

ASSEMBLY, No. 532

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1972

By Assemblyman RAYMOND

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning legal aid to members and officers of police and fire departments or forces and amending N. J. S. 40A:14-28, 40A:14-117 and 40A:14-155.

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 [sued for damage arising from or incidental
4 to] a defendant in any action or legal proceeding arising out of
5 or incidental to the performance of his duties, the governing body
6 of the municipality shall provide said member or officer with neces-
7 sary means for the defense of such [suit] action or proceeding,
8 other than for his defense in a disciplinary [or criminal] proceed-
9 ing instituted against him by the municipality or in a criminal
10 proceeding instituted as a result of a complaint on behalf of the
11 municipality. If any such disciplinary or criminal proceeding
12 instituted by or on complaint of the municipality shall be dismissed
13 or finally determined in favor of the member or officer, he shall be
14 reimbursed for the expense of his defense.

1 2. N. J. S. 40A:14-117 is amended to read as follows:

2 40A:14-117. Whenever a member or officer of a county police
3 department or force is [sued for damages arising from or incidental
4 to] a defendant in any action or legal proceeding arising out of or
5 incidental to the performance of his duties, the board of chosen
6 freeholders of the county shall provide said member or officer with
7 necessary means for the defense of such [suit] action or proceeding,
8 other than for his defense in a disciplinary [or criminal] proceed-
9 ing instituted against him by the county or in a criminal proceeding
10 instituted as a result of a complaint on behalf of the county. If
11 any such disciplinary or criminal proceeding instituted by or on
12 complaint of the county shall be dismissed or finally determined

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

13 *in favor of the member or officer, he shall be reimbursed for the*
14 *expense of his defense.*

1 3. N. J. S. 40A:14-155 is amended to read as follows:

2 40A:14-155. Whenever a member or officer of a municipal police
3 department or force is [sued for damages arising from or incidental
4 to] a defendant in any action or legal proceeding arising out of or
5 incidental to the performance of his duties, the governing body of
6 the municipality shall provide said member or officer with neces-
7 sary means for the defense of such [suit] action or proceeding, but
8 not for his defense in a disciplinary [or criminal] proceeding
9 instituted against him by the municipality or in a criminal proceed-
10 ing instituted as a result of a complaint on behalf of the munici-
11 pality. If any such disciplinary or criminal proceeding instituted
12 by or on complaint of the municipality shall be dismissed or finally
13 determined in favor of the member or officer, he shall be reimbursed
14 for the expense of his defense.

1 4. This act shall take effect immediately and be retroactive to
2 July 1, 1971.

STATEMENT

This bill would: a. restore to police and firemen the right to reimbursement for expenses of their defense of criminal charges brought against them for acts performed in the performance of duty as was provided by N. J. S. A. 40:11-19, repealed by P. L. 1971, c. 197 effective July 1, 1971, and b. provide for reimbursement for police and firemen cleared of disciplinary charges or criminal proceedings brought by or on complaint of the employing municipality or county.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 532

STATE OF NEW JERSEY

DATED: APRIL 27, 1972

Assembly Bill No. 532 provides for county or municipal assistance to any policeman or fireman who becomes a defendant in certain types of proceedings by reason of any actions taken pursuant to the performance of his duties.

Section 1 of Assembly Bill No. 532, which amends N. J. S. 40A:14-28, deals with assistance to a member or officer of a municipal fire department or force. This section broadens the definition of damage suits so as to require the governing body of a municipality to provide any member or officer of a municipal fire department with the "necessary means" for his defense in "any action or legal proceeding" "arising out of, or incidental to, the performance of his duties" exclusive of criminal and disciplinary proceedings.

Section 1 also supplements N. J. S. 40A:14-28 so as to provide that when proceedings instituted by a municipality including criminal proceedings instituted by or on complaint of the municipality, are dismissed or resolved in favor of any member or officer, he shall be reimbursed for the expense of his defense.

Section 2 of Assembly Bill No. 532 amends and supplements N. J. S. 40A:14-117 so as to extend all the aforementioned provisions of section 1 to any member or officer of a county police department or force (exclusive of the county park police) subjected to "any action or legal proceedings," including criminal or disciplinary proceedings instituted by, or on the complaint of the county, provided that the latter proceedings are ultimately resolved in his favor.

Section 3 of Assembly Bill No. 532 amends and supplements N. J. S. 40A:14-155 so as to extend the above provisions to any member or officer of a municipal police department or force.

The terms of this bill, which shall be retroactively applied to July 1, 1971, are designed to correct certain omissions in the recent revisions (see sponsor's statement), as well as to clarify the implicit meaning of those pertinent sections of the prerevised statutes as related to criminal and disciplinary proceedings.

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 25, 1972

FOR RELEASE:
IMMEDIATE

A 532 - 10.2

Governor William T. Cahill today signed into law a bill which modernizes the organization of the Department of Transportation by bringing executive designations into accord with responsibilities.

Senate bill 551, sponsored by Senator Richard R. Stout (R., Monmouth), amends the Transportation Act of 1966 to redefine the titles, qualifications and duties of the appointed officials of the Department. The changes are designed to enable the Department to function more fully as a comprehensive transportation unit.

Among the changes made by the new law are the specifications that the Assistant Commissioner for Public Transportation shall be qualified by training and experience relating to rail, bus and other mass or public transportation services to perform his duties, which shall include supervision of an office of commuter services.

The bill expands the duties of the State Highway Engineer to include the position of Director of Engineering and Operations, and the titles of the three Assistant State Highway Engineers are changed to Chief Engineer for Design, Chief Engineer for Construction and Maintenance and Chief Engineer for Transportation Operations and Local Aid.

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The number of appointed officers is decreased through the deletion of the positions of Executive Director and Deputy Director of Operations of the Commuter Operating Agency.

The Governor also signed Assembly bill 532, sponsored by Assemblyman Eugene Raymond, III (R., Camden), which provides for the reimbursement for expenses to police and firemen of their defense of criminal charges brought against them for acts performed in the line of duty.

Under the new law, counties and municipalities shall provide the means for defense of such actions or proceedings, other than disciplinary or criminal proceedings brought by the county or municipality. In the case of disciplinary or criminal proceeding determined in favor of the policeman or fireman, he shall be reimbursed for the expense of his defense.