

July, 1959

History and background of Chapter 67, Laws of 1946 and Chapter 103, Laws of 1947.

1946

Senate 26. Introduced by Mr. Pascoe (Union County)

An Act providing for legal aid to police officers in suits against them arising from incidents in the line of duty.

Statement:

The object of this act is to provide legal aid for police officers who are subjected to suits because of the performance of their duty. This is a fair proposition and will increase the morale of police departments.

January 28	Introduced and 1st reading, to Committee on Municipalities.
February 11	Reported favorably, without amendment, 2nd reading.
March 4	Passed in Senate, 19-0.
March 12	Received in Assembly - 1st reading; to Committee on Municipalities.
March 18	Reported favorably; without amendment.
April 8	Passed in Assembly 55-0.
April 12	Approved, Chapter 67.

1947

Senate 12. Introduced by Mr. Pascoe.

An Act to amend the title of "An act providing for legal aid to police officers in suits against them arising from incidents in the line of duty", approved April twelfth, one thousand nine hundred and forty-six (P.L. 1946, C. 67), so that the same shall read "An act providing for legal aid to police officers and firemen in suits or other legal proceedings against them arising from incidents in the line of duty", and to amend the body of said act.

Statement:

Chapter 67, P.L. 1946 provides legal aid to members of police departments who are subjected to suits arising out of the performance of their duty. The members of municipal fire departments are entitled to the same consideration as police officers where firemen are subjected to suits arising out of the performance of duty. This bill simply extends equal protection to firemen.

January 27 - Introduced, Judiciary Committee.
February 3 - Reported.
February 3 - Read second time.
February 10 - Passed in Senate, 18-0.
March 3 - Received by Assembly.
March 10 - Reported with committee amendments.
March 10 - Read second time.
March 18 - Passed in Assembly.
March 25 - Assembly amendment passed in Senate, 16-0.
May 6 - Approved, Chapter 103.

July 30, 1959

In response to your request for this history and background of Chapter 67, Laws of 1948 and Chapter 103, Laws of 1947, we are sending you the attached schedule of the progress of both laws through the Legislature, along with the statements on the bills.

We have checked for earlier bills on this subject for the period 1940-1945, but find that 1946 is the first year such a bill was introduced. We also checked the Newark News file for the 1946 period, but find they noted only that the bill was passed and signed by the Governor.

The Journal of the Senate and Minutes of the Assembly do not record floor debate or committee reports. Senator Herbert J. Pascoe of Elizabeth, who introduced both bills, died in 1953.

On the copy of Chapter 103, Laws of 1947, which we are enclosing, the material underlined in red indicated the matter added by Assembly amendment to Senate 12, adopted March 10, 1947.

Very truly yours,

Rebecca Schlam
Acting Legislative Reserach Librarian

RS/jmg
Encl.

INTRODUCED JANUARY 28, 1946

By Mr. PASCOE

Referred to Committee on Municipalities

AN ACT providing for legal aid to police officers in suits against them arising
from incidents in the line of duty.

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

1 1. Where a member of any police department is made a defendant in any
2 suit arising out of the performance of police duty or out of any incident aris-
3 ing in the line of such duty, the officer, board or body in control of such police
4 department shall provide all necessary legal aid necessary for the defense of
5 such suit.

1 2. This act shall take effect immediately.

STATEMENT

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AN ACT to amend the title of "An act providing for legal aid to police officers in suits against them arising from incidents in the line of duty," approved April twelfth, one thousand nine hundred and forty-six (P. L. 1946, c. 67), so that the same shall read "An act providing for legal aid to police officers and firemen in suits or other legal proceedings against them arising from incidents in the line of duty," and to amend the body of said act.

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

1 1. The title of "An act providing for legal aid to police officers in suits
2 against them arising from incidents in the line of duty," approved April
3 twelfth, one thousand nine hundred and forty-six, is amended to read "An act
4 providing for legal aid to police officers and firemen in suits or other legal
5 proceedings against them arising from incidents in the line of duty."

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

3 1. Where a member of any police or fire department is made a defendant
4 in any suit or other legal proceeding arising out of the performance of po-
5 lice or fire duty or out of any incident arising in the line of such duty, the of-
6 ficer, board or body in control of such police or fire department shall provide
7 all necessary legal aid necessary for the defense of such suit or other legal
8 proceeding.

1 3. This act shall take effect immediately.

STATEMENT

Chapter 67, P. L. 1946 provides legal aid to members of police departments who are subjected to suits arising out of the performance of their duty. The members of municipal fire departments are entitled to the same consideration as police officers where firemen are subjected to suits arising out of the performance of duty. This bill simply extends equal protection to firemen.

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ADOPTED MARCH 10, 1947

Page 1, section 2, line 8, change the period to a semicolon and add "*Provided*, this shall not apply to any disciplinary or criminal proceeding instituted against such policeman or fireman by the municipality in which he is employed."

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