

SENATE, No. 3780

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 13, 2021

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senators Gopal and Sacco

SYNOPSIS

Permits prosecutors to enroll in Prosecutors Part of PERS.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

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:*

6
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 effective**
14 **date of P.L.2010, c.1,]** and shall be subject to the same membership
15 and benefit provisions as State employees, except as provided by
16 P.L.2001, c.366. Membership in the retirement system shall be a
17 condition of employment for service as a prosecutor **[for a prosecutor**
18 **enrolled in the part prior to the effective date of P.L.2010, c.1]**. Any
19 service credit which has been established in the Public Employees'
20 Retirement System by a prosecutor prior to the effective date of this
21 act, P.L. , c. (pending before the Legislature as this bill), shall be
22 established in the Prosecutors Part without further assessment of cost
23 to the prosecutor; provided, however, any service credit which has
24 been established in the Public Employees' Retirement System by a
25 member of the retirement system in any position prior to service as a
26 county prosecutor, nominated and appointed pursuant to Article VII,
27 Section II, paragraph 1 of the New Jersey Constitution, shall be
28 established in the Prosecutors Part without further assessment of cost
29 to the prosecutor.

30 **[A prosecutor who becomes a member of the retirement system**
31 **on or after the effective date of P.L.2010, c.1 shall not be a member**
32 **of the Prosecutors Part and the provisions of P.L.2001, c.366**
33 **(C.43:15A-155 et seq.) shall not apply to such prosecutor or the**
34 **prosecutor's beneficiary.]**

35 b. All outstanding obligations, such as loans, purchases and
36 other arrearage, shall be satisfied by a prosecutor as previously
37 scheduled for payment to the Public Employees' Retirement System.
38 (cf: P.L.2010, c.1, s.30)

39
40 2. This act shall take effect immediately.

41
42
43 STATEMENT

44
45 This bill allows prosecutors hired on or after May 21, 2010 to
46 enroll in the Prosecutors Part of the Public Employees' Retirement

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.

S3780 LAGANA, SARLO

3

1 System (PERS) which was originally established on January 7, 2002,
2 but closed to new members on May 21, 2010. The bill restores equity
3 among all prosecutors by enrolling them in the same part of the
4 PERS. The bill will empower the Attorney General and County
5 Prosecutors throughout the State to attract skilled and diverse
6 attorneys and retain experienced prosecutors committed to promoting
7 public safety and seeking equal justice under the law.

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