

40A: 14-127.1 to 40A: 14-127.3  
LEGISLATIVE HISTORY CHECKLIST

1 NJSA 40A:14-127.1 to 40A:14-127.3 (Municipal police--re-appointment)

LAWS OF 1979 CHAPTER 461

Bill No. S3127

Sponsor(s) Orechio

Date Introduced Feb. 22, 1979

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 3, 1979

Senate May 3, 1979

Date of approval Feb. 27, 1980

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly ~~Yes~~ No

Senate Yes

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes

Following were printed.

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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**SENATE, No. 3127**

**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 22, 1979

By Senator ORECHIO

Referred to Committee on County and Municipal Government

AN ACT concerning the qualifications for the appointment of municipal policemen in certain cases and supplementing Title 40A of the New Jersey Statutes.

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

1 1. Notwithstanding the provisions of any other law to the  
 2 contrary, any former municipal policeman who has separated from  
 3 service \***[voluntarily, and not]**\* \*, *other than*\* by removal for  
 4 cause on charges of misconduct or delinquency, shall be deemed to  
 5 meet the maximum age requirement *\*for appointment\** established  
 6 by N. J. S. 40A:14-127, if his actual age, less the number of years  
 7 of his previous service as a policeman, would meet the maximum  
 8 age requirement established by said section.

1 2. No former policeman who meets the age requirements for  
 2 reappointment under the provisions of this act shall be exempt  
 3 from meeting the general qualifications for appointment provided  
 4 in N. J. S. 40A:14-122.

1 3. The Board of Trustees of the Police and Firemen's Retirement System of New Jersey shall accept as a member of the retirement system any policeman otherwise eligible for membership  
 2 appointed pursuant to this act, provided that he shall contribute  
 3 to the retirement system at a rate based on his current age at the  
 4 time of enrollment.  
 5  
 6

1 4. 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.**

SENATE, No. 3127

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1979

By Senator ORECHIO

Referred to Committee on County and Municipal Government

AN ACT concerning the qualifications for the appointment of municipal policemen in certain cases and supplementing Title 40A of the New Jersey Statutes.

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

1 1. Notwithstanding the provisions of any other law to the  
2 contrary, any former municipal policeman who has separated from  
3 service voluntarily, and not by removal for cause on charges of  
4 misconduct or delinquency, shall be deemed to meet the maximum  
5 age requirement established by N. J. S. 40A:14-127, if his actual  
6 age, less the number of years of his previous service as a policeman,  
7 would meet the maximum age requirement established by said  
8 section.

1 2. No former policeman who meets the age requirements for  
2 reappointment under the provisions of this act shall be exempt  
3 from meeting the general qualifications for appointment provided  
4 in N. J. S. 40A :14-122.

1 3. The Board of Trustees of the Police and Firemen's Retire-  
2 ment System of New Jersey shall accept as a member of the retire-  
3 ment system any policeman otherwise eligible for membership  
4 appointed pursuant to this act, provided that he shall contribute  
5 to the retirement system at a rate based on his current age at the  
6 time of enrollment.

1 4. This act shall take effect immediately.

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STATEMENT

This bill allows any former policeman who separated from service voluntarily to be eligible for reappointment if upon subtracting his prior years service from his age, his adjusted age is not over 35 years. This gives credit for prior service and would permit municipalities to reappoint experienced policemen, thus

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saving costs of training and retaining the value of experience. It will also permit the reappointment of policemen who may have been laid off due to economy to be reappointed after age 35 provided their adjusted age does not exceed that required by this act.

The bill gives credit for prior service by allowing service years deducted from a persons age the same as present law permits for persons serving in the armed forces.

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SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
SENATE, No. 3127

STATE OF NEW JERSEY

DATED: APRIL 23, 1979

The bill allows any former municipal policeman who separated from service to be eligible for appointment if upon subtracting his prior years service from his age, his adjusted age is not over 35 years. The purpose of the bill, according to the sponsor, is to "permit municipalities to reappoint experienced policemen, thus saving costs of training," and to "permit the reappointment of policemen who may have been laid off due to economy." The bill requires the Police and Firemen's Retirement System to accept as a member any person appointed under the legislation, but requires that such person contribute to the system at a rate based on his current age at the time of enrollment.

The Senate committee amendment would conform the bill to the sponsor's stated intention to permit the reappointment of laid-off policemen under the bill, by removing the requirement that a policeman must have left service "voluntarily" to be eligible.

The committee believes that this legislation would have the beneficial effect of removing what has in the past been one of the motivating causes for municipal requests of the Legislature to pass special legislation relating to police appointments.

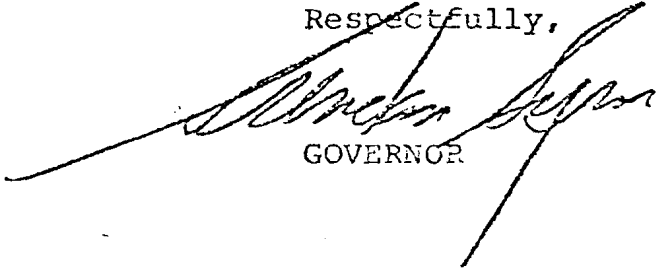
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## PRESS RELEASE

This bill would permit the hiring of a former policeman who is above the age of 35 provided the years of his previous service less his age is under 35 and provided his original separation from service was not due to charges of misconduct or delinquency. The justification for this arises from the injustice of having a veteran serviceman lose his job in a budget crisis and then be too old to reapply. However, no limitation is placed on the length of time between separation from service and reappointment, so that a policeman who is in his forties or fifties and who has been over 10 years out of service could be reappointed. In addition as the bill is written a former policeman could be reappointed when he is close to retirement age and retirement benefits would constitute a windfall to him. The bill does not change the law on police training and retraining and thus the reappointed policeman would have to be retrained to the extent required under present law.

Due to my sympathy with the general purpose of the bill, I have decided to enact it. However, such legislation should be more narrowly drafted to permit reappointment of former policemen who have been out of service for only a short time and to guard against windfalls from the Police and Firemen's Retirement System. Accordingly, I am signing Senate Bill No. 3127 (OCR) but requesting a prompt amendment to establish an upper age limit on such re-entry and a maximum period of separation from service.

Respectfully,



GOVERNOR