

*correction*

40A:14-149.1

LEGISLATIVE FACT SHEET

on *Municipal police -- suspension with pay.*

N.J.R.S. 40A:14-149.1, 149.2, 149.3

( Amendment )

LAWS OF 1973

CHAPTER 270 Nov. 29, 1973

SENATE BILL 1051

ASSEMBLY BILL

INTRODUCED *June 15, 1972*

BY *Musto*

SPONSOR'S STATEMENT

YES

ASSEMBLY COMMITTEE STATEMENT

NO

SENATE COMMITTEE STATEMENT

YES *other side*

FISCAL NOTE

NO

AMENDED DURING PASSAGE

YES

HEARING *None discovered*

VETO *Nov. 12, 1973 conditionally vetoed*

SPONSOR'S STATEMENT to Senate, No. 1051

The purpose of this bill is to relieve municipal police officers from having to bear what often are extreme financial hardships because of being suspended without pay as a result of counter-charges stemming from the performance of their duties. It would also protect policemen from critical financial hardship when less than serious criminal charges have been brought against them.

SENATE, No. 1051

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1972

By Senator MUSTO

Referred to Committee on County and Municipal Government

AN ACT concerning municipal policemen 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 any other law to the contrary, whenever any  
2 municipal police officer brings charges against any person who in  
3 turn brings countercharges against such police officer for reasons  
4 stemming from the charges brought by the police officer, said police  
5 officer may be suspended from performing his duties, but not with-  
6 out pay, until the case against him reaches final adjudication.

1 2. Notwithstanding any other law to the contrary, whenever  
2 any municipal police officer is charged with committing a crime,  
3 other than a high misdemeanor, said officer may be suspended from  
4 performing his duties, but not without pay, until the case against  
5 him reaches final adjudication.

1 3. If any municipal police officer be found guilty of the charges  
2 brought against him as indicated in sections 1 and 2 of this act,  
3 he shall reimburse the municipality for all pay received by him  
4 during the period from the beginning of his suspension to the time  
5 when the case against him reaches final adjudication.

1 4. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to relieve municipal police officers from having to bear what often are extreme financial hardships because of being suspended without pay as a result of countercharges stemming from the performance of their duties. It would also protect policemen from critical financial hardship when less than serious criminal charges have been brought against them.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO

SENATE, No. 1051

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STATE OF NEW JERSEY

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DATED: FEBRUARY 5, 1973

Senate Bill No. 1051 concerns the payment of municipal police officers for the time they are suspended from duty, pending the adjudication of criminal or other charges brought against them.

Under existing law, any member or officer of a police department or force having been suspended or removed from office pursuant to the provisions of N. J. S. 40A:14-147 through 150 is deprived of his wages during the period of suspension, unless, in accordance with N. J. S. 40A:14-151, such suspension or dismissal from office or employment shall be judicially adjudged as illegal, at which time such member or officer shall be entitled to recovery of salary from the date of suspension or dismissal.

Section 1 of this bill provides the continuation of pay to municipal police officers who are suspended from office because of a countercharge initiated by a person against whom the police officer initially brought charges, when the countercharge is related to the original charge. Under this section, salary payments shall continue after suspension and until final adjudication of the charges. Section 2 of the bill extends the same privilege to municipal police officers charged with a crime, other than a high misdemeanor.

Section 3 requires that any municipal police officer found guilty of the charges brought against him pursuant to sections 1 and 2 of this bill shall reimburse the municipality for all wages received during the period of his suspension and until final adjudication of the charges.

The sponsor's statement provides the rationale for this bill. While Senate Bill No. 1051 would serve to complement the recent enactment extending legal aid to municipal police officers (P. L. 1972, c. 165), it should be noted that Senate Bill No. 1051 does not, unlike the aforementioned statute, limit itself to charges stemming from the performance of duty.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 12, 1973

SENATE BILL NO. 1051

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1051, with my objections, for reconsideration.

This bill provides that a municipal police officer charged with committing a crime may be suspended from his duties, but not without pay, until the case is finally adjudicated, except when he is charged with a high misdemeanor. I am sympathetic to the intent of this bill to relieve municipal police officers of the extreme financial hardships resulting from suspensions without pay. Nevertheless, there are situations in which a municipality should be permitted to suspend without pay, as where a grand jury has found sufficient credible evidence to return an indictment against the police officer or where the offense involves moral turpitude or dishonesty. In such situations, the decision of whether to suspend with or without pay should be left to the discretion of the municipality.

Furthermore, while the bill infers that an officer charged with a high misdemeanor may be suspended without pay, it is not clear from the wording of the bill whether such an officer may even be suspended.

Accordingly, I herewith return Senate Bill No. 1051 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "officer" insert "is charged under the law of this State, another State, or the United States, with an offense"

Page 1, Section 1, Lines 2-4: Delete "brings charges against any person who in turn brings counter-charges against such police officer for reasons stemming from the charges brought by the police officer"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

SENATE BILL NO. 1051

- 2 -

Page 1, Section 1, Lines 5-6: Delete "but not without"

Page 1, Section 1, Line 6: Before "pay" insert "with"

Page 1, Section 1, Line 6: Delete "him reaches final adjudication."

Page 1, Section 1, Line 6: After "against" insert "said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated."

Page 1, Section 2, Lines 1-5: Delete in their entirety.

Page 1, Section 2, Line 5: Insert a new section as follows:

"2. If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, said officer shall be reinstated to his position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action."

Page 1, Section 3, Line 1: Delete "be" insert "is suspended with pay and is"

Page 1, Section 3, Line 2: Delete "as indicated in sections 1 and 2 of this act"

Page 1, Section 3, Line 3: Delete "he" insert "said police officer"

Page 1, Section 3, Line 4: Delete "from the beginning"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

SENATE BILL NO. 1051

- 3 -

Page 1, Section 3, Lines 4-5: Delete "to the time when the case  
against him reaches final adjudication"

Respectfully,

/s/ William T. Cahill

GOVERNOR

[seal]

Attest:

/s/ Jean E. Mulford  
Acting Secretary to the Governor

SENATE AMENDMENTS TO  
**SENATE, No. 1051**

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 12, 1973

Amend page 1, section 1, line 2, after "officer", insert "is charged under the law of this State, another state, or the United States, with an offense".

Amend page 1, section 1, lines 2-4, delete "brings charges against any person who in turn brings counter-charges against such police officer for reasons stemming from the charges brought by the police officer".

Amend page 1, section 1, lines 5-6, delete "but not without".

Amend page 1, section 1, line 6, before "pay", insert "with"; delete "him reaches final adjudication."; after "against", insert "said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.".

Amend page 1, section 2, lines 1-5, delete in their entirety.

Amend page 1, section 2, after line 5, insert a new section as follows:

"2. If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, said officer shall be reinstated to his position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action.".

Amend page 1, section 3, line 1, delete "be", insert "is suspended with pay and is".

Amend page 1, section 3, line 2, delete "as indicated in sections 1 and 2 of this act".

Amend page 1, section 3, line 3, delete "he", insert "said police officer".

Amend page 1, section 3, line 4, delete "from the beginning".

Amend page 1, section 3, lines 4-5, delete "to the time when the case against him reaches final adjudication".

[OFFICIAL COPY REPRINT]  
SENATE, No. 1051

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1972

By Senator MUSTO

Referred to Committee on County and Municipal Government

AN ACT concerning municipal policemen 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 any other law to the contrary, whenever any  
2 municipal police officer *\*is charged under the law of this State,*  
3 *another state, or the United States, with an offense\** **\*[brings**  
4 *charges against any person who in turn brings countercharges*  
5 *against such police officer for reasons stemming from the charges*  
6 *brought by the police officer]\*,* said police officer may be suspended  
7 from performing his duties, **\*[but not without ]\*** *\*with\** pay, until  
8 the case against **\*[him reaches final adjudication]\*** *\*said officer*  
9 *is disposed of at trial, until the complaint is dismissed, or until the*  
10 *prosecution is terminated; provided, however, that if a grand jury*  
11 *returns an indictment against said officer, or said officer is charged*  
12 *with an offense which is a high misdemeanor or which involves*  
13 *moral turpitude or dishonesty, said officer may be suspended from*  
14 *his duties, without pay, until the case against him is disposed of at*  
15 *trial, until the complaint is dismissed or until the prosecution is*  
16 *terminated.\**

1 **\*[2.** Notwithstanding any other law to the contrary, whenever  
2 any municipal police officer is charged with committing a crime,  
3 other than a high misdemeanor, said officer may be suspended from  
4 performing his duties, but not without pay, until the case against  
5 him reaches final adjudication.]\*

6 *\*2. If a suspended police officer is found not guilty at trial, the*  
7 *charges are dismissed or the prosecution is terminated, said officer*  
8 *shall be reinstated to his position and shall be entitled to recover*  
9 *all pay withheld during the period of suspension subject to any*  
10 *disciplinary proceedings or administrative action.\**

1 3. If any municipal police officer **\*[be]\*** *\*is suspended with pay*

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



2 and is\* found guilty of the charges brought against him \*[as  
3 indicated in sections 1 and 2 of this act, he]\* \*said police officer\*  
4 shall reimburse the municipality for all pay received by him during  
5 the period \*[from the beginning]\* of his suspension \*[to the time  
6 when the case against him reaches final adjudication]\*.

1 4. This act shall take effect immediately.