

40A:9-117.6 to 40A:9-117.13

LEGISLATIVE HISTORY CHECKLIST

(Court attendants and sheriffs officers--  
classifications unify)

NJSA 40A:9-117.6 to 40A:9-117.13

LAWS 1982

CHAPTER 133

Bill No. S1021

Sponsor(s) Gregorio

Date Introduced Feb. 25, 1982

Committee: Assembly County Government

Senate Judiciary

Amended during passage Yes No Senate Committee Substitute enacted

Date of Passage: Assembly July 8, 1982

Senate June 28, 1982

Date of approval Sept. 14, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Appellate decision, mentioned in Governor's press release:  
Clark v. N.J. Dept. of Civil Service (1977)--unpublished opinion.

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SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1021

**STATE OF NEW JERSEY**

ADOPTED JUNE 10, 1982

AN ACT concerning sheriff's officers.

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

1 1. The sheriff of each county shall, subject to any personnel  
2 policies established by the governing body of the county, appoint  
3 such persons as may be necessary, to the position of sheriff's officer,  
4 pursuant to the provisions of Title 11 of the Revised Statutes,  
5 where applicable, to perform the duties involved in attending the  
6 courts heretofore performed by court attendants, or in serving  
7 court processes, or in the investigation and apprehension of  
8 violators of the law, or in criminal identification, or in ballistics, or  
9 in any related work which the sheriff shall, from time to time,  
10 prescribe and as shall be determined to be appropriate by the  
11 Civil Service Commission. Except as provided herein, no such  
12 officer shall be assigned to any penal institution, jail, penitentiary,  
13 county correction center, or workhouse for the purpose of guarding,  
14 having custody of, or being charged with the rehabilitation of any  
15 inmate housed therein, except upon emergency conditions. Any  
16 sheriff's officer who, on the effective date of this act, is assigned  
17 to any penal institution, jail, penitentiary, county correction center,  
18 or workhouse for the purpose of guarding, having custody of, or  
19 being charged with the rehabilitation of any inmate housed therein,  
20 may continue to serve in such capacity until such officer is re-  
21 assigned or terminated at which time the position shall be filled  
22 with an individual in a title appropriate to the duties to be  
23 performed.

1 2. Any person who is appointed on or after the effective date of  
2 this act to perform the duties set forth in section 1 of this act shall  
3 be appointed as a sheriff's officer.

1 3. Every duly appointed employee holding permanent civil service  
 2 status in a title the functions of which encompass the performance  
 3 of duties set forth in section 1 of this act, may apply to the sheriff  
 4 for appointment as a sheriff's officer within 30 days after the  
 5 effective date of this act, and shall be so appointed to the corre-  
 6 sponding level sheriff's officer title and be granted permanent civil  
 7 service status upon meeting the training qualifications for the  
 8 position of sheriff's officer. Training shall be waived if the appli-  
 9 cant has graduated from a police training school or has ten or  
 10 more years in the position of court attendant.

11 If no application is made, the employee's title shall remain in  
 12 effect, together with all duties, benefits, privileges and powers  
 13 pertaining thereto. If application is made and the applicant shall  
 14 fail to meet the qualifications for sheriff's officer within a reasonable  
 15 period as the Civil Service Commission shall prescribe, the em-  
 16 ployee's title shall remain in effect as if no application had been  
 17 made.

1 4. Seniority for employees appointed as sheriff's officers pursuant  
 2 to this act shall be calculated so as to include permanent time in  
 3 grade in their former titles for civil service purposes. All employees  
 4 who, on the effective date of this act, held provisional civil service  
 5 status in a title the functions of which encompass duties set forth  
 6 in section 1 of this act, shall be reclassified by the Civil Service  
 7 Commission under the appropriate level sheriff's officer title and  
 8 may continue in a provisional status pending the regular civil  
 9 service examination process.

1 5. Sheriff's officers appointed under the provisions of this act  
 2 shall have the duties, benefits and powers conferred by law on  
 3 sheriff's officers, and their compensation shall be as recommended  
 4 by the sheriff and approved by the governing body of the county,  
 5 pursuant to the budgetary procedures established for the county.

1 6. Nothing in this act shall permit the decrease of compensation  
 2 paid to persons employed as of the effective date of the act, who  
 3 shall receive appointments as sheriff's officers pursuant to this act.

1 7. Any person who is over 35 years of age on the effective date  
 2 of this act, and who is subsequently appointed as a sheriff's officer  
 3 pursuant to this act, shall remain a member of the retirement  
 4 system of which he is a member on that date.

1 8. a. Any person who is 35 years of age or younger on the effective  
 2 date of this act, and who is subsequently appointed as a sheriff's  
 3 officer pursuant to this act, shall be permitted to transfer his  
 4 membership in the Public Employees' Retirement System of New  
 5 Jersey under P. L. 1954, c. 84 (C. 43:15A-1 et seq.), or in a county

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6 pension fund created under P. L. 1943, c. 160 (C. 43:10-18.1 et seq.)  
7 or P. L. 1948, c. 310 (C. 43:10-18.50 et seq.) or article 1 of chapter  
8 10 of Title 43 of the Revised Statutes (R. S. 43:10-1 et seq.) to the  
9 Police and Firemen's Retirement System of New Jersey established  
10 by P. L. 1944, c. 255 (C. 43:16A-1 et seq.) by waiving all rights  
11 and benefits which would otherwise be provided by the Public Em-  
12 ployees' Retirement System of New Jersey or county pension fund  
13 and making a lump sum payment into the Police and Firemen's  
14 Retirement System of New Jersey annuity savings fund of the  
15 amount of the difference between the contribution which was paid  
16 as a member of the Public Employees' Retirement System of New  
17 Jersey or county pension fund and the contribution that would have  
18 been required if he had been a member of the Police and Firemen's  
19 Retirement System of New Jersey since the date of last enrolling  
20 in the Public Employees' Retirement System of New Jersey or a  
21 county pension fund. In addition, the employee shall be liable for  
22 any payment to the retirement system that the employer would  
23 have been required to make on behalf of the member for the  
24 purchase of such credit; this payment may be made in regular  
25 monthly installments or in a lump sum, as the employee may elect,  
26 and pursuant to rules and regulations as may be promulgated by  
27 the Division of Pensions. He may also be permitted to continue  
28 his membership in the Public Employees' Retirement System of  
29 New Jersey or county pension fund by waiving all rights and  
30 benefits which would otherwise be provided by the Police and  
31 Firemen's Retirement System of New Jersey. Any waiver shall  
32 be accomplished by filing forms satisfactory to the Division of  
33 Pensions, which is responsible for the administration of the Police  
34 and Firemen's Retirement System of New Jersey, within 90 days  
35 following the date of appointment. In the absence of a filing of a  
36 timely waiver by the person, his pension status shall remain  
37 unchanged and his membership shall not be transferred to the  
38 Police and Firemen's Retirement System of New Jersey.

39 b. The transfer of membership from the Public Employees'  
40 Retirement System of New Jersey or county pension fund to the  
41 Police and Firemen's Retirement System of New Jersey shall be  
42 done in accordance with the provisions of P. L. 1973, c. 156  
43 (C. 43:16A-62 et seq.) and this act. Whenever in P. L. 1973, c. 156  
44 a period of time is set which is to be calculated from the effective  
45 date of that act, the time shall be calculated from the date of  
46 appointment as sheriff's officer pursuant to this act for the  
47 purposes hereof.

1 9. This act shall take effect immediately.

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SENATE, No. 1021

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 25, 1982

By Senators GREGORIO and GRAVES

Referred to Committee on Judiciary

AN ACT concerning sheriff's officers.

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

1 1. The sheriff of each county shall, subject to any personnel  
2 policies established by the governing body of the county, appoint  
3 such persons and as many thereof, as may be necessary, to the posi-  
4 tion of sheriff's officer, pursuant to the provisions of Title 11 (Civil  
5 Service) of the Revised Statutes, where applicable, to perform the  
6 duties required heretofore to be performed by court attendants or  
7 as assigned to related work in the office of the sheriff as the sheriff  
8 shall from time to time prescribe, except that no such officer shall be  
9 assigned to any penal institution, jail, penitentiary, county correc-  
10 tion center, or workhouse for the purpose of guarding, having  
11 custody of, or being charged with the rehabilitation of any inmate  
12 housed therein, except upon emergency conditions.

1 2. Every duly appointed permanent court attendant serving upon  
2 the effective date of this act may apply to the sheriff for designa-  
3 tion as a sheriff's officer within 30 days after the effective date of  
4 this act and shall be so designated upon meeting the training quali-  
5 fications for the position of sheriff's officer. If no application is  
6 made, the court attendant's title shall remain in effect, together with  
7 all duties, benefits, privileges and powers pertaining thereto. If  
8 application is made and the applicant shall fail to meet the quali-  
9 fications for sheriff's officer within a reasonable period as the  
10 Civil Service Commission shall prescribe, the court attendant's  
11 title shall remain in effect as if no application had been made.

12 On and after the effective date of this act, all persons appointed  
 13 to perform the duties heretofore performed by court attendants  
 14 shall be designated as sheriff's officers. Seniority as a court attend-  
 15 ant shall be calculated as time in grade as a sheriff's officer for  
 16 promotional advancements.

1 3. Sheriff's officers designated or appointed under the provisions  
 2 of this act shall have the duties, benefits and powers conferred by  
 3 law on sheriff's officers.

4 Nothing in this act shall permit the decrease of compensation  
 5 paid to sheriff's officers as of the effective date of this act.

1 4. This act shall take effect immediately.

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#### SPONSORS STATEMENT

This bill would unify the classifications of sheriff's officers and court attendants.

Under the provisions of the bill, any court attendant would be permitted to apply, within 30 days of the effective date, for designation as a sheriff's officer. Any court attendant who so applied would be designated a sheriff's officer provided he meets the training qualifications required of a sheriff's officer pursuant to the provisions of N. J. S. A. 52:17B-67. The necessity for such a qualification is reflected in N. J. S. 2C:39-6 which authorizes sheriff's officers to carry weapons at all times, while restricting court attendants to carrying weapons only in the course of their duties.

The bill also provides that any court attendant who does not apply to be reclassified as a sheriff's officer or applies and fails to meet the qualifications for the position within a reasonable period, as prescribed by the Civil Service Commission, will retain the title of court attendant.

The bill further provides that on and after the effective date, any person appointed to perform the duties previously undertaken by court attendants shall be designated a sheriff's officer.

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SENATE JUDICIARY COMMITTEE  
STATEMENT TO  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1021

**STATE OF NEW JERSEY**

DATED: JUNE 10, 1982

Senate Committee Substitute for Senate Bill No. 1021 would abolish the position of court attendant and include the duties of court attendant among the duties of sheriff's officer. The provisions of the substitute resulted from a series of discussions between the Department of Civil Service, the Sheriff's Association, the Administrative Office of the Court, various officers' groups and county officials.

Under the bill, a sheriff, subject to county personnel policies, would be able to appoint as many officers as necessary to perform the duties presently performed by court attendants in addition to duties such as process serving, criminal investigation, criminal identification and ballistics. No sheriff's officer, however, could be assigned to duties in a county correctional institution. Those sheriff's officers presently assigned to correctional institutions could continue in their assignment until transfer or termination.

The bill also provides that on and after the effective date, any person appointed to perform the duties previously undertaken by court attendants shall be designated a sheriff's officer.

Additionally, the bill provides that any person presently serving as a court attendant may apply, within 30 days of the bill's effective date, for designation as a sheriff's officer. Any court attendant who so applied would be designated a sheriff's officer provided he meets the training qualifications presently required of a sheriff's officer. Training shall be waived if the applicant has graduated from a police training school or has 10 or more years in the position of court attendant. Any court attendant who does not apply to be reclassified as a sheriff's officer or applies and fails to meet the qualifications for the position within a reasonable period, as prescribed by the Civil Service Commission, will retain the title of court attendant.

No person appointed as a sheriff's officer pursuant to the provisions of the bill would suffer a loss of either compensation or seniority as a result of the enactment of Senate Bill No. 1021 and persons appointed as sheriff's officers pursuant to the bill would have the same duties, benefits and powers conferred by law on sheriff's officers.

The bill provides for the optional transfer of court attendants, who are 35 years or younger, from their current retirement system to the Police and Firemen's Retirement System, of which other sheriff's officers are now members. Court attendants who are over 35 years of age would remain members of their current retirement system. Any person transferring to PFRS, however, would bear the costs of that transfer and would also be required to pay the employer's contribution to PFRS.

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OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE, SEPT. 16, 1982

CONTACT: CARL GOLDEN

Gov. Thomas H. Kean yesterday signed legislation to transfer the duties of court attendants to sheriff's officers.

The bill, S-1021, was sponsored by Sen. John Gregorio, D-Union, and provides that those individuals now serving as court attendants and who cannot meet the criteria for appointment as a sheriff's officer will continue to serve in their present capacities.

The legislation came about as the result of an Appellate Court decision which directed that the duties of sheriff's officers and court attendants be more clearly delineated.

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