

December 28, 1970

LEGISLATIVE HISTORY OF R.S.11:23-2  
(Rehabilitated convict - County or Municipality may employ)  
(1970 amendment)

Related bill introduced:

copy<sup>3</sup>

1970 - A781

L.1970 - Ch.81 - A816.

March 16 - Introduced by Dennis, Kaltenbacher, Wilson.  
Bill had statement (copy enclosed)  
Not amended during passage.  
No hearings or reports were located.

Clipping located (vertical file-N.J.--Prisons and prisoners)  
Prisoners find a helping hand in several bills  
NSL 4-24-70.

A816 and A817 listed as "approved", with reasons  
given in:

974.905  
L51

State Federation District Board  
of Education.  
Legislative bulletin, No.5,  
p.7, May 7, 1970 (copy enclosed).

RSL/EH  
Enclosure

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ASSEMBLY, No. 816

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1970

By Assemblymen DENNIS, KALTENBACHER and WILSON

Referred to Committee on County and Municipal Government

AN ACT relating to the civil service in counties, municipalities and school districts and amending section 11:23-2 of the Revised Statutes.

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

1 1. Section 11:23-2 of the Revised Statutes is amended to read  
2 as follows:

3 11.23-2. The commission may refuse to examine an applicant, or  
4 after examination to certify an eligible who:

5 a. Lacks any of the established preliminary requirements for  
6 examination or position or employment for which he applies; or

7 b. Is so physically disabled as to be rendered unfit for the per-  
8 formance of the duties of the position to which he seeks employ-  
9 ment; or

10 c. Is addicted to the habitual use of intoxicating liquors to ex-  
11 cess; or

12 d. Has been guilty of a crime or of infamous or notoriously  
13 disgraceful conduct; or

14 e. Has been dismissed from the public service for delinquency  
15 or misconduct; or

16 f. Has made false statements of any material fact, or practiced  
17 or attempted to practice deception or fraud in his application, ex-  
18 amination or in securing his eligibility or appointment.

19 If, however, it shall appear that any such person, who is ineligible  
20 under subparagraphs d., e. and f. hereof **[for any reason other**  
21 **than the commission of a high misdemeanor,]** has achieved a degree  
22 of rehabilitation that indicates that his or her employment would  
23 not be incompatible with the welfare of society and the aims and  
24 objectives to be accomplished by the agency of government where

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

25 such person is to be employed, then the chief examiner and secre-  
26 tary *with the concurrence of the appointing authority* may admit  
27 such person to appropriate tests, and subsequently certify such  
28 person as eligible for employment.

29 An applicant or eligible may appeal to the commission from the  
30 action of the chief examiner and secretary in accordance with the  
31 rules established under this subtitle.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill would permit the employment by counties, municipali-  
ties and school districts of persons convicted of high misdemeanors  
who have been rehabilitated. This would be consistent with present  
State and Federal Government practice.

The bill contains the safeguard that the State Civil Service Com-  
mission and the local appointing authority must concur that the  
individual has achieved an appropriate degree of rehabilitation.  
This bill would not permit the employment of such persons in  
police or fire departments.

An additional effect of the bill would permit the employment of  
former drug addicts in county rehabilitation programs. In this  
regard, the program is recommended by the Bureau of Drug Abuse  
Activities in addition to the Department of Civil Service.

This is a companion bill to Assembly Bill No. 817 providing  
similarly for municipalities governed by the Optional Municipal  
Charter Law (Faulkner Act).

titled to the right of collective bargaining and the right to joint or concerted economic action in support thereof.

March 19--Labor Relations Committee.

*This bill grants to public employees the right to strike. The Federation's Legislative Committee urges vigorous opposition to this bill.*

**A-816** Dennis, Kaltenbacher, Wilson--March 16--Permits the employment by counties, municipalities and school districts of persons convicted of a high misdemeanor who have been rehabilitated.

March 16--County and Municipal Government Committee.

April 20--Reported, 2nd reading.

April 23--Passed in Assembly.

April 27--Received in Senate.

April 27--County and Municipal Government Committee.

*This bill would permit the employment by counties, municipalities and school districts of persons convicted of high misdemeanors who have been rehabilitated. This would be consistent with present State and Federal Government practice.*

*The bill contains the safeguard that the State Civil Service Commission and the local appointing authority must concur that the individual has achieved an appropriate degree of rehabilitation. This bill would not permit the employment of such persons in police or fire departments.*

*An additional effect of the bill would permit the employment of former drug addicts in county rehabilitation programs. In this regard, the program is recommended by the Bureau of Drug Abuse Activities in addition to the Department of Civil Service.*

*This is a companion bill to Assembly Bill No. 817 providing similarly for municipalities governed by the Optional Municipal Charter Law (Faulkner Act).*

*The Legislative Committee urges support of this bill. Under present law, persons who have been rehabilitated are unable to secure employment in public service. This is certainly inconsistent with the goals of rehabilitation.*

**A-824** Dawes--March 19--Permits a regional board of education to transfer land to the board of education of a vocational school for the purpose of constructing a vocational school.