

P.L. 2021, CHAPTER 226, *approved September 24, 2021*
Senate, No. 3780 (*First Reprint*)

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
21 to 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 **and the Judicial Retirement**
26 **System not deferred pursuant to section 1 of P.L.2019, c.287**
27 **(C.43:6A-11.1)** by a member of the retirement system in any
28 position prior to service as a county prosecutor, nominated and
29 appointed pursuant to Article VII, Section II, paragraph 1 of the
30 New Jersey Constitution, shall be established in the Prosecutors
31 Part without further assessment of cost to the prosecutor. ¹Any
32 county prosecutor or acting county prosecutor enrolled in the
33 Defined Contribution Retirement Program as a county prosecutor or
34 acting county prosecutor shall be eligible for service credit in the
35 Prosecutors Part, except that the county prosecutor or acting county
36 prosecutor shall first pay the amount equivalent to that amount
37 contributed pursuant to section 3 of P.L.2007, c.92 (C.43:15C-3)
38 during each fiscal year of membership in the Defined Contribution
39 Retirement Program to be credited.¹

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:

¹Senate SBA committee amendments adopted June 17, 2021.

1 **【A prosecutor who becomes a member of the retirement system**
2 on or after the effective date of P.L.2010, c.1 shall not be a member
3 of the Prosecutors Part and the provisions of P.L.2001, c.366
4 (C.43:15A-155 et seq.) shall not apply to such prosecutor or the
5 prosecutor's beneficiary.】

6 b. All outstanding obligations, such as loans, purchases and
7 other arrearage, shall be satisfied by a prosecutor as previously
8 scheduled for payment to the Public Employees' Retirement
9 System.

10 (cf: P.L.2010, c.1, s.36)

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12 2. This act shall take effect immediately.

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Permits prosecutors to enroll in Prosecutors Part of PERS.