirement  
21 herein at the announced closing date of a civil service examination  
22 for the position shall be considered within the age requirement  
23 while the civil service list promulgated as a result of that  
24 examination is in effect.

25 Nothing herein contained shall affect the employment or  
26 continuance in office of any person employed prior to the effective  
27 date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (pending before the Legislature as this  
28 bill).<sup>1</sup>

29  
30 <sup>1</sup>**[3.] 4.**<sup>1</sup> This act shall take effect immediately.