

ASSEMBLY, No. 6049

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

Sponsored by:
Assemblyman JAMES J. KENNEDY
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Permits certain prosecutors to transfer service credit from PERS to Prosecutors Part of PERS.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the transfer of service credit into the Prosecutors
2 Part of the Public Employees' Retirement System and amending
3 P.L.2001, c.366.

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

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8 1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to
9 read as follows:

10 2. a. Notwithstanding the provisions of any other law,
11 prosecutors shall be members of the Prosecutors Part, established
12 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public
13 Employees' Retirement System, established pursuant to P.L.1954,
14 c.84 (C.43:15A-1 et seq.), if enrolled in the part prior to the effective
15 date of P.L.2010, c.1, and shall be subject to the same membership
16 and benefit provisions as State employees, except as provided by
17 P.L.2001, c.366. Membership in the retirement system shall be a
18 condition of employment for service as a prosecutor for a prosecutor
19 enrolled in the part prior to the effective date of P.L.2010, c.1. Any
20 service credit which has been established in the Public Employees'
21 Retirement System by a prosecutor prior to the effective date of **[this**
22 **act]** P.L.2001, c.366 shall be established in the Prosecutors Part
23 without further assessment of cost to the prosecutor; except that any
24 prosecutor who was enrolled in the system on the effective date of
25 P.L.2001, c.366, terminated active service as a prosecutor prior to the
26 effective date of P.L.2001, c.366, and resumed active service as a
27 prosecutor after the effective date P.L.2001, c.366 within two years
28 of such termination shall have service credit earned in the system as
29 a prosecutor prior to the effective date of P.L.2001, c.366 established
30 in the part without further assessment of cost to the prosecutor; and
31 provided, however, any service credit which has been established in
32 the Public Employees' Retirement System by a member of the
33 retirement system in any position prior to service as a county
34 prosecutor, nominated and appointed pursuant to Article VII, Section
35 II, paragraph 1 of the New Jersey Constitution, shall be established
36 in the Prosecutors Part without further assessment of cost to the
37 prosecutor.

38 A prosecutor who becomes a member of the retirement system on
39 or after the effective date of P.L.2010, c.1 shall not be a member of
40 the Prosecutors Part and the provisions of P.L.2001, c.366
41 (C.43:15A-155 et seq.) shall not apply to such prosecutor or the
42 prosecutor's beneficiary.

43 b. All outstanding obligations, such as loans, purchases and
44 other arrearage, shall be satisfied by a prosecutor as previously
45 scheduled for payment to the Public Employees' Retirement System.
46 (cf: P.L.2010, c.1, s.36)

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 2. This act shall take effect immediately.

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STATEMENT

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6 This bill permits certain prosecutors to transfer service credit from
7 the Public Employees' Retirement System (PERS) into the
8 Prosecutors Part of the PERS.

9 The Prosecutors Part of the PERS was established on January 7,
10 2002. The law establishing the part permitted prosecutors serving on
11 the law's effective date to transfer PERS service credit earned in any
12 position before the effective date into the part without cost to the
13 prosecutor. However, any person who was not serving as a prosecutor
14 on the effective date could not transfer past PERS service credit into
15 the part, unless the person was appointed by the Governor as a county
16 prosecutor after the effective date. The Prosecutors Part has been
17 closed to new members since May 21, 2010.

18 This bill permits PERS members who were enrolled, but not
19 actively serving as a prosecutor, on the law's effective date to transfer
20 service credit earned prior to that date in the PERS as a prosecutor
21 into the part if the person terminated active service prior to the
22 effective date of the law and resumed active service after the effective
23 date of the law within two years of termination. Holding any position
24 within the definition of "prosecutor" would constitute resumption of
25 active service. The service credit earned in the PERS as a prosecutor
26 would be established in the Prosecutors Part without cost to the
27 prosecutor.

28 "Prosecutor" is defined in the law as a county prosecutor, first
29 assistant prosecutor or assistant prosecutor; the Director of the
30 Division of Criminal Justice in the Department of Law and Public
31 Safety; an assistant director, deputy director, assistant attorney
32 general or deputy attorney general in that department and assigned to
33 that division; or a criminal investigator in the Division of Criminal
34 Justice in the Department of Law and Public Safety who is not
35 eligible for enrollment in the Police and Firemen's Retirement
36 System.