## ASSEMBLY, No. 5344 STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

Sponsored by: Assemblyman RAJ MUKHERJI District 33 (Hudson)

SYNOPSIS

Clarifies eligibility for deferred retirement for certain judges in JRS.

## **CURRENT VERSION OF TEXT** As introduced.



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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 termination of the member's service in the position of county 22 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 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 29 3 of Section VI of Article VI of the Constitution of the State of New 30 Jersey based on the <u>and has an</u> 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 the termination of the member's service in the position of county 36 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

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.

Matter underlined thus is new matter.

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EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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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 **STATEMENT** 20 21 This bill changes the eligibility criteria for a deferred retirement 22 for a member of the Judicial Retirement System (JRS) who has been 23 appointed by the Governor, with the advice and consent of the Senate, 24 to the position of county prosecutor. 25 This bill clarifies the law to provide this deferred retirement to a 26 JRS member who is at least 65 years of age, has the necessary judicial 27 service credit for a full judicial retirement, and has served for 25 28 years as a judge for any court in New Jersey. 29 For this purpose, this bill also specifically overrides the JRS 30 mandatory retirement age of 70 set forth in law and in the 31 administrative code, and allows for the deferment of the mandatory retirement for JRS to the first day of the month following the 32 33 termination of the member's service in the position of county

34 prosecutor.