

[First Reprint]

**SENATE, No. 1603**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED FEBRUARY 14, 2022

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Kennedy**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on March 3, 2022, with amendments.



**(Sponsorship Updated As Of: 5/26/2022)**

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  
9 read as follows:

10 1. Notwithstanding the provisions of any law or regulation to  
11 the contrary, a member of the Judicial Retirement System who has  
12 been appointed by the Governor, with the advice and consent of the  
13 Senate, 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  
17 the New Jersey Constitution may file, prior to commencing service  
18 as the county prosecutor or as the Administrative Director of the  
19 Courts, a written and duly executed application for retirement for  
20 any reason other than disability if the member has attained the age  
21 of 65 years, has the necessary judicial service credit for a full  
22 judicial retirement, and has served for 20 years as a judge for any  
23 court in New Jersey. The approval process shall be expedited. If  
24 the application is approved, the effective date of retirement for that  
25 member shall be deferred to the first day of the month following the  
26 termination of the member's service in the position of county  
27 prosecutor or of Administrative Director of the Courts. The  
28 application for retirement shall be accompanied by a copy of the  
29 member's written resignation from the judicial office effective as of  
30 the date of the approval of the 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  
33 and has an approved application for the member's retirement the  
34 effective date of which has been deferred, this section shall  
35 specifically override the JRS mandatory retirement age of 70  
36 enacted in section 7 of P.L.1973, c.140 (C.43:6A-7) and in the  
37 administrative code, and shall allow for the deferment of the  
38 mandatory retirement for JRS to the first day of the month  
39 following the termination of the member's service in the position of  
40 county prosecutor or of Administrative Director of the Courts.

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

**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:

<sup>1</sup>Senate SSG committee amendments adopted March 3, 2022.

1 retirement shall be effective as of the date of death. The election by  
2 the member of an option in accordance with section 1 of P.L.2002,  
3 c.54 (C.43:6A-16.1) shall become effective and payable.

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

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

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

21

22 2. This act shall take effect immediately <sup>1</sup>, and shall be  
23 retroactive to November 1, 2020<sup>1</sup>.