

SENATE, No. 1068

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1972

By Senator MARESSA

Referred to Committee on Education

AN ACT concerning boards of education and amending N. J. S.
18A:12-20.

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

1 1. N. J. S. 18A:12-20 is amended to read as follows:

2 18A:12-20. Whenever a civil [or a criminal] action has been
3 *or shall be* brought against any person for any act or omission
4 arising out of and in the course of the performance of his duties
5 as a member of a board of education, [and in the case of a criminal
6 action such action results in final disposition in favor of such
7 person,] *the board of education shall defray the cost of defending*
8 *such action, including reasonable counsel fees and expenses,*
9 *together with costs of appeal, if any, [shall be borne by the board*
10 *of education] and shall save harmless and protect such person from*
11 *any financial loss resulting therefrom. Any board of education may*
12 *arrange for and maintain appropriate insurance to cover all such*
13 *damages, losses and expenses.*

14 Should any criminal action be instituted against any such person
15 *for any such act or omission and should such proceeding be dis-*
16 *missed or result in a final disposition in favor of such person, the*
17 *board of education shall reimburse him for the cost of defending*
18 *such proceeding, including reasonable counsel fees and expenses of*
19 *the original hearing or trial and all appeals.*

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.

FISCAL NOTE TO
SENATE, No. 1068

STATE OF NEW JERSEY

DATED: MARCH 28, 1973

With reference to Senate Bill No. 1068, currently N. J. S. 18A:12-20 provides that whenever a civil action has been brought against a school board member, the cost of defending such action, including reasonable counsel fees and expenses and cost of appeals, must be borne by the local board of education. The same applies to a criminal action if the action results in final disposition in favor of the board member.

In addition to the above, this bill, including the amendments, would also protect such person from any financial loss resulting from any civil action and would permit boards of education to purchase insurance to cover all such damages and expenses. The same would apply to a criminal action if the action results in final disposition in favor of the board member.

Enactment of Senate Bill No. 1068 would engender no additional costs to the State. The Division of Budget and Accounting states that it is not possible to accurately estimate what enactment might cost local school districts as the amount of insurance protection and premiums will vary depending on local conditions. It is further stated that the cost of "reasonable" counsel fees and expenses of trial and appellate hearings in criminal proceedings cannot be estimated with any degree of accuracy.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE EDUCATION COMMITTEE
STATEMENT TO

SENATE, No. 1068

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 1973

Currently, N. J. S. 18A:12-20 provides that whenever a civil action has been brought against a school board member, the cost of defending such action, including reasonable counsel fees and expenses and cost of appeals, must be borne by the local board of education. The same applies to a criminal action if the action results in final disposition in favor of the board member.

In addition to the above, this bill, including the amendments, would also protect such person from any financial loss resulting from any civil action and would permit boards of education to purchase insurance to cover all such damages and expenses. The same would apply to a criminal action if the action results in final disposition in favor of the board member.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 1068

STATE OF NEW JERSEY

ADOPTED FEBRUARY 22, 1973

Amend page 1, section 1, line 2, after "civil", insert "or a criminal".

Amend page 1, section 1, line 5, after "education," insert "and in the case of a criminal action such action results in final disposition in favor of such person,".

Amend page 1, section 1, line 7, after "shall defray", delete "the cost", and insert "all costs".

Amend page 1, section 1, lines 14 to 19, delete entire paragraph.

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2 18A:12-20. Whenever a civil [or a criminal] **or a criminal**
3 action has been *or shall be* brought against any person for any act
4 or omission arising out of and in the course of the performance
5 of his duties as a member of a board of education, [and in the case
6 of a criminal action such action results in final disposition in favor
7 of such person,] **and in the case of a criminal action such action*
8 *results in final disposition in favor of such person,** the board of
9A education shall defray **[the costs]* *all costs** of defending such
9B action, including reasonable counsel fees and expenses, together
9C with costs of appeal, if any, [shall be borne by the board of
10 education] *and shall save harmless and protect such person from*
11 *any financial loss resulting therefrom. Any board of education may*
12 *arrange for and maintain appropriate insurance to cover all such*
13 *damages, losses and expenses.*

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15 *son for any such act or omission and should such proceeding be dis-*
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