

2A:157-10.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 173

NJSA: 2A:17-57-10.1 (Grants rights, privileges - county investigators)

BILL NO: S1558 (Substituted for A2532)

SPONSOR(S): Girgenti and others

DATE INTRODUCED: May 30, 2002

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2003

SENATE: June 23, 2003

DATE OF APPROVAL: September 9, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)
(Amendments during passage denoted by superscript numbers)

S1558

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: Yes [6-20-2002](#)
 [2-24-2003](#)
 [6-12-2003](#)

LEGISLATIVE FISCAL ESTIMATE: No

A2532

[SPONSORS STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)
 Bill and Sponsors Statement identical to S1588

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 173, *approved September 9, 2003*
Senate, No. 1558 (*Third Reprint*)

1 AN ACT concerning county investigators, amending N.J.S.2A:157-10,
2 and supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2A:157-10 is amended to read as follows:

8 2A:157-10. In addition to the office of county detective, there is
9 created in the office of the prosecutor, the office or position of county
10 investigator which shall be in the unclassified service of the civil
11 service. The prosecutor of each of the several counties of this state
12 may appoint such number of suitable persons, not in excess of the
13 number, and at salaries not less than the minimum amounts, in this act
14 provided, to be known as county investigators, [to serve at his
15 pleasure and subject to removal by him,] and to assist the prosecutor
16 in the detection, apprehension, arrest and conviction of offenders
17 against the law. Persons so appointed shall possess all the powers and
18 rights and be subject to all the obligations of police officers, constables
19 and special deputy sheriffs, in criminal matters.

20 ¹Notwithstanding the provisions of this section, a single
21 probationary or temporary appointment as a county investigator may
22 be made for a total period not exceeding one year. ²[If a State,
23 county or municipal law enforcement officer is appointed to the
24 position of county investigator, the law enforcement officer shall retain
25 any seniority the officer possessed for purposes of completing the
26 probationary or temporary appointment. ¹]²

27 (cf: N.J.S.2A:157-10)

28

29 2. (New section) Except as otherwise provided by law, a county
30 investigator employed by the county prosecutor shall not be removed
31 from office, employment or position for political reasons or for any
32 cause other than incapacity, misconduct, or disobedience of rules and
33 regulations established by the prosecutor, nor shall such investigator
34 be suspended, removed, ²[fined or reduced,]² fined or reduced in rank
35 from or in office, employment, or position therein, except for just

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:

¹ Senate floor amendments adopted June 20, 2002.

² Assembly floor amendments adopted February 24, 2003.

³ Assembly floor amendments adopted June 12, 2003.

1 cause as hereinbefore provided and then only upon a written complaint
2 setting forth the charge or charges against such investigator. ¹The
3 chief investigator and deputy chief investigator, however, may be
4 removed or demoted by the prosecutor ²[but shall not be subject to
5 termination except for just cause and upon a written complaint as
6 herein provided] ². ¹ The complaint shall be filed in the office having
7 charge of the office wherein the complaint is made and a copy shall be
8 served upon the investigator so charged, with notice of a designated
9 hearing thereon by the proper authorities, which shall be not less than
10 10 or more than 30 days from the date of service of the complaint.

11 A complaint charging a violation of the internal rules and
12 regulations established for the conduct of a prosecutor's office shall be
13 filed no later than the 45th day after the date on which the person
14 filing the complaint obtained sufficient information to file the matter
15 upon which the complaint is based. The 45-day time limit shall not
16 apply if an investigation of an investigator for a violation of the
17 internal rules or regulations of the office is included directly or
18 indirectly within a concurrent investigation of that office for a
19 violation of the criminal laws of this State. The 45-day limit shall
20 begin on the day after the disposition of the criminal investigation.
21 The 45-day requirement of this paragraph for the filing of a complaint
22 against an investigator shall not apply to a filing of a complaint by a
23 private individual.

24 A failure to comply with these provisions as to the service of the
25 complaint and the time within which a complaint is to be filed shall
26 require a dismissal of the complaint.

27 The investigator may waive the right to a hearing and may appeal
28 the charges directly to any available authority specified by law or
29 regulation, or follow any other procedure recognized by a contract, as
30 permitted by law.

31 ¹For the purposes of this section, the transfer of an investigator ²[,
32 other than the chief investigator and the deputy chief investigator,] ²
33 from one section or unit to another section or unit within the office of
34 the prosecutor shall not constitute a demotion, and the transferred
35 investigator shall retain his rank, seniority, seniority-related privileges
36 and salary. ¹

37

38 3. (New section) Except as otherwise provided by the law, the
39 officer, board or authority empowered to hear and determine the
40 charge or charges made against a county investigator shall have the
41 power to subpoena witnesses and documentary evidence. The
42 Superior Court shall have jurisdiction to enforce any such subpoena.
43

44 4. (New section) If any county investigator shall be suspended
45 pending a hearing as a result of charges made against him, such
46 hearing, except as otherwise provided by law, shall be commenced

1 within 30 days from the date of the service of the copy of the
2 complaint upon him, in default of which the charges shall be dismissed
3 and the investigator may be returned to duty.

4
5 5. (New section) Notwithstanding any other law to the contrary,
6 whenever a county investigator is charged with an offense, under the
7 laws of this State, another state, or the United States, the investigator
8 may be suspended from performing his duties, with pay, until the case
9 against the investigator is disposed of at trial, the complaint is
10 dismissed, or the prosecution is terminated; provided, however, that
11 if a grand jury returns an indictment against the investigator, or the
12 investigator is charged with a crime of the first, second or third degree
13 or which involves moral turpitude or dishonesty, the investigator may
14 be suspended from his duties, without pay, until the case against him
15 is disposed of at trial, the complaint is dismissed, or the prosecution
16 is terminated.

17
18 6. (New section) If a suspended county investigator is found not
19 guilty at trial, the charges are dismissed or the prosecution is
20 terminated, the investigator shall be reinstated to his position and shall
21 be entitled to recover all pay withheld during the period of suspension
22 subject to any disciplinary proceedings or administrative action.

23
24 7. (New section) Whenever any county investigator shall be
25 suspended or dismissed from his office, employment or position and
26 that suspension or dismissal shall be judicially determined to be illegal,
27 the investigator shall be entitled to recover his salary from the date of
28 such suspension or dismissal, provided a written application therefor
29 shall be filed with the prosecutor's office within 30 days after such
30 judicial determination.

31
32 8. (New section) Any county investigator who has been tried and
33 convicted of any charge or charges, and is employed by a prosecutor
34 in a county where Title 11A (Civil Service) of the Revised Statutes is
35 not in operation, may obtain a review thereof by the Superior Court.
36 Such review shall be obtained by serving a written notice of an
37 application therefor upon the party or board whose action is to be
38 reviewed within 10 days after written notice to the investigator of the
39 conviction. The party or board shall transmit to the court a copy of
40 the record of such conviction, and of the charge or charges for which
41 the applicant was tried. The court shall hear the cause de novo on the
42 record below and may either affirm, reverse or modify such conviction.
43 If the applicant was removed from his office, employment or position,
44 the court may direct that he be restored to such office, employment or
45 position, and to all his rights pertaining thereto, and may take such
46 other order or judgement as the court deems proper. Either party may

1 supplement the record with additional testimony subject to the rules
2 of evidence.

3

4 9. (New section) Whenever a county investigator is a defendant in
5 any action or legal proceeding arising out of and directly related to the
6 lawful exercise of police powers in the furtherance of his official
7 duties, the prosecutor shall provide the investigator with the necessary
8 means for the defense of such action or proceeding, but not for his
9 defense in a disciplinary proceeding instituted against him by the
10 prosecutor or in criminal proceeding instituted as a result of a
11 complaint on behalf of the prosecutor. If any such disciplinary or
12 criminal proceeding instituted by or on complaint of the prosecutor
13 shall be dismissed or finally determined in favor of the investigator, he
14 shall be reimbursed for the expense of his defense.

15

16 10. This act shall take effect on the ³[first day of the second
17 month] 120th day³ after enactment.

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21

22 Grants certain rights, privileges and protections to investigators in the
23 county prosecutors' offices.

SENATE, No. 1558

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 30, 2002

Sponsored by:

Senator JOHN A. GIRGENTI
District 35 (Bergen and Passaic)
Senator ANTHONY R. BUCCO
District 25 (Morris)

Co-Sponsored by:

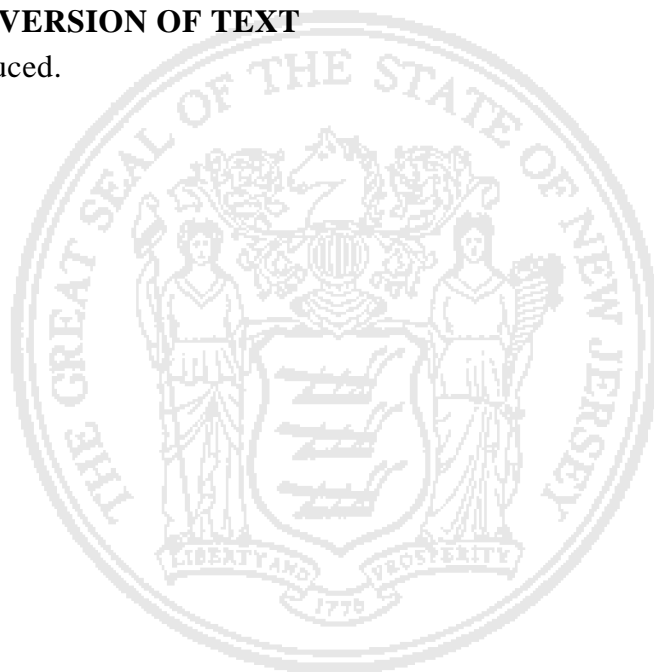
Senators Gill, Cafiero, Palaia and Allen

SYNOPSIS

Grants certain rights, privileges and protections to investigators in the county prosecutors' offices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2002)

S1558 GIRGENTI, BUCCO

2

1 AN ACT concerning county investigators, amending N.J.S.2A:157-10,
2 and supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2A:157-10 is amended to read as follows:

8 2A:157-10. In addition to the office of county detective, there is
9 created in the office of the prosecutor, the office or position of county
10 investigator which shall be in the unclassified service of the civil
11 service. The prosecutor of each of the several counties of this state
12 may appoint such number of suitable persons, not in excess of the
13 number, and at salaries not less than the minimum amounts, in this act
14 provided, to be known as county investigators, [to serve at his
15 pleasure and subject to removal by him,] and to assist the prosecutor
16 in the detection, apprehension, arrest and conviction of offenders
17 against the law. Persons so appointed shall possess all the powers
18 and rights and be subject to all the obligations of police officers,
19 constables and special deputy sheriffs, in criminal matters.
20 (cf: N.J.S.2A:157-10)

21
22 2. (New section) Except as otherwise provided by law, a county
23 investigator employed by the county prosecutor shall not be removed
24 from office, employment or position for political reasons or for any
25 cause other than incapacity, misconduct, or disobedience of rules and
26 regulations established by the prosecutor, nor shall such investigator
27 be suspended, removed, fined or reduced, fined or reduced in rank
28 from or in office, employment, or position therein, except for just
29 cause as hereinbefore provided and then only upon a written complaint
30 setting forth the charge or charges against such investigator. The
31 complaint shall be filed in the office having charge of the office
32 wherein the complaint is made and a copy shall be served upon the
33 investigator so charged, with notice of a designated hearing thereon by
34 the proper authorities, which shall be not less than 10 or more than 30
35 days from the date of service of the complaint.

36 A complaint charging a violation of the internal rules and
37 regulations established for the conduct of a prosecutor's office shall be
38 filed no later than the 45th day after the date on which the person
39 filing the complaint obtained sufficient information to file the matter
40 upon which the complaint is based. The 45-day time limit shall not
41 apply if an investigation of an investigator for a violation of the
42 internal rules or regulations of the office is included directly or
43 indirectly within a concurrent investigation of that office for a

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Matter underlined thus is new matter.

1 violation of the criminal laws of this State. The 45-day limit shall
2 begin on the day after the disposition of the criminal investigation.
3 The 45-day requirement of this paragraph for the filing of a complaint
4 against an investigator shall not apply to a filing of a complaint by a
5 private individual.

6 A failure to comply with these provisions as to the service of the
7 complaint and the time within which a complaint is to be filed shall
8 require a dismissal of the complaint.

9 The investigator may waive the right to a hearing and may appeal
10 the charges directly to any available authority specified by law or
11 regulation, or follow any other procedure recognized by a contract, as
12 permitted by law.

13

14 3. (New section) Except as otherwise provided by the law, the
15 officer, board or authority empowered to hear and determine the
16 charge or charges made against a county investigator shall have the
17 power to subpoena witnesses and documentary evidence. The
18 Superior Court shall have jurisdiction to enforce any such subpoena.

19

20 4. (New section) If any county investigator shall be suspended
21 pending a hearing as a result of charges made against him, such
22 hearing, except as otherwise provided by law, shall be commenced
23 within 30 days from the date of the service of the copy of the
24 complaint upon him, in default of which the charges shall be dismissed
25 and the investigator may be returned to duty.

26

27 5. (New section) Notwithstanding any other law to the contrary,
28 whenever a county investigator is charged with an offense, under the
29 laws of this State, another state, or the United States, the investigator
30 may be suspended from performing his duties, with pay, until the case
31 against the investigator is disposed of at trial, the complaint is
32 dismissed, or the prosecution is terminated; provided, however, that
33 if a grand jury returns an indictment against the investigator, or the
34 investigator is charged with a crime of the first, second or third degree
35 or which involves moral turpitude or dishonesty, the investigator may
36 be suspended from his duties, without pay, until the case against him
37 is disposed of at trial, the complaint is dismissed, or the prosecution
38 is terminated.

39

40 6. (New section) If a suspended county investigator is found not
41 guilty at trial, the charges are dismissed or the prosecution is
42 terminated, the investigator shall be reinstated to his position and shall
43 be entitled to recover all pay withheld during the period of suspension
44 subject to any disciplinary proceedings or administrative action.

45

46 7. (New section) Whenever any county investigator shall be

1 suspended or dismissed from his office, employment or position and
2 that suspension or dismissal shall be judicially determined to be illegal,
3 the investigator shall be entitled to recover his salary from the date of
4 such suspension or dismissal, provided a written application therefor
5 shall be filed with the prosecutor's office within 30 days after such
6 judicial determination.

7

8 8. (New section) Any county investigator who has been tried and
9 convicted of any charge or charges, and is employed by a prosecutor
10 in a county where Title 11A (Civil Service) of the Revised Statutes is
11 not in operation, may obtain a review thereof by the Superior Court.
12 Such review shall be obtained by serving a written notice of an
13 application therefor upon the party or board whose action is to be
14 reviewed within 10 days after written notice to the investigator of the
15 conviction. The party or board shall transmit to the court a copy of
16 the record of such conviction, and of the charge or charges for which
17 the applicant was tried. The court shall hear the cause de novo on the
18 record below and may either affirm, reverse or modify such conviction.
19 If the applicant was removed from his office, employment or position,
20 the court may direct that he be restored to such office, employment or
21 position, and to all his rights pertaining thereto, and may take such
22 other order or judgement as the court deems proper. Either party may
23 supplement the record with additional testimony subject to the rules
24 of evidence.

25

26 9. (New section) Whenever a county investigator is a defendant in
27 any action or legal proceeding arising out of and directly related to the
28 lawful exercise of police powers in the furtherance of his official
29 duties, the prosecutor shall provide the investigator with the necessary
30 means for the defense of such action or proceeding, but not for his
31 defense in a disciplinary proceeding instituted against him by the
32 prosecutor or in criminal proceeding instituted as a result of a
33 complaint on behalf of the prosecutor. If any such disciplinary or
34 criminal proceeding instituted by or on complaint of the prosecutor
35 shall be dismissed or finally determined in favor of the investigator, he
36 shall be reimbursed for the expense of his defense.

37

38 10. This act shall take effect on the first day of the second month
39 after enactment.

40

41

42

STATEMENT

43

44 This bill clarifies certain rights, privileges and protections afforded
45 county investigators in the county prosecutors' offices.

46 The bill removes the provision in current law providing that these

1 investigators serve at the pleasure of the county prosecutor and are
2 subject to removal by him.

3 Under the provisions of the bill, county investigators may not be
4 removed for political reasons or for any cause other than incapacity,
5 misconduct, or disobedience of rules and regulations. In addition, a
6 county investigator may not be suspended, removed, fined or reduced,
7 fined or reduced in rank from or in office, employment, or position
8 therein, except for just cause and only upon a written complaint setting
9 forth the charge or charges.

10 A complaint filed against an investigator charging a violation of the
11 internal rules and regulations of a prosecutor's office is to be filed no
12 later than the 45th day after the date on which the person filing the
13 complaint obtained sufficient information to file the matter upon which
14 the complaint is based. The 45-day requirement does not apply to a
15 complaint filed by a private individual.

16 Whenever a county investigator is charged with an offense under
17 State or federal law, the investigator may be suspended with pay until
18 the case against the investigator is disposed of at trial, the complaint
19 is dismissed, or the prosecution is terminated. If a grand jury returns
20 an indictment against the investigator, or the investigator is charged
21 with a crime of the first, second or third degree or which involves
22 moral turpitude or dishonesty, the investigator may be suspended from
23 his duties, without pay, until the case is tried, the complaint is
24 dismissed, or until the prosecution is terminated. The bill also
25 provides for reinstatement and back pay after an acquittal or if charges
26 are dismissed. In addition, the bill sets forth the rights of county
27 investigators in counties where Title 11A (Civil Service) of the New
28 Jersey Statutes is not in operation.

29 Finally, the bill requires payment of investigators' legal fees in an
30 action or proceeding related to the exercise of police powers in
31 furtherance of official duties.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1558

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1558 (1R).

Senate Bill No. 1558 (1R) clarifies certain rights, privileges and protections afforded county investigators in the county prosecutors' offices.

The bill removes the provision in current law providing that these investigators serve at the pleasure of the county prosecutor and that the prosecutor may remove them. The bill also provides that a single probationary or temporary appointment as a county investigator may be made for a period of up to one year. A State, county or municipal law enforcement officer who is appointed as a county investigator would retain any seniority the officer possessed for purposes of completing the probationary or temporary appointment.

Under the bill, county investigators may not be removed for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations. In addition, a county investigator may not be suspended, removed, fined or reduced, fined or reduced in rank from or in office, employment, or position therein, except for just cause and only upon a written complaint setting forth the charge or charges. The chief investigator and deputy chief investigator may be removed or demoted by the prosecutor, but shall not be subject to termination except for just cause and upon a written complaint as provided in the bill. The transfer of an investigator, other than the chief investigator and deputy chief investigator, from one section or unit to another section or unit within the office of the prosecutor would not constitute a demotion, and the investigator would retain his rank, seniority, seniority-related privileges and salary.

A complaint filed against an investigator charging a violation of the internal rules and regulations of a prosecutor's office is to be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day requirement does not apply to a complaint filed by a private individual.

Whenever a county investigator is charged with an offense under State or federal law, the investigator may be suspended with pay until

the case against the investigator is disposed of at trial, the complaint is dismissed, or the prosecution is terminated. If a grand jury returns an indictment against the investigator, or the investigator is charged with a crime of the first, second or third degree or which involves moral turpitude or dishonesty, the investigator may be suspended from his duties, without pay, until the case is tried, the complaint is dismissed, or until the prosecution is terminated. The bill also provides for reinstatement and back pay after an acquittal or if charges are dismissed. In addition, the bill sets forth the rights of county investigators in counties where Title 11A (Civil Service) of the New Jersey Statutes is not in operation.

Finally, the bill requires payment of investigators' legal fees in an action or proceeding related to the exercise of police powers in furtherance of official duties.

As reported by the committee, this bill is identical to Assembly Bill No. 2532, also reported by the committee on this same date.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1558

STATE OF NEW JERSEY

DATED: MAY 30, 2002

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1558.

This bill clarifies certain rights, privileges and protections afforded county investigators in the county prosecutors' offices.

The bill removes the provision in current law providing that these investigators serve at the pleasure of the county prosecutor and are subject to removal by him.

Under the provisions of the bill, county investigators may not be removed for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations. In addition, a county investigator may not be suspended, removed, fined or reduced, fined or reduced in rank from or in office, employment, or position therein, except for just cause and only upon a written complaint setting forth the charge or charges.

A complaint filed against an investigator charging a violation of the internal rules and regulations of a prosecutor's office is to be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day requirement does not apply to a complaint filed by a private individual.

Whenever a county investigator is charged with an offense under State or federal law, the investigator may be suspended with pay until the case against the investigator is disposed of at trial, the complaint is dismissed, or the prosecution is terminated. If a grand jury returns an indictment against the investigator, or the investigator is charged with a crime of the first, second or third degree or which involves moral turpitude or dishonesty, the investigator may be suspended from his duties, without pay, until the case is tried, the complaint is dismissed, or until the prosecution is terminated. The bill also provides for reinstatement and back pay after an acquittal or if charges are dismissed. In addition, the bill sets forth the rights of county investigators in counties where Title 11A (Civil Service) of the New Jersey Statutes is not in operation.

Finally, the bill requires payment of investigators' legal fees in an action or proceeding related to the exercise of police powers in furtherance of official duties.

STATEMENT TO
SENATE, No. 1558

with Senate Floor Amendments
(Proposed By Senator GIRGENTI)

ADOPTED: JUNE 20, 2002

Senate Bill No. 1558 clarifies rights, privileges and protections afforded county investigators in the county prosecutor's offices.

This Senate amendment provides that a single probationary or temporary appointment as a county investigator may be made for a period of up to one year. The amendment further provides that a State, county or municipal law enforcement officer who is appointed as a county investigator would retain any seniority the officer possessed for purposes of completing the probationary or temporary appointment.

Under the provisions of the bill, county investigators may not be removed for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations.

This Senate amendment provides that the chief investigator and deputy chief investigator, however, may be removed or demoted by the prosecutor but shall not be subject to termination except for just cause and upon a written complaint as provided in the bill.

The amendment also clarifies that the transfer of an investigator, other than the chief investigator and deputy chief investigator, from one section or unit to another section or unit within the office of the prosecutor would not constitute a demotion, and the investigator would retain his rank, seniority, seniority-related privileges and salary.

STATEMENT TO
[First Reprint]
SENATE, No. 1558

with Assembly Floor Amendments
(Proposed By Assemblyman R. SMITH)

ADOPTED: FEBRUARY 24, 2003

Senate Bill No. 1558 (1R) clarifies certain rights, privileges and protections afforded county investigators in the county prosecutors' offices.

The bill provided that a State, county or municipal law enforcement officer appointed as a county investigator would retain seniority for purposes of completing a probationary or temporary appointment. These Assembly amendments remove this provision.

The bill also provided that a county prosecutor could remove or demote a chief investigator or deputy chief investigator, but not terminate the chief or deputy chief investigator except for just cause and upon an appropriate written complaint. These Assembly amendments remove the requirement that such termination be based on just cause and upon appropriate written complaint.

Finally, under the bill, the transfer of a county investigator, other than the chief investigator or deputy chief investigator, between sections or units within the office of the county prosecutor could not constitute a demotion and the transferred investigator was to retain rank, seniority, seniority-related privileges and salary. These Assembly amendments remove the exception in this provision for chief and deputy investigators.

The Assembly amendments also make a technical correction.

STATEMENT TO
[Second Reprint]
SENATE, No. 1558

with Assembly Floor Amendments
(Proposed By Assemblyman R.SMITH)

ADOPTED: JUNE 12, 2003

Senate Bill No.1558 (2R) grants certain rights, privileges and protections to investigators in the county prosecutors' offices. The purpose of this Assembly Amendment is to change the effective date of Senate Bill No. 1558 (2R) from the first day of the second month to the 120th day after enactment.

ASSEMBLY, No. 2532

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 17, 2002

Sponsored by:

Assemblyman ROBERT J. SMITH
District 4 (Camden and Gloucester)
Assemblyman GARY L. GUEAR, SR.
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Van Drew

SYNOPSIS

Grants certain rights, privileges and protections to investigators in the county prosecutors' offices.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2002)

1 AN ACT concerning county investigators, amending N.J.S.2A:157-10,
2 and supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.2A:157-10 is amended to read as follows:

8 2A:157-10. In addition to the office of county detective, there is
9 created in the office of the prosecutor, the office or position of county
10 investigator which shall be in the unclassified service of the civil
11 service. The prosecutor of each of the several counties of this state
12 may appoint such number of suitable persons, not in excess of the
13 number, and at salaries not less than the minimum amounts, in this act
14 provided, to be known as county investigators, [to serve at his
15 pleasure and subject to removal by him,] and to assist the prosecutor
16 in the detection, apprehension, arrest and conviction of offenders
17 against the law. Persons so appointed shall possess all the powers
18 and rights and be subject to all the obligations of police officers,
19 constables and special deputy sheriffs, in criminal matters.
20 (cf: N.J.S.2A:157-10)

21
22 2. (New section) Except as otherwise provided by law, a county
23 investigator employed by the county prosecutor shall not be removed
24 from office, employment or position for political reasons or for any
25 cause other than incapacity, misconduct, or disobedience of rules and
26 regulations established by the prosecutor, nor shall such investigator
27 be suspended, removed, fined or reduced, fined or reduced in rank
28 from or in office, employment, or position therein, except for just
29 cause as hereinbefore provided and then only upon a written complaint
30 setting forth the charge or charges against such investigator. The
31 complaint shall be filed in the office having charge of the office
32 wherein the complaint is made and a copy shall be served upon the
33 investigator so charged, with notice of a designated hearing thereon by
34 the proper authorities, which shall be not less than 10 or more than 30
35 days from the date of service of the complaint.

36 A complaint charging a violation of the internal rules and
37 regulations established for the conduct of a prosecutor's office shall be
38 filed no later than the 45th day after the date on which the person
39 filing the complaint obtained sufficient information to file the matter
40 upon which the complaint is based. The 45-day time limit shall not
41 apply if an investigation of an investigator for a violation of the
42 internal rules or regulations of the office is included directly or
43 indirectly within a concurrent investigation of that office for a

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

Matter underlined thus is new matter.

1 violation of the criminal laws of this State. The 45-day limit shall
2 begin on the day after the disposition of the criminal investigation.
3 The 45-day requirement of this paragraph for the filing of a complaint
4 against an investigator shall not apply to a filing of a complaint by a
5 private individual.

6 A failure to comply with these provisions as to the service of the
7 complaint and the time within which a complaint is to be filed shall
8 require a dismissal of the complaint.

9 The investigator may waive the right to a hearing and may appeal
10 the charges directly to any available authority specified by law or
11 regulation, or follow any other procedure recognized by a contract, as
12 permitted by law.

13

14 3. (New section) Except as otherwise provided by the law, the
15 officer, board or authority empowered to hear and determine the
16 charge or charges made against a county investigator shall have the
17 power to subpoena witnesses and documentary evidence. The
18 Superior Court shall have jurisdiction to enforce any such subpoena.

19

20 4. (New section) If any county investigator shall be suspended
21 pending a hearing as a result of charges made against him, such
22 hearing, except as otherwise provided by law, shall be commenced
23 within 30 days from the date of the service of the copy of the
24 complaint upon him, in default of which the charges shall be dismissed
25 and the investigator may be returned to duty.

26

27 5. (New section) Notwithstanding any other law to the contrary,
28 whenever a county investigator is charged with an offense, under the
29 laws of this State, another state, or the United States, the investigator
30 may be suspended from performing his duties, with pay, until the case
31 against the investigator is disposed of at trial, the complaint is
32 dismissed, or the prosecution is terminated; provided, however, that
33 if a grand jury returns an indictment against the investigator, or the
34 investigator is charged with a crime of the first, second or third degree
35 or which involves moral turpitude or dishonesty, the investigator may
36 be suspended from his duties, without pay, until the case against him
37 is disposed of at trial, the complaint is dismissed, or the prosecution
38 is terminated.

39

40 6. (New section) If a suspended county investigator is found not
41 guilty at trial, the charges are dismissed or the prosecution is
42 terminated, the investigator shall be reinstated to his position and shall
43 be entitled to recover all pay withheld during the period of suspension
44 subject to any disciplinary proceedings or administrative action.

45

46 7. (New section) Whenever any county investigator shall be

1 suspended or dismissed from his office, employment or position and
2 that suspension or dismissal shall be judicially determined to be illegal,
3 the investigator shall be entitled to recover his salary from the date of
4 such suspension or dismissal, provided a written application therefor
5 shall be filed with the prosecutor's office within 30 days after such
6 judicial determination.

7
8 8. (New section) Any county investigator who has been tried and
9 convicted of any charge or charges, and is employed by a prosecutor
10 in a county where Title 11A (Civil Service) of the Revised Statutes is
11 not in operation, may obtain a review thereof by the Superior Court.
12 Such review shall be obtained by serving a written notice of an
13 application therefor upon the party or board whose action is to be
14 reviewed within 10 days after written notice to the investigator of the
15 conviction. The party or board shall transmit to the court a copy of
16 the record of such conviction, and of the charge or charges for which
17 the applicant was tried. The court shall hear the cause de novo on the
18 record below and may either affirm, reverse or modify such conviction.
19 If the applicant was removed from his office, employment or position,
20 the court may direct that he be restored to such office, employment or
21 position, and to all his rights pertaining thereto, and may take such
22 other order or judgement as the court deems proper. Either party may
23 supplement the record with additional testimony subject to the rules
24 of evidence.

25
26 9. (New section) Whenever a county investigator is a defendant in
27 any action or legal proceeding arising out of and directly related to the
28 lawful exercise of police powers in the furtherance of his official
29 duties, the prosecutor shall provide the investigator with the necessary
30 means for the defense of such action or proceeding, but not for his
31 defense in a disciplinary proceeding instituted against him by the
32 prosecutor or in criminal proceeding instituted as a result of a
33 complaint on behalf of the prosecutor. If any such disciplinary or
34 criminal proceeding instituted by or on complaint of the prosecutor
35 shall be dismissed or finally determined in favor of the investigator, he
36 shall be reimbursed for the expense of his defense.

37
38 10. This act shall take effect on the first day of the second month
39 after enactment.

40

41

STATEMENT

42

43 This bill clarifies certain rights, privileges and protections afforded
44 county investigators in the county prosecutors' offices.

45 The bill removes the provision in current law providing that these
46 investigators serve at the pleasure of the county prosecutor and are

1 subject to removal by him.

2 Under the provisions of the bill, county investigators may not be
3 removed for political reasons or for any cause other than incapacity,
4 misconduct, or disobedience of rules and regulations. In addition, a
5 county investigator may not be suspended, removed, fined or reduced,
6 fined or reduced in rank from or in office, employment, or position
7 therein, except for just cause and only upon a written complaint setting
8 forth the charge or charges.

9 A complaint filed against an investigator charging a violation of the
10 internal rules and regulations of a prosecutor's office is to be filed no
11 later than the 45th day after the date on which the person filing the
12 complaint obtained sufficient information to file the matter upon which
13 the complaint is based. The 45-day requirement does not apply to a
14 complaint filed by a private individual.

15 Whenever a county investigator is charged with an offense under
16 State or federal law, the investigator may be suspended with pay until
17 the case against the investigator is disposed of at trial, the complaint
18 is dismissed, or the prosecution is terminated. If a grand jury returns
19 an indictment against the investigator, or the investigator is charged
20 with a crime of the first, second or third degree or which involves
21 moral turpitude or dishonesty, the investigator may be suspended from
22 his duties, without pay, until the case is tried, the complaint is
23 dismissed, or until the prosecution is terminated. The bill also
24 provides for reinstatement and back pay after an acquittal or if charges
25 are dismissed. In addition, the bill sets forth the rights of county
26 investigators in counties where Title 11A (Civil Service) of the New
27 Jersey Statutes is not in operation.

28 Finally, the bill requires payment of investigators' legal fees in an
29 action or proceeding related to the exercise of police powers in
30 furtherance of official duties.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2532

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2532.

Assembly Bill No. 2532 clarifies certain rights, privileges and protections afforded county investigators in the county prosecutors' offices.

As amended and reported by the committee, the bill removes the provision in current law providing that these investigators serve at the pleasure of the county prosecutor and that the prosecutor may remove them.

Under the amended bill, county investigators may not be removed for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations. In addition, a county investigator may not be suspended, removed, fined or reduced, fined or reduced in rank from or in office, employment, or position therein, except for just cause and only upon a written complaint setting forth the charge or charges.

A complaint filed against an investigator charging a violation of the internal rules and regulations of a prosecutor's office is to be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day requirement does not apply to a complaint filed by a private individual.

Whenever a county investigator is charged with an offense under State or federal law, the investigator may be suspended with pay until the case against the investigator is disposed of at trial, the complaint is dismissed, or the prosecution is terminated. If a grand jury returns an indictment against the investigator, or the investigator is charged with a crime of the first, second or third degree or which involves moral turpitude or dishonesty, the investigator may be suspended from his duties, without pay, until the case is tried, the complaint is dismissed, or until the prosecution is terminated. The bill also provides for reinstatement and back pay after an acquittal or if charges are dismissed. In addition, the bill sets forth the rights of county investigators in counties where Title 11A (Civil Service) of the New Jersey Statutes is not in operation.

Finally, the amended bill requires payment of investigators' legal fees in an action or proceeding related to the exercise of police powers in furtherance of official duties.

As reported by the committee, this bill is identical to Senate Bill No. 1558 (1R), also reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) provide that a single probationary or temporary appointment as a county investigator may be made for a period of up to one year and that a State, county or municipal law enforcement officer who is appointed as a county investigator would retain any seniority the officer possessed for purposes of completing the probationary or temporary appointment;

(2) specify that the chief investigator and deputy chief investigator may be removed or demoted by the prosecutor, but shall not be subject to termination except for just cause and upon a written complaint as provided in the bill; and

(3) specify that the transfer of an investigator, other than the chief investigator and deputy chief investigator, from one section or unit to another section or unit within the office of the prosecutor would not constitute a demotion, and the investigator would retain his rank, seniority, seniority-related privileges and salary.