

N.J.S. 18A:16-6

March 25, 1970

LEGISLATIVE HISTORY 18A:16-6
(Indemnity of officers and employees against civil actions)

COPY NO. 1
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- L. 1965 - Chapter 205 - S284
April 26 - Introduced by Dumont.
Not amended during passage.
Bill had statement. (copy enclosed)
Governor made statement upon signing. (copy enclosed)
- L. 1967 - Chapter 167 - A244
January 23 - Introduced by Hauser and Bateman.
Not amended during passage.
Statement: This bill extends the present liability protection for
teachers to include student teachers.

RSL/EH
GC-Yes

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3 in a final disposition in favor of such employee, the board of education
4 shall reimburse him for the cost of defending such proceeding, including rea-
5 sonable counsel fees and expenses of the original hearing or trial and all
6 appeals.

CHAPTER 205 LAWS OF N. J. 1965

APPROVED 12-21-65

SENATE, No. 284

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1965

By Senator DUMONT

Referred to Committee on Education

AN ACT concerning education supplementing Title 18 and repealing sections 18:5-50.2 and 18:5-50.3 of the Revised Statutes and chapter 311 of the laws of 1938.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Whenever any civil action has been brought against any person hold-
2 ing any office, position or employment under the jurisdiction of any board of
3 education of this State for any act or omission arising out of and in the
4 course of the performance of the duties of such office, position or employment,
5 the board of education shall defray all costs of defending such action, in-
6 cluding reasonable counsel fees and expenses, together with costs of appeal,
7 if any, and shall save harmless and protect such person from any financial
8 loss resulting therefrom; and said board of education may arrange for and
9 maintain appropriate insurance to cover all such damages, losses and ex-
10 penses.

1 2. Should any criminal action be instituted against any employee for
2 any such act or omission and should such proceeding be dismissed or result
3 in a final disposition in favor of such employee, the board of education
4 shall reimburse him for the cost of defending such proceeding, including rea-
5 sonable counsel fees and expenses of the original hearing or trial and all
6 appeals.

1 3. Sections 18:5-50.2 and 18:5-50.3 of the Revised Statutes and chapter
2 311 of the laws of 1938 (c. 18:5-50.4) are repealed.

1 4. This act shall take effect immediately.

STATEMENT

For over 25 years, New Jersey school employees have had legal protection in the event a damage suit is instituted. Each school board is now required to save harmless and protect its employees from financial loss arising from any damage suit or judgment for an act or omission arising out of the performance of his duties. A board may arrange to carry insurance or it may elect to act as self-insurers. The board of education is also required to furnish counsel to defend employees being sued and must defray the fees and expenses of such counsel.

This bill broadens the protection now granted for damage suits to cover any civil action arising out of the performance of duty. The board of education would defray the cost of defense including the costs of appeals and would as in the present law "save harmless" and protect the employee from any financial loss.

This bill also proposes legal help under limited circumstances in the event of a criminal action against an employee. The board of education would be required to reimburse the employee for defense costs and counsel fees, for the original hearing or trial, and for all appeals, provided the action is dismissed or results in a final disposition in favor of such employee. Employees who are found guilty would be responsible for paying their own expenses.

CHAPTER 167 LAWS OF N. J. 1967

APPROVED 7-28-67
ASSEMBLY, No. 244

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1967

By Assemblymen HAUSER and BATEMAN

Referred to Committee on Education

AN ACT to amend "An act concerning education supplementing Title 18 and repealing sections 18:5-50.2 and 18:5-50.3 of the Revised Statutes and chapter 311 of the laws of 1938," approved December 21, 1965 (P. L. 1965, c. 205).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. Section 1 of the act of which this act is amendatory is amended
4 to read as follows:

5 1. Whenever any civil action has been brought against any person
6 holding any office, position or employment under the jurisdiction
7 of any board of education of this State, *including any student*
8 *teacher*, for any act or omission arising out of and in the course of
9 the performance of the duties of such office, position, **[or]** employ-
10 ment**[,]** *or student teaching*, the board of education shall defray
11 all costs of defending such action, including reasonable counsel fees
12 and expenses, together with costs of appeal, if any, and shall save
13 harmless and protect such person from any financial loss resulting
14 therefrom; and said board of education may arrange for and
15 maintain appropriate insurance to cover all such damages, losses
16 and expenses.

17 2. Section 2 of this act of which this act is amendatory is amended
18 to read as follows:

19 2. Should any criminal action be instituted against any **[em-**
20 **ployee]** *such person* for any such act or omission and should such
21 proceeding be dismissed or result in a final disposition in favor of
22 such **[employee]** *person*, the board of education shall reimburse
23 him for the cost of defending such proceeding, including reasonable
24 counsel fees and expenses of the original hearing or trial and all
25 appeals.

26 3. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

STATEMENT

This bill extends the present liability protection for teachers to include student teachers.