

# SENATE, No. 1603

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 14, 2022

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Removes restriction on receipt of retirement annuities by certain members of JRS who file for deferred retirement.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning annuities for certain members of the Judicial  
2 Retirement System who filed for deferred retirement and  
3 amending P.L.2019, c.287.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L. 2019 c.287 (C.43:6A-11.1) is amended to read  
9 as follows:

10 1. Notwithstanding the provisions of any law or regulation to the  
11 contrary, a member of the Judicial Retirement System who has been  
12 appointed by the Governor, with the advice and consent of the Senate,  
13 to the position of county prosecutor in accordance with  
14 N.J.S.2A:158-1 or who has been appointed by the Chief Justice of  
15 the Supreme Court to the position of Administrative Director of the  
16 Courts in accordance with Article VI, Section VII, paragraph 1 of the  
17 New Jersey Constitution may file, prior to commencing service as the  
18 county prosecutor or as the Administrative Director of the Courts, a  
19 written and duly executed application for retirement for any reason  
20 other than disability if the member has attained the age of 65 years,  
21 has the necessary judicial service credit for a full judicial retirement,  
22 and has served for 20 years as a judge for any court in New Jersey.  
23 The approval process shall be expedited. If the application is  
24 approved, the effective date of retirement for that member shall be  
25 deferred to the first day of the month following the termination of the  
26 member's service in the position of county prosecutor or of  
27 Administrative Director of the Courts. The application for retirement  
28 shall be accompanied by a copy of the member's written resignation  
29 from the judicial office effective as of the date of the approval of the  
30 retirement application.

31 If such a person attains the age of 70 years while serving as a  
32 county prosecutor or as the Administrative Director of the Courts and  
33 has an approved application for the member's retirement the effective  
34 date of which has been deferred, this section shall specifically  
35 override the JRS mandatory retirement age of 70 enacted in section  
36 7 of P.L.1973, c.140 (C.43:6A-7) and in the administrative code, and  
37 shall allow for the deferment of the mandatory retirement for JRS to  
38 the first day of the month following the termination of the member's  
39 service in the position of county prosecutor or of Administrative  
40 Director of the Courts.

41 If such a person dies while in service as a county prosecutor or as  
42 the Administrative Director of the Courts, the death shall not be  
43 considered a death in active service. The beneficiary shall be eligible  
44 for a pension or survivor's benefit, and for any death benefits, based  
45 on the approved retirement application and the retirement shall be  
46 effective as of the date of death. The election by the member of an

**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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1 option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1)  
2 shall become effective and payable.

3 Notwithstanding any other provision of law to the contrary, a  
4 person who files an application for retirement pursuant to this section  
5 and serves in the position of county prosecutor or of Administrative  
6 Director of the Courts shall not be eligible to participate in the  
7 Defined Contribution Retirement System, enroll in any other State-  
8 administered retirement system, or receive any other payments from  
9 the county or State deemed to be payments for retirement accounts,  
10 funds, or pensions, **[or]** not including annuities. The person and the  
11 person's dependents shall be eligible for health care benefits coverage  
12 provided for the position of county prosecutor or of Administrative  
13 Director of the Courts during service in that position.

14 This section shall be effective if the qualified status of the  
15 retirement system under federal law can be maintained upon its  
16 application, and such modifications to the system as may be available  
17 shall be made to allow for its application.

18 (cf: P.L.2021, c.329, s.1)

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20 2. This act shall take effect immediately.

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STATEMENT

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25 Under current law, a judge may file for deferred retirement from  
26 the Judicial Retirement System in order to serve as a county  
27 prosecutor or the Administrative Director of the Courts, and in so  
28 doing will not be eligible to receive any other payments from the  
29 county or State deemed to be payments for retirement accounts,  
30 funds, pensions, or annuities. This bill removes the restriction on the  
31 receipt of retirement annuities.