

59:12-1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 59:12-1

(Legal defenses--  
costs--state  
officials)

LAWS OF: 1989

CHAPTER: 77

Bill No: A2391

Sponsor(s): Brown & Haytaian

Date Introduced: February 2, 1988

Committee: Assembly: Judiciary; Appropriations

Senate: Revenue Fianance & Appropriations; Judiciary

Amended during passage: Yes Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: May 16, 1988

Senate: March 2, 1989

Date of Approval: April 24, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 3-28-88 & 5-9-88

Senate: Yes 6-16-88 & 10-20-88

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See Utah Statutes 63:30-36

[FIRST REPRINT]  
ASSEMBLY, No. 2391

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1988

By Assemblymen BROWN and HAYTAIAN

1 AN ACT providing for the payment of certain claims against the  
State relating to actions brought against State officers and  
3 making an appropriation.

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

7 1. If any criminal action is instituted against any State officer  
based upon an act or omission of that officer <sup>1</sup>[in his capacity as  
9 a State officer] arising out of and directly related to the lawful  
exercise of his official duties<sup>1</sup> or under color of his authority, and  
11 that action is dismissed or results in a final disposition in favor of  
that officer, the State shall reimburse the officer for the cost of  
13 defending the action, including reasonable attorney's fees and  
costs of trial and appeals.

15 2. A claim for reimbursement shall be filed within the time  
and in the manner provided for claims for damage or injury under  
17 chapter 8 of Title 59 of the New Jersey Statutes, except where  
the procedure prescribed in that chapter is inconsistent with the  
19 nature of a claim resulting from a criminal action.

21 3. Notwithstanding the provisions of section 2 of this act, this  
act shall apply to claims arising prior to the effective date of this  
act provided they are filed within two years after the <sup>1</sup>[cause of  
23 action arises] dismissal or final disposition of the criminal action  
referred to in section 1<sup>1</sup>.

25 4. There is appropriated from the General Fund the sum of  
\$1,000,000.00 to the fund established pursuant to N.J.S. 59:12-1,  
27 to be placed in a special account therein for the purpose of  
providing for the payment of claims filed pursuant to this act in  
29 the manner prescribed in N.J.S. 59:12-1.

5. 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAP committee amendments adopted May 9, 1988.

ASSEMBLY, No. 2391

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1988

By Assemblymen BROWN and HAYTAIAN

1 AN ACT providing for the payment of certain claims against the  
State relating to actions brought against State officers and  
3 making an appropriation.

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

7 1. If any criminal action is instituted against any State officer  
based upon an act or omission of that officer in his capacity as a  
9 State officer or under color of his authority, and that action is  
dismissed or results in a final disposition in favor of that officer,  
11 the State shall reimburse the officer for the cost of defending the  
action, including reasonable attorney's fees and costs of trial and  
13 appeals.

2. A claim for reimbursement shall be filed within the time  
15 and in the manner provided for claims for damage or injury under  
chapter 8 of Title 59 of the New Jersey Statutes, except where  
17 the procedure prescribed in that chapter is inconsistent with the  
nature of a claim resulting from a criminal action.

19 3. Notwithstanding the provisions of section 2 of this act, this  
act shall apply to claims arising prior to the effective date of this  
21 act provided they are filed within two years after the cause of  
action arises.

23 4. There is appropriated from the General Fund the sum of  
\$1,000,000.00 to the fund established pursuant to N.J.S. 59:12-1,  
25 to be placed in a special account therein for the purpose of  
providing for the payment of claims filed pursuant to this act in  
27 the manner prescribed in N.J.S. 59:12-1.

5. This act shall take effect immediately.

29

31 STATEMENT

33 This bill provides for the reimbursement by the State of legal  
expenses incurred by its officers in the defense of certain  
35 criminal actions brought against them in their official capacity or  
under color of their authority, where the action is dismissed or

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2391

STATE OF NEW JERSEY

DATED: MARCH 28, 1988

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2391.

Assembly Bill No. 2391 provides for the payment of legal expenses incurred in defense of criminal actions against a State officer based upon an act or omission in his capacity as a State officer, or under color of authority, provided the final disposition of the matter is in favor of the defendant. In that case the State will reimburse the individual for the attorney fees and court costs. A person seeking reimbursement must file a timely claim as provided in the New Jersey Tort Claims Act.

This bill is retroactive and if enacted will apply to claims arising prior to the effective date if they are filed within two years after the cause of action arises.

There is a \$1 million appropriation to be placed in a special account for the payment of claims filed pursuant to this act.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2391**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 9, 1988

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2391 and with committee amendments .

Assembly Bill No. 2391, as amended, provides for the reimbursement by the State of certain legal expenses incurred by its officers, and appropriates \$1,000,000 to a special account for this purpose.

Legal expenses may be reimbursed under the bill if they were incurred in the defense of certain criminal actions brought against the official based upon acts arising out of the law and exercise of his official duties or under color of his authority, where the action is dismissed or they are acquitted. Claims for reimbursement must be filed within two years after dismissed or final disposition of the criminal action.

FISCAL IMPACT

This bill appropriates \$1,000,000 from the General Fund to the fund established pursuant to N.J.S. 59:12-1 for payment of tort claims against the State.

COMMITTEE AMENDMENTS:

The committee amendments, adapted at the request of the Attorney General's office, make two changes. First, the criminal actions against State officers, for which reimbursement may be sought, must be based on acts or omissions arising out of and directly related to the lawful exercise of his official duties, rather than acts or omissions, in his capacity as a State officer. Second, the two year period within which claims must be filed is clarified to start with the dismissal or final disposition of the criminal action against the State officer.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2391

STATE OF NEW JERSEY

DATED: JUNE 16, 1988

The Senate Judiciary Committee reports favorably Assembly Bill No. 2391 (1R).

The bill provides for the reimbursement by the State of certain legal expenses incurred by State officials and appropriates \$1,000,000 to a special account for this purpose. Legal expenses may be reimbursed if they were incurred in the defense of a criminal action brought against an official based on acts or omissions arising out of and directly related to the lawful exercise of his official duties where the action is dismissed or the official is acquitted. Claims for reimbursement must be filed within two years after the dismissal or final disposition of the criminal action.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2391

STATE OF NEW JERSEY

DATED: OCTOBER 20, 1988

The Senate Revenue, Finance and Appropriations Committee reported Assembly Bill 2391 (1R) favorably.

Assembly Bill 2391 (1R) provides for the reimbursement by the State of certain legal expenses incurred by its officers, and appropriates \$1,000,000 to a special account for this purpose.

Legal expenses may be reimbursed under the bill if they were incurred in the defense of certain criminal actions brought against a State official based upon acts arising out of the lawful exercise of his official duties or under color of his authority, where the action is dismissed or the official is acquitted. Claims for reimbursement must be filed within two years after dismissal or final disposition of the criminal action.

Assembly Bill 2391 (1R) is identical to Senate Bill 2594.

FISCAL IMPACT

This bill appropriates \$1,000,000 from the General Fund to the fund established pursuant to N.J.S. 59:12-1 for payment of certain tort claims against the State.



OFFICE OF THE GOVERNOR

**NEWS RELEASE**

G61  
Governor Thomas H. Kean  
TRENTON, N.J. 08625  
Release: MON., 4/24/89

CN-001

Contact: CARL GOLDEN  
609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed legislation appropriating \$100,000 to meet the costs of legal expenses in criminal actions against an officer of the state.

Kean signed the bill, A-2391, after first reducing the amount of money from \$1 million, as originally requested by the Legislature, to \$100,000. The bill was sponsored by Assemblymen Willie Brown, D-Essex, and Garabed Haytaian, R-Warren. An identical bill, S-2594, was approved in the Senate under the sponsorship of Senator Carmen Orechio, D-Essex.

The legislation provides for the payment of legal expenses incurred by a state officer who was charged with a criminal offense arising from and directly related to the exercise of his official duties and who was exonerated in the courts.

#####