

40A:14-28

LEGISLATIVE HISTORY CHECKLIST

NJSA 40A:14-28

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Laws of 1975 Chapter 264

Bill No. A1067

Sponsor(s) Florio & others

Date Introduced Jan. 31, 1974

Committee: Assembly Municipal Govt.

Senate County & Municipal Gov't.

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 6, 1974

Senate April 17, 1975

Date of approval Dec. 19, 1975

Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings No

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SR 264 LAWS OF N. J. 1975
APPROVED 12-19-75

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ASSEMBLY, No. 1067

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen FLORIO, SCHUCK, VAN WAGNER and
Assemblywoman CROCE

Referred to Committee on Municipal Government

AN ACT concerning legal aid to members and officers of volunteer
fire companies and amending N. J. S. 40A:14-28.

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

1 1. N. J. S. 40A:14-28 is amended to read as follows:

2 40A:14-28. Whenever a member or officer of a municipal fire
3 department or force is a defendant in any action or legal proceed-
4 ing arising out of or incidental to the performance of his duties, the
5 governing body of the municipality shall provide said member or
6 officer with ***[necessary means]*** **counsel and costs incidental to*
7 *such representation** for the defense of such action or proceeding,
8 other than for his defense in a disciplinary proceeding instituted
9 against him by the municipality or in a criminal proceeding
10 instituted as a result of a complaint on behalf of the municipality.
11 If any such disciplinary or criminal proceeding instituted by or
12 on complaint of the municipality shall be dismissed or finally
13 determined in favor of the member or officer, he shall be reim-
13a bursed for the expense of his defense.

14 *The provisions of this section shall apply to members and officers*
15 *of all municipal fire departments or forces whether said depart-*
16 *ments or forces be paid, part-paid, or volunteer.*

1 2. 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 COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1067

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1975

Assembly Bill No. 1067 extends to non-paid officers or members of any part-paid department and officers or members of any volunteer fire company when involved as defendants in any legal or disciplinary proceedings, the same assistance as is currently available to paid officers or members of a municipal fire department or force.

Accordingly, municipalities shall, except in the case of disciplinary or criminal proceedings, make available to any volunteer fireman the necessary means for his defense in any action or legal proceeding arising out of or incidental to the performance of his duties. In the case of disciplinary or criminal proceedings, when such proceedings are dismissed or decided in favor of the officer or member, said officer or member shall be reimbursed for the expense of his defense.

The Senate committee amendment deletes the reference to "necessary means" and substitutes the requirement that a municipality provide "counsel and meet any costs incidental to such representation," when any member or officer of any municipal fire department or force, whether of a paid, part-paid or volunteer nature, is a defendant in any action or legal proceeding arising out of or incidental to the performance of his duties.

FROM THE OFFICE OF THE GOVERNOR

DECEMBER 19, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill which ensures that volunteer firemen who are named as defendants in legal proceedings shall be provided with the costs of their defenses.

The measure, A-1067, sponsored by former Assemblyman James Florio, D-Camden, amends an existing law to make it clear that part-paid and volunteer firemen, as well as full-time firemen, are included in the provision for the payment of defense costs arising from law suits.

The bill requires a municipality to provide counsel and the legal costs whenever a fireman is named as a defendant in a law suit resulting from the performance of his duties.

The provision does not apply in cases where a fireman is a defendant in a disciplinary or criminal proceeding instituted by the municipality. But if a disciplinary or criminal proceeding is determined in favor of the fireman, the municipality must reimburse him for the costs of his defense.

Byrne also signed into law a bill, A-1064, which requires governmental agencies to grant leaves of absences with pay to enable a duly authorized representative of the New Jersey Firemen's Association and the New Jersey State Exempt Firemen's Association to attend state or national conventions of the organizations.