

[First Reprint]

**ASSEMBLY, No. 3930**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED MARCH 4, 2024

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Assemblyman GABRIEL RODRIGUEZ**

**District 33 (Hudson)**

**Co-Sponsored by:**

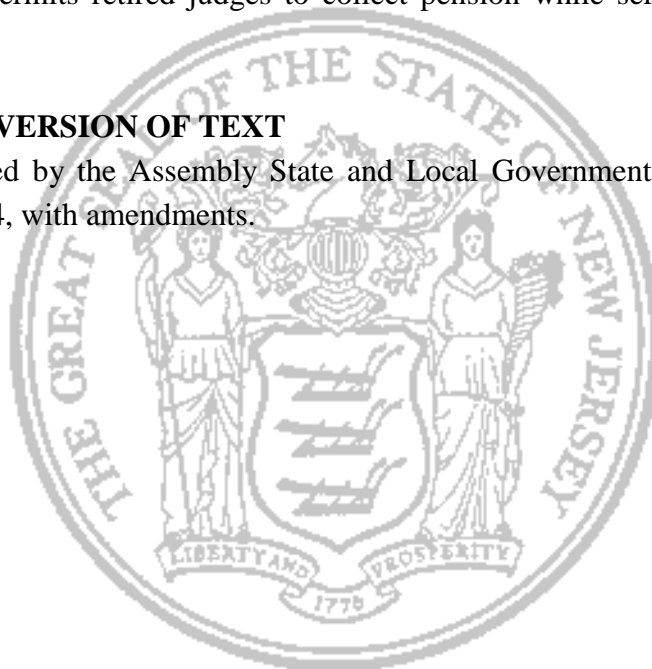
**Assemblywoman McCoy**

**SYNOPSIS**

Permits service credit in Prosecutors Part of PERS for judicial clerk service; increases salary of Presiding Judge of Appellate Division and county prosecutor; permits retired judges to collect pension while serving as county prosecutor.

**CURRENT VERSION OF TEXT**

As reported by the Assembly State and Local Government Committee on June 24, 2024, with amendments.



**(Sponsorship Updated As Of: 6/26/2024)**

1 AN ACT concerning certain service credit for certain members of  
 2 the Prosecutors Part of the Public Employees' Retirement  
 3 System <sup>1</sup>, salaries and retirement benefits of certain prosecutors  
 4 and judges,<sup>1</sup> and amending <sup>1</sup>**[P.L.2001, c.366]** various parts of  
 5 the statutory law<sup>1</sup>.

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

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

12 2. a. Notwithstanding the provisions of any other law,  
 13 prosecutors shall be members of the Prosecutors Part, established  
 14 pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public  
 15 Employees' Retirement System, established pursuant to P.L.1954,  
 16 c.84 (C.43:15A-1 et seq.), and shall be subject to the same  
 17 membership and benefit provisions as State employees, except as  
 18 provided by P.L.2001, c.366. Membership in the retirement system  
 19 shall be a condition of employment for service as a prosecutor. Any  
 20 service credit which has been established in the Public Employees'  
 21 Retirement System prior to the effective date of this act, P.L.2021,  
 22 c.226, shall be established in the Prosecutors Part without further  
 23 assessment of cost to the prosecutor; provided, however, any  
 24 service credit which has been established in the Public Employees'  
 25 Retirement System and the Judicial Retirement System not deferred  
 26 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a  
 27 member of the retirement system in any position prior to service as  
 28 a county prosecutor, nominated and appointed pursuant to Article  
 29 VII, Section II, paragraph 1 of the New Jersey Constitution, shall be  
 30 established in the Prosecutors Part without further assessment of  
 31 cost to the prosecutor.

32 Any county prosecutor, nominated and appointed pursuant to  
 33 Article VII, Section II, paragraph 1 of the New Jersey Constitution  
 34 before or after the effective date of P.L. , c. (pending before the  
 35 Legislature as this bill), who purchases, after appointment as a  
 36 county prosecutor, credit for service as a law clerk to a judge of the  
 37 New Jersey Superior Court or justice of the New Jersey Supreme  
 38 Court in the same manner and subject to the same terms and  
 39 conditions provided for the purchase of previous membership  
 40 service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that  
 41 service established in the Prosecutors Part.

42 Any county prosecutor or acting county prosecutor enrolled in  
 43 the Defined Contribution Retirement Program as a county  
 44 prosecutor or acting county prosecutor shall be eligible for service  
 45 credit in the Prosecutors Part, except that the county prosecutor or

**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>Assembly ASL committee amendments adopted June 24, 2024.

1 acting county prosecutor shall first pay the amount equivalent to  
 2 that amount contributed pursuant to section 3 of P.L.2007, c.92  
 3 (C.43:15C-3) during each fiscal year of membership in the Defined  
 4 Contribution Retirement Program to be credited.

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

9 (cf: P.L.2021, c.226, s.1)

10

11 <sup>1</sup>2. N.J.S.2B:2-4 is amended to read as follows:

12 2B:2-4. Judicial Salaries.

13 Annual salaries of justices and judges beginning on January 1,  
 14 2024 and thereafter shall be:

15	Chief Justice of the Supreme Court	\$234,191.95
16	Associate Justice of the Supreme Court	\$226,292.11
17	<u>Presiding Judge of the Superior Court,</u>	
18	<u>Appellate Division</u>	<u>\$218,545.82</u>
19	Judge of the Superior Court,	
20	Appellate Division	\$215,545.82
21	Judge of the Superior Court,	
22	Assignment Judge	\$211,437.65
23	Presiding Judge of the Superior Court;	
24	Presiding Judge of the Tax Court	\$207,166.50
25	Judge of the Superior Court;	
26	Judge of the Tax Court	\$204,166.50

27 Beginning on January 1, 2025, and on January 1 of each year for  
 28 two years thereafter, the amount of the annual salary determined for  
 29 the prior calendar year shall be adjusted annually by the State  
 30 Treasurer in direct proportion to the percent change in the Consumer  
 31 Price Index over a 12-month period beginning November 1 and ending  
 32 October 31. For the purpose of this section, "Consumer Price Index"  
 33 means the Consumer Price Index for All Urban Consumers, New  
 34 York-Northern New Jersey-Long Island Metropolitan Area, All Items  
 35 (1982-84=100), as published by the Bureau of Labor Statistics in the  
 36 United States Department of Labor. The State Treasurer shall  
 37 determine the amount of the adjustment by December 1 of each year  
 38 and the adjustment shall become effective for payments to be made  
 39 during the calendar year following the determination, beginning with  
 40 payments made on or after January 1 of each calendar year. An  
 41 adjustment in the annual payment shall be made only if the percent  
 42 change in the Consumer Price Index for the period specified is greater  
 43 than zero. Such an annual adjustment shall in no event be greater than  
 44 2 percent. If the reference base of the index is changed, the index used  
 45 to determine the Consumer Price Index shall be the index converted to  
 46 the new base by standard statistical methods. The first adjustment  
 47 determination shall be made by December 1, 2024 and applicable to  
 48 payments commencing on January 1, 2025. The final adjustment shall

1 be made on December 1, 2026 and be applicable for payments  
2 commencing on January 1, 2027. No further adjustments shall be  
3 made thereafter.<sup>1</sup>

4 (cf: P.L.2023, c.349, s.1)

5

6 <sup>1</sup>3. N.J.S.2A:158-10 is amended to read as follows:

7 2A:158-10. County prosecutors shall receive annual salaries to be  
8 fixed by the governing body of the county at ~~【\$153,000】~~ \$204,166.50  
9 beginning on January 1, ~~【2008】~~ 2024 and ~~【\$165,000 beginning on~~  
10 ~~January 1, 2009 and】~~ thereafter. ~~【The annual salaries of county~~  
11 ~~prosecutors shall be increased by \$8,000 in calendar year 2018. The~~  
12 ~~annual salaries of county prosecutors set in calendar year 2018, shall~~  
13 ~~be increased by \$8,000, beginning on January 1, 2019. The annual~~  
14 ~~salary of county prosecutors set on January 1, 2019, shall be increased~~  
15 ~~by \$8,000 beginning on January 1, 2020.】~~

16 Beginning on January 1, ~~【2021】~~ 2025 and on January 1 of each  
17 year for ~~【four】~~ two years thereafter, the amount of the annual salary  
18 determined for the prior calendar year shall be adjusted annually by  
19 the State Treasurer in direct proportion to the percent change in the  
20 Consumer Price Index over a 12-month period beginning November 1  
21 and ending October 31. For the purpose of this section, "Consumer  
22 Price Index" means the Consumer Price Index for All Urban  
23 Consumers, New York-Northern New Jersey-Long Island  
24 Metropolitan Area, All Items (1982-84=100), as published by the  
25 Bureau of Labor Statistics in the United States Department of Labor.  
26 The State Treasurer shall determine the amount of the adjustment by  
27 December 1 of each year and the adjustment shall become effective for  
28 payments to be made during the calendar year following the  
29 determination, beginning with payments made on or after January 1 of  
30 each calendar year. An adjustment in the annual payment shall be  
31 made only if the percent change in the Consumer Price Index for the  
32 period specified is greater than zero. Such an annual adjustment shall  
33 in no event be greater than 2 percent. If the reference base of the index  
34 is changed, the index used to determine the Consumer Price Index  
35 shall be the index converted to the new base by standard statistical  
36 methods. The first adjustment determination shall be made by  
37 December 1, ~~【2020】~~ 2024 and applicable to payments commencing on  
38 January 1, ~~【2021】~~ 2025. The ~~【financial】~~ final adjustment shall be  
39 made on December 1, ~~【2024】~~ 2026 and be applicable for payments  
40 commencing on January 1, ~~【2025】~~ 2027. No further adjustments shall  
41 be made thereafter.

42 There shall be appropriated annually to the Department of  
43 Community Affairs for payment to each county for additional salary  
44 costs resulting from the increase in the salary of county prosecutors an  
45 amount equal to the amount by which the annual salary paid to the  
46 county prosecutor under this section exceeds \$100,000.00.<sup>1</sup>

47 (cf: P.L.2018, c.14, s.4)

1       <sup>1</sup>4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to  
2 read as follows:

3       13. a. (1) No member of the retirement system shall, while  
4 receiving a pension or retirement allowance pursuant to [this act]  
5 P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law  
6 before any of the courts of this State. This prohibition shall not apply  
7 to a county prosecutor appointed by the Governor with the advice and  
8 consent of the Senate in accordance with N.J.S.2A:158-1.

9       (2) A member of the retirement system, while receiving a pension  
10 or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et  
11 seq.), may serve as a county prosecutor appointed by the Governor  
12 with the advice and consent of the Senate in accordance with  
13 N.J.S.2A:158-1 and receive the full salary for that position. While  
14 serving as a county prosecutor, the former member of the retirement  
15 system shall not participate in the Defined Contribution Retirement  
16 Program or be enrolled in any other State-administered retirement  
17 system on the basis of service as a county prosecutor.

18       (3) The effective date of retirement for a former member of the  
19 retirement system who is serving as a county prosecutor on the  
20 effective date of section 4 of P.L. , c. (pending before the  
21 Legislature as this bill), and who was approved for a deferred  
22 retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-  
23 11.1) prior to that effective date, shall be adjusted to the first day of the  
24 month following the effective date of section 4 of  
25 P.L. , c. (pending before the Legislature as this bill) and the  
26 pension or retirement allowance shall become payable in accordance  
27 with P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of  
28 the retirement system whose pension or retirement allowance becomes  
29 payable and who was made eligible for deferred State-paid health care  
30 benefits coverage in the State Health Benefits Program in accordance  
31 section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective  
32 date of section 4 of P.L. , c. (pending before the Legislature as  
33 this bill), the former member and the former member's dependents  
34 shall be entitled to such health care benefits coverage and payments  
35 for such coverage as the former State member was eligible on the date  
36 terminating full-time employment as a judge with the State, and shall  
37 be enrolled for coverage in the program as of the first day of the month  
38 following the effective date of section 4 of P.L. , c. (pending  
39 before the Legislature as this bill) or as soon as feasible thereafter.

40       b. Subject to rules of the Supreme Court, any justice of the  
41 Supreme Court who has retired on pension or retirement allowance  
42 may, with his consent, be recalled by the Supreme Court for temporary  
43 service in the Supreme Court or elsewhere within the judicial system,  
44 and any judge of the Superior Court, juvenile and domestic relations  
45 court, county district court or tax court who has retired on pension or  
46 retirement allowance may, with his consent, be recalled by the  
47 Supreme Court for temporary service within the judicial system other  
48 than the Supreme Court.

1 c. Upon such recall the retired justice or judge shall have all the  
2 powers of a justice or judge of the court to which he is assigned and  
3 shall be paid a per diem allowance fixed by the Supreme Court in  
4 accordance with its rules, provided however that in no event shall he  
5 receive a salary which together with his pension or retirement  
6 allowance exceeds the current salary of a justice or judge of the court  
7 from which he retired. In addition the recalled justice or judge shall be  
8 reimbursed for reasonable expenses actually incurred by him in  
9 connection with his assignment and shall be provided with such  
10 facilities as may be required in the performance of his duties. Such per  
11 diem compensation and expenses shall be paid by the State.

12 d. Payment for services and expenses shall be made in the same  
13 manner as payment is made to the justices or judges of the court from  
14 which he retired.

15 e. The Supreme Court is empowered to adopt such rules as it  
16 deems necessary or appropriate for the prompt and efficient  
17 administration of justice in furtherance of the purposes of this act.<sup>1</sup>

18 (cf: P.L.1990, c.45, s.1)

19

20 <sup>1</sup>5. Section 1 of P.L.2019, c.287 (.C.43:6A-11.1) is amended to  
21 read as follows:

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

43 If such a person attains the age of 70 years while serving as **【a**  
44 **county prosecutor or as】 the Administrative Director of the Courts and**  
45 **has an approved application for the member's retirement the effective**  
46 **date of which has been deferred, this section shall specifically override**  
47 **the JRS mandatory retirement age of 70 enacted in section 7 of**

1 P.L.1973, c.140 (C.43:6A-7) and in the administrative code, and shall  
2 allow for the deferment of the mandatory retirement for JRS to the first  
3 day of the month following the termination of the member's service in  
4 the position of **【county prosecutor or of】** Administrative Director of  
5 the Courts.

6 If such a person dies while in service as **【a county prosecutor or**  
7 **as】** the Administrative Director of the Courts, the death shall not be  
8 considered a death in active service. The beneficiary shall be eligible  
9 for a pension or survivor's benefit, and for any death benefits, based on  
10 the approved retirement application and the retirement shall be  
11 effective as of the date of death. The election by the member of an  
12 option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1)  
13 shall become effective and payable.

14 Notwithstanding any other provision of law to the contrary, a  
15 person who files an application for retirement pursuant to this section  
16 and serves in the position of **【county prosecutor or of】** Administrative  
17 Director of the Courts shall not be eligible to **【participate in the**  
18 **Defined Contribution Retirement System,】** enroll in any other State-  
19 administered retirement system, or receive any other payments from  
20 the **【county or】** State deemed to be payments for retirement accounts,  
21 funds, or pensions, not including annuities. The person and the  
22 person's dependents shall be eligible for health care benefits coverage  
23 provided for the position of **【county prosecutor or of】** Administrative  
24 Director of the Courts during service in that position.

25 This section shall be effective if the qualified status of the  
26 retirement system under federal law can be maintained upon its  
27 application, and such modifications to the system as may be available  
28 shall be made to allow for its application.<sup>1</sup>

29 (cf: P.L.2022, c.94, s,1)

30

31 <sup>1</sup>6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to  
32 read as follows:

33 2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-  
34 17.26 et seq.) to the contrary, from funds appropriated therefor, the  
35 State shall pay the premium or periodic charges for the benefits  
36 provided to a retired State employee and any dependents under the  
37 program, but not including survivors, if the employee: (a) submitted an  
38 application for retirement with the Judicial Retirement System  
39 pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b)  
40 subsequently served in the position of **【county prosecutor or of】**  
41 Administrative Director of the Courts; (c) was covered by the program  
42 at the time of terminating full-time employment as a judge with the  
43 State, and (d) was eligible for health care benefits coverage in  
44 retirement under the program paid in full or in part by the State at the  
45 time of terminating full-time employment as a judge with the State.

46 The health care benefits coverage in retirement under the program  
47 to which the former State employee is entitled shall be deferred. The

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1 former State employee shall notify the program of the date on which  
2 employment as **[a county prosecutor or as]** the Administrative  
3 Director of the Courts is terminated and the deferred retirement is to  
4 commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1).  
5 The former State employee and the employee's dependents shall be  
6 enrolled in the program as soon as feasible after that termination date  
7 and shall be entitled to such health care benefits coverage and  
8 payments for such coverage as the former State employee was eligible  
9 on the date terminating full-time employment as a judge with the  
10 State.<sup>1</sup>

11 (cf: P.L.2021, c.329, s.2)

12

13 <sup>1</sup>**[2.]** 7.<sup>1</sup> This act shall take effect immediately.