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CL/JA

P.L. 2023, CHAPTER 31, *approved April 3, 2023*
Senate, No. 3558 (*First Reprint*)

1 AN ACT concerning ¹**the receipt of**¹ annuities ¹**by a member** for
2 certain former members¹ of the Judicial Retirement System who
3 filed for¹ deferred retirement and ¹**amending P.L.2019, c.287**
4 supplementing P.L.1973, c.140 (C.43:6A-1 et seq.)¹.

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

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

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

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

¹Assembly AAP committee amendments adopted March 23, 2023.

1 mandatory retirement for JRS to the first day of the month
2 following the termination of the member's service in the position of
3 county prosecutor or of Administrative Director of the Courts.

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

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

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

28 A person who deferred retirement pursuant to this section
29 between November 1, 2020 and the effective date of
30 P.L. , c. (C.)(pending before the Legislature as this bill) and
31 had received annuities from a State-administered retirement account
32 while a member of the Judicial Retirement System pursuant to
33 section 14 of P.L.1973, c.140 (C.43:6A-14), which annuities ceased
34 upon commencing service as a county prosecutor or as the
35 Administrative Director of the Courts, may apply to the Division of
36 Pensions and Benefits to have the annuities that were received by
37 such person while a member of the Judicial Retirement System
38 reactivated during such person's service as a county prosecutor or
39 as the Administrative Director of the Courts.

40 (cf: P.L.2022, c.94, s.1)】¹

41

42 ¹A person who deferred retirement pursuant to section 1 of P.L.
43 2019, c.287 (C.43:6A-11.1) between November 1, 2020 and the
44 effective date of this act, P.L. , c. (C.) (pending before the
45 Legislature as this bill), and had received annuities from a State-
46 administered retirement account while a member of the Judicial
47 Retirement System pursuant to section 14 of P.L. 1973, c.140
48 (C.43:6A-14), which annuities ceased upon commencing service as a
49 county prosecutor or as the Administrative Director of the Courts, may
50 notify the Division of Pensions and Benefits of the person's election to

1 have the annuities that were received by such person while a member
2 of the Judicial Retirement System reactivated during such person's
3 service as a county prosecutor or as the Administrative Director of the
4 Courts.¹

5

6 2. This act shall take effect immediately¹, and shall be retroactive
7 to November 1, 2020¹.

8

9

10

11

12 Permits receipt of retirement annuities by certain members of JRS
13 who filed for deferred retirement.

SENATE, No. 3558

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Permits member of JRS who deferred retirement under certain circumstances to request reactivation of suspended annuities from another State-administered retirement system.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the receipt of annuities by a member of the
2 Judicial Retirement System who 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.

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, not including annuities.
12 The person and the person's dependents shall be eligible for health
13 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 A person who deferred retirement pursuant to this section
21 between November 1, 2020 and the effective date of
22 P.L. , c. (C.)(pending before the Legislature as this bill) and
23 had received annuities from a State-administered retirement account
24 while a member of the Judicial Retirement System pursuant to
25 section 14 of P.L.1973, c.140 (C.43:6A-14), which annuities ceased
26 upon commencing service as a county prosecutor or as the
27 Administrative Director of the Courts, may apply to the Division of
28 Pensions and Benefits to have the annuities that were received by
29 such person while a member of the Judicial Retirement System
30 reactivated during such person's service as a county prosecutor or
31 as the Administrative Director of the Courts.

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

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill permits a member of the Judicial Retirement System
40 (JRS) who deferred retirement between November 1, 2020 and the
41 effective date of this bill and had received annuities from a State-
42 administered retirement system while a member of the JRS, which
43 annuities ceased upon commencing service as a county prosecutor
44 or as the Administrative Director of the Courts, to apply to the
45 Division of Pensions and Benefits to have the annuities that were
46 received by such person while a member of the Judicial Retirement
47 System reactivated during such person's service as a county
48 prosecutor or as the Administrative Director of the Courts.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3558

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3558.

As amended by the committee, this bill allows a person who resigned as a judge and deferred retirement from the Judicial Retirement System (JRS) between November 1, 2020 and the effective date of this bill, to serve as a county prosecutor or as the Administrative Director of the Courts, and who had received in-service annuities while a member of the JRS, to elect to have the annuities that were received by such person reactivated during that person's service as a county prosecutor or as the Administrative Director of the Courts.

A person electing to reactivate in-service annuities pursuant to this bill would receive annuities from the time the person commenced service as county prosecutor or Administrative Director of the Courts until the conclusion of such service, including any back payments for the period from the date the annuities ceased until the date of the notification to the Division of Pensions and Benefits.

Under current law, a member of the JRS may collect annuities from another State-administered retirement system from which they are eligible for benefits while continuing to serve as a judge.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) provide that the person may notify the Division of Pensions and Benefits of the person's election to reactivate the annuities, rather than requiring an application to do so; and

(2) make the effective date retroactive to November 1, 2020.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3558

STATE OF NEW JERSEY

DATED: MARCH 13, 2023

The Senate Judiciary Committee reports favorably Senate Bill No. 3558.

This bill permits a member of the Judicial Retirement System (JRS) who deferred retirement between November 1, 2020 and the effective date of this bill (immediately upon enactment), and had received annuities from a State-administered retirement system while a member of the JRS, which annuities ceased upon commencing service as a county prosecutor or as the Administrative Director of the Courts, to apply to the Division of Pensions and Benefits to have the annuities that were received by such person while a member of the JRS reactivated during such person's service as a county prosecutor or as the Administrative Director of the Courts.

ASSEMBLY, No. 5264

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2023

Sponsored by:

Assemblyman REGINALD W. ATKINS

District 20 (Union)

SYNOPSIS

Permits member of JRS who deferred retirement under certain circumstances to request reactivation of suspended annuities from another State-administered retirement system.

CURRENT VERSION OF TEXT

As introduced.



A5264 ATKINS

2

1 AN ACT concerning the receipt of annuities by a member of the
2 Judicial Retirement System who 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

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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, not including annuities.
12 The person and the person's dependents shall be eligible for health
13 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 A person who deferred retirement pursuant to this section
21 between November 1, 2020 and the effective date of
22 P.L. , c. (C.)(pending before the Legislature as this bill) and
23 had received annuities from a State-administered retirement account
24 while a member of the Judicial Retirement System pursuant to
25 section 14 of P.L.1973, c.140 (C.43:6A-14), which annuities ceased
26 upon commencing service as a county prosecutor or as the
27 Administrative Director of the Courts, may apply to the Division of
28 Pensions and Benefits to have the annuities that were received by
29 such person while a member of the Judicial Retirement System
30 reactivated during such person's service as a county prosecutor or
31 as the Administrative Director of the Courts.

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

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill permits a member of the Judicial Retirement System
40 (JRS) who deferred retirement between November 1, 2020 and the
41 effective date of this bill and had received annuities from a State-
42 administered retirement system while a member of the JRS, which
43 annuities ceased upon commencing service as a county prosecutor
44 or as the Administrative Director of the Courts, to apply to the
45 Division of Pensions and Benefits to have the annuities that were
46 received by such person while a member of the Judicial Retirement
47 System reactivated during such person's service as a county
48 prosecutor or as the Administrative Director of the Courts.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5264

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5264.

As amended by the committee, this bill allows a person who resigned as a judge and deferred retirement from the Judicial Retirement System (JRS) between November 1, 2020 and the effective date of this bill, to serve as a county prosecutor or as the Administrative Director of the Courts, and who had received in-service annuities while a member of the JRS, to elect to have the annuities that were received by such person reactivated during that person's service as a county prosecutor or as the Administrative Director of the Courts.

A person electing to reactivate in-service annuities pursuant to this bill would receive annuities from the time the person commenced service as county prosecutor or Administrative Director of the Courts until the conclusion of such service, including any back payments for the period from the date the annuities ceased until the date of the notification to the Division of Pensions and Benefits.

Under current law, a member of the JRS may collect annuities from another State-administered retirement system from which they are eligible for benefits while continuing to serve as a judge.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) provide that the person may notify the Division of Pensions and Benefits of the person's election to reactivate the annuities, rather than requiring an application to do so; and

(2) make the effective date retroactive to November 1, 2020.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.

Governor Murphy Takes Action on Legislation

04/3/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

SCS for S-2866/ACS for A-4372 (Scutari/Greenwald, Murphy) - Establishes "Elections Transparency Act," requires reporting of campaign contributions in excess of \$200; increase contribution limits; concerns independent expenditure committees, certain business entity contributions, and certain local provisions; requires appropriation

S-3558/A-5264 (Smith, Scutari/Atkins) - Permits receipt of retirement annuities by certain members of JRS who filed for deferred retirement