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P.L. 2022, CHAPTER 9, *approved April 12, 2022*
Assembly, No. 2158 (*First Reprint*)

1 AN ACT concerning mandatory retirement age of police chiefs and
2 fire department chiefs and ¹**【amending】** supplementing¹
3 P.L.1944, c.255 ¹(C.43:16A-1 et seq.)¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹**【**1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to
9 read as follows:
10

11 5. (1) Any member in service who has attained age 55 years
12 may retire on a service retirement allowance upon filing a written
13 and duly executed application to the retirement system, setting forth
14 at what time, not less than one month subsequent to the filing
15 thereof, he desires to be retired. Any member in service who attains
16 age 65 years shall be retired on a service retirement allowance
17 forthwith on the first day of the next calendar month, except that a
18 member hired prior to January 1, 1987 may remain a member of the
19 system until the member attains age 68 years or 25 years of
20 creditable service, whichever comes first. A member appointed as a
21 police chief of a law enforcement agency or a chief of a fire
22 department may remain a member of the system until the end of the
23 calendar year in which the member attains age 67 years provided:

24 (a) the member was appointed as a police or fire department
25 chief prior to attaining 65 years of age; and

26 (b) the appointing authority affirmatory votes by a majority of
27 its members to retain a police or fire department chief who is older
28 than 65 years of age.

29 (2) Upon retirement for service a member shall receive a service
30 retirement allowance which shall consist of:

31 (a) An annuity which shall be the actuarial equivalent of his
32 aggregate contributions and

33 (b) A pension in the amount which, when added to the member's
34 annuity, will provide a total retirement allowance of one-sixtieth of
35 his average final compensation multiplied by the number of years of
36 his creditable service, or 2% of his average final compensation
37 multiplied by the number of years of his creditable service up to 30
38 plus 1% of his average final compensation multiplied by the number
39 of years of creditable service over 30, or 50% of his final
40 compensation if the member has established 20 or more years of
41 creditable service, whichever is greater.

42 (3) (a) Any member of the retirement system as of the effective
date of P.L.1999, c.428 who has 20 or more years of creditable

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted March 17, 2022.

1 service at the time of retirement shall be entitled to receive a
2 retirement allowance equal to 50% of the member's final
3 compensation plus, in the case of a member required to retire
4 pursuant to the provisions of subsection (1) of this section, 3% of
5 final compensation multiplied by the number of years of creditable
6 service over 20 but not over 25.

7 (b) Any member of the retirement system who was enrolled
8 prior to the effective date of P.L.2021, c.52 and who is a member on
9 that effective date may retire on or after the effective date of
10 P.L.2021, c.52 but no later than the first day of the 25th month
11 following that effective date on a service retirement allowance,
12 regardless of age, upon attaining 20 or more years of creditable
13 service and shall be entitled to receive a service retirement
14 allowance equal to 50% of the member's final compensation.

15 (4) Upon the receipt of proper proofs of the death of a member
16 who has retired on a service retirement allowance, there shall be
17 paid to his beneficiary an amount equal to one-half of the
18 compensation upon which contributions by the member to the
19 annuity savings fund were based in the last year of creditable
20 service.

21 (cf: P.L.2021, c.52, s.1)]¹

22

23 ¹1. (New section) a. A member of the Police and Firemen's
24 Retirement System, established pursuant to P.L.1944, c.255
25 (C.43:16A-1 et seq.), who:

26 is serving as a police chief of a law enforcement agency or a
27 chief of a fire department on the effective date of this act, P.L. , c.
28 (pending before the Legislature as this bill); and

29 will attain the age of 65 years during the period commencing on
30 the effective date of this act and ending on the last day of the 24th
31 calendar month following that effective date,

32 may remain a member of the system, notwithstanding the
33 mandatory retirement provision of section 5 of P.L.1944, c.255
34 (C.43:16A-5), until the end of the calendar year in which the
35 member attains the age of 67 years if the appointing authority
36 approves, in writing, the retention and continued service after the
37 age of 65 years of the police or fire chief as the chief.

38 b. Within 30 days after the last day of the 24th calendar month
39 following the effective date of this act, the Board of Trustees of the
40 Police and Firemen's Retirement System shall submit a report to the
41 Governor, and the Legislature pursuant to section 2 of P.L.1991,
42 c.164 (C.52:14-19.1), on the effect of this section on the retirement
43 system. The report shall include the number of members who were
44 retained and continued to serve as the police or fire chief, the length
45 of that service after the age of 65 years, and the impact of that
46 extended service on the retirement system.¹

47

48 2. This act shall take effect immediately.

A2158 [1R]

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3

Allows member of PFRS who is police chief and fire department

4

chief to serve until age 67 under certain conditions.

ASSEMBLY, No. 2158

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen McGuckin and Catalano

SYNOPSIS

Allows police chief and fire department chief members of PFRS to serve until age 67.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2022)

A2158 VERRELLI

2

1 AN ACT concerning mandatory retirement age of police chiefs and
2 fire department chiefs and amending P.L.1944, c.255.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to read
8 as follows:

9 5. (1) Any member in service who has attained age 55 years may
10 retire on a service retirement allowance upon filing a written and
11 duly executed application to the retirement system, setting forth at
12 what time, not less than one month subsequent to the filing thereof,
13 he desires to be retired. Any member in service who attains age 65
14 years shall be retired on a service retirement allowance forthwith on
15 the first day of the next calendar month, except that a member hired
16 prior to January 1, 1987 may remain a member of the system until
17 the member attains age 68 years or 25 years of creditable service,
18 whichever comes first. A member appointed as a police chief of a
19 law enforcement agency or a chief of a fire department may remain
20 a member of the system until the end of the calendar year in which
21 the member attains age 67 years provided:

22 (a) the member was appointed as a police or fire department
23 chief prior to attaining 65 years of age; and

24 (b) the appointing authority affirmatory votes by a majority of its
25 members to retain a police or fire department chief who is older
26 than 65 years of age.

27 (2) Upon retirement for service a member shall receive a service
28 retirement allowance which shall consist of:

29 (a) An annuity which shall be the actuarial equivalent of his
30 aggregate contributions and

31 (b) A pension in the amount which, when added to the member's
32 annuity, will provide a total retirement allowance of one-sixtieth of
33 his average final compensation multiplied by the number of years of
34 his creditable service, or 2% of his average final compensation
35 multiplied by the number of years of his creditable service up to 30
36 plus 1% of his average final compensation multiplied by the number
37 of years of creditable service over 30, or 50% of his final
38 compensation if the member has established 20 or more years of
39 creditable service, whichever is greater.

40 (3) (a) Any member of the retirement system as of the effective
41 date of P.L.1999, c.428 who has 20 or more years of creditable
42 service at the time of retirement shall be entitled to receive a
43 retirement allowance equal to 50% of the member's final
44 compensation plus, in the case of a member required to retire
45 pursuant to the provisions of subsection (1) of this section, 3% of

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

Matter underlined thus is new matter.

1 final compensation multiplied by the number of years of creditable
2 service over 20 but not over 25.

3 (b) Any member of the retirement system who was enrolled
4 prior to the effective date of P.L.2021, c.52 and who is a member on
5 that effective date may retire on or after the effective date of
6 P.L.2021, c.52 but no later than the first day of the 25th month
7 following that effective date on a service retirement allowance,
8 regardless of age, upon attaining 20 or more years of creditable
9 service and shall be entitled to receive a service retirement
10 allowance equal to 50% of the member's final compensation.

11 (4) Upon the receipt of proper proofs of the death of a member
12 who has retired on a service retirement allowance, there shall be
13 paid to his beneficiary an amount equal to one-half of the
14 compensation upon which contributions by the member to the
15 annuity savings fund were based in the last year of creditable
16 service.

17 (cf: P.L.2021, c.52, s.1)

18

19 2. This act shall take effect immediately.

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21

22

STATEMENT

23

24 This bill increases the mandatory retirement age to 67 years for
25 police chiefs of a law enforcement agency and chiefs of a fire
26 department.

27 Under current law, a member of the Police and Firemen's
28 Retirement System of New Jersey (PFRS) is required to retire upon
29 reaching age 65. Additionally, PFRS members hired prior to
30 January 1, 1987 may remain a member of the system until the
31 member attains 68 years of age or 25 years of creditable service,
32 whichever comes first.

33 This bill allows a police chief and fire department chief member
34 to remain a PFRS member until the end of the calendar year in
35 which the member reaches age 67 provided the member was
36 appointed as a police or fire department chief prior to attaining 65
37 years of age. The bill requires the appointing authority to
38 affirmatively vote by a majority of its members to retain a police or
39 fire department chief who is older than 65 years of age.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2158

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2022

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 2158.

This bill increases the mandatory retirement age to 67 years for police chiefs of a law enforcement agency and chiefs of a fire department.

Under current law, a member of the Police and Firemen's Retirement System of New Jersey (PFRS) is required to retire upon reaching age 65. Additionally, PFRS members hired prior to January 1, 1987 may remain a member of the system until the member attains 68 years of age or 25 years of creditable service, whichever comes first.

This bill allows a police chief and fire department chief member to remain a PFRS member until the end of the calendar year in which the member reaches age 67 provided the member was appointed as a police or fire department chief prior to attaining 65 years of age. The bill requires the appointing authority to affirmatively vote by a majority of its members to retain a police or fire department chief who is older than 65 years of age.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2158

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 17, 2022

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 2158, with committee amendments.

As amended, this bill allows member of PFRS who is police chief and fire department chief to serve until age 67 under certain conditions.

Under current law, a member of the Police and Firemen's Retirement System of New Jersey (PFRS) is required to retire upon reaching age 65. Additionally, PFRS members hired prior to January 1, 1987 may remain a member of the system until the member attains 68 years of age or 25 years of creditable service, whichever comes first.

Under the bill, as amended, only a member of the PFRS who:

(1) is serving as a police or fire chief on the bill's effective date; and

(2) will attain the age of 65 years during the period commencing on the bill's effective date and ending on the last day of the 24th calendar month following that effective date may remain in the PFRS until the end of the calendar year in which the member attains the age of 67 years if the appointing authority approves, in writing, the retention and continued service after the age of 65 years of the police or fire chief as the chief.

As amended, the bill also requires the Board of Trustees of the PFRS to submit a report to the Governor and the Legislature on the effect of this bill on the retirement system. The report must include the number of members who were retained and continued to serve as the police or fire chief, the length of that service after the age of 65 years, and the impact of that extended service on the retirement system.

COMMITTEE AMENDMENTS

The committee amended the bill to limit the ability of a police or fire chief to serve until age 67. Under the committee amendments, only a member of the PFRS who:

(1) is serving as a police or fire chief on the bill's effective date;
and

(2) will attain the age of 65 years during the period commencing on the bill's effective date and ending on the last day of the 24th calendar month following that effective date may remain in the PFRS until the end of the calendar year in which the member attains the age of 67 years if the appointing authority approves, in writing, the retention and continued service after the age of 65 years of the police or fire chief as the chief.

The committee amendments also require the Board of Trustees of the PFRS to submit a report to the Governor and the Legislature on the effect of this bill on the retirement system. The report must include the number of members who were retained and continued to serve as the police or fire chief, the length of that service after the age of 65 years, and the impact of that extended service on the retirement system.

SENATE, No. 1367

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Allows police chief and fire department chief members of PFRS to serve until age 67.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2022)

1 AN ACT concerning mandatory retirement age of police chiefs and
2 fire department chiefs and amending P.L.1944, c.255.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1944, c.255 (C.43:16A-5) is amended to read
8 as follows:

9 5. (1) Any member in service who has attained age 55 years may
10 retire on a service retirement allowance upon filing a written and
11 duly executed application to the retirement system, setting forth at
12 what time, not less than one month subsequent to the filing thereof,
13 he desires to be retired. Any member in service who attains age 65
14 years shall be retired on a service retirement allowance forthwith on
15 the first day of the next calendar month, except that a member hired
16 prior to January 1, 1987 may remain a member of the system until
17 the member attains age 68 years or 25 years of creditable service,
18 whichever comes first. A member appointed as a police chief of a
19 law enforcement agency or a chief of a fire department may remain
20 a member of the system until the end of the calendar year in which
21 the member attains age 67 years provided:

22 (a) the member was appointed as a police or fire department
23 chief prior to attaining 65 years of age; and

24 (b) the appointing authority affirmatory votes by a majority of its
25 members to retain a police or fire department chief who is older
26 than 65 years of age.

27 (2) Upon retirement for service a member shall receive a service
28 retirement allowance which shall consist of:

29 (a) An annuity which shall be the actuarial equivalent of his
30 aggregate contributions and

31 (b) A pension in the amount which, when added to the member's
32 annuity, will provide a total retirement allowance of one-sixtieth of
33 his average final compensation multiplied by the number of years of
34 his creditable service, or 2% of his average final compensation
35 multiplied by the number of years of his creditable service up to 30
36 plus 1% of his average final compensation multiplied by the number
37 of years of creditable service over 30, or 50% of his final
38 compensation if the member has established 20 or more years of
39 creditable service, whichever is greater.

40 (3) (a) Any member of the retirement system as of the effective
41 date of P.L.1999, c.428 who has 20 or more years of creditable
42 service at the time of retirement shall be entitled to receive a
43 retirement allowance equal to 50% of the member's final
44 compensation plus, in the case of a member required to retire
45 pursuant to the provisions of subsection (1) of this section, 3% of

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

Matter underlined thus is new matter.

1 final compensation multiplied by the number of years of creditable
2 service over 20 but not over 25.

3 (b) Any member of the retirement system who was enrolled
4 prior to the effective date of P.L.2021, c.52 and who is a member on
5 that effective date may retire on or after the effective date of
6 P.L.2021, c.52 but no later than the first day of the 25th month
7 following that effective date on a service retirement allowance,
8 regardless of age, upon attaining 20 or more years of creditable
9 service and shall be entitled to receive a service retirement
10 allowance equal to 50% of the member's final compensation.

11 (4) Upon the receipt of proper proofs of the death of a member
12 who has retired on a service retirement allowance, there shall be
13 paid to his beneficiary an amount equal to one-half of the
14 compensation upon which contributions by the member to the
15 annuity savings fund were based in the last year of creditable
16 service.

17 (cf: P.L.2021, c.52, s.1)

18

19 2. This act shall take effect immediately.

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21

22

STATEMENT

23

24 This bill increases the mandatory retirement age to 67 years for
25 police chiefs of a law enforcement agency and chiefs of a fire
26 department.

27 Under current law, a member of the Police and Firemen's
28 Retirement System of New Jersey (PFRS) is required to retire upon
29 reaching age 65. Additionally, PFRS members hired prior to
30 January 1, 1987 may remain a member of the system until the
31 member attains 68 years of age or 25 years of creditable service,
32 whichever comes first.

33 This bill allows a police chief and fire department chief member
34 to remain a PFRS member until the end of the calendar year in
35 which the member reaches age 67 provided the member was
36 appointed as a police or fire department chief prior to attaining 65
37 years of age. The bill requires the appointing authority to
38 affirmatively vote by a majority of its members to retain a police or
39 fire department chief who is older than 65 years of age.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1367

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1367.

As amended and reported by the committee, this bill allows a member of PFRS who is a police chief or fire department chief to serve until age 67 under certain conditions.

Under current law, a member of the Police and Firemen's Retirement System of New Jersey (PFRS) is required to retire upon reaching age 65. Additionally, PFRS members hired prior to January 1, 1987 may remain a member of the system until the member attains 68 years of age or 25 years of creditable service, whichever comes first.

Under the amended bill only a member of the PFRS who:

(1) is serving as a police or fire chief on the bill's effective date; and

(2) will attain the age of 65 years during the period commencing on the bill's effective date and ending on the last day of the 24th calendar month following the bill's effective date may remain in the PFRS until the end of the calendar year in which the member attains the age of 67 years if the appointing authority approves, in writing, the retention and continued service after the age of 65 years of the police or fire chief as the chief.

As amended, the bill also requires the Board of Trustees of the PFRS to submit a report to the Governor and the Legislature on the effect of this bill on the retirement system. The report is required to include the number of members who were retained and continued to serve as the police or fire chief, the length of that service after the age of 65 years, and the impact of that extended service on the retirement system.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2158 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to limit the ability of a police or fire chief to serve until age 67. Under the committee amendments, only a member of the PFRS who:

(1) is serving as a police or fire chief on the bill's effective date;
and

(2) will attain the age of 65 years during the period commencing on the bill's effective date and ending on the last day of the 24th calendar month following the effective date may remain in the PFRS until the end of the calendar year in which the member attains the age of 67 years if the appointing authority approves, in writing, the retention and continued service after the age of 65 years of the police or fire chief as the chief.

The committee amendments also require the Board of Trustees of the PFRS to submit a report to the Governor and the Legislature on the effect of this bill on the retirement system. The report must include the number of members who were retained and continued to serve as the police or fire chief, the length of that service after the age of 65 years, and the impact of that extended service on the retirement system.

Governor Murphy Takes Action on Legislation

04/13/2022

TRENTON – Last night, Governor Murphy signed the following bills into law:

A-2158/S-1367 (Verrelli/Scutari) - Allows member of PFRS who is police chief and fire department chief to serve until age 67 under certain conditions

A-2884/S-1885 (Jasey, Reynolds-Jackson, McKnight/Cunningham, Ruiz) - Revises State financial aid requirements to align with simplification of Free Application for Federal Student Aid under federal law

AJR-109/SJR-74 (Murphy, Dancer/Cryan, Stanfield) - Designates month of April of each year as “Military Child Appreciation Month” in NJ; designates last full week of April of each year as “Military Child Appreciation Week” in NJ