

# 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:

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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)

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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.**

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STATEMENT

This bill allows prosecutors hired on or after May 21, 2010 to enroll in the Prosecutors Part of the Public Employees' Retirement System (PERS) which was originally established on January 7, 2002, but closed to new members on May 21, 2010. The bill restores equity among all prosecutors by enrolling them in the same part of the PERS. The bill will empower the Attorney General and County Prosecutors throughout the State to attract skilled and diverse attorneys and retain experienced prosecutors committed to promoting public safety and seeking equal justice under the law.

Any service credit accrued in regular PERS as a prosecutor prior to the effective date of this bill would be established in the Prosecutors Part without further assessment or cost to the prosecutor, in accordance with the original provisions of P.L.2001, c.366 (C.43:15A-155 et seq.).