

30:8-18.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2006 **CHAPTER:** 54

NJSA: 30:8-18.2 (Establishes that "45-day" rule applies to corrections officers, sheriff's officers, New Jersey Transit police officers and paid firefighters)

BILL NO: A1550 (Substituted for S1789)

SPONSOR(S) Steele and others

DATE INTRODUCED: Pre-filed

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

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 26, 2006

SENATE: June 19, 2006

DATE OF APPROVAL: July 28, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint)

A1550

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL NOTE: No

S1789

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: 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

RWH 3/7/08

§1 - C.30:8-18.2
§2 –
C.40A:9-117.6a
§3 –
C.27:25-15.1c
§4 –
C.40A:14-28.1
§5 - C.30:4-3.11a
§6 - Note to §§1-5

P.L. 2006, CHAPTER 54, *approved July 28, 2006*
Assembly, No. 1550 (*Third Reprint*)

1 AN ACT concerning ³[county]³ corrections officers, sheriff's
2 officers, New Jersey Transit police officers, and certain
3 firefighters, and supplementing ³[chapter] chapters 4 and³ 8 of
4 Title 30 of the Revised Statutes, chapter 9 of Title 40A of the
5 New Jersey Statutes, and chapter 25 of Title 27 of the Revised
6 Statutes.

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

10
11 1. A person shall not be removed from employment or a position
12 as a county corrections officer, or suspended, fined or reduced in
13 rank for a violation of the internal rules and regulations established
14 for the conduct of employees of the county corrections department,
15 unless a complaint charging a violation of those rules and
16 regulations is filed no later than the 45th day after the date on which
17 the person filing the complaint obtained sufficient information to
18 file the matter upon which the complaint is based. A failure to
19 comply with this section shall require a dismissal of the complaint.
20 The 45-day time limit shall not apply if an investigation of a county
21 corrections ³officer³ for a violation of the internal rules and
22 regulations of the county corrections department is included directly
23 or indirectly within a concurrent investigation of that officer for a
24 violation of the criminal laws of this State; the 45-day limit shall
25 begin on the day after the disposition of the criminal investigation.
26 The 45-day requirement in this section for the filing of a complaint
27 against a county corrections officer shall not apply to a filing of a
28 complaint by a private individual.

29
30 2. A person shall not be removed from employment or a position
31 as a sheriff's officer, or suspended, fined or reduced in rank for a
32 violation of the internal rules and regulations established for the
33 conduct of employees of the sheriff's department unless a complaint
34 charging a violation of those rules and regulations is filed no later

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 ALP committee amendments adopted February 23, 2006.

²Assembly floor amendments adopted March 2, 2006.

³Senate SLP committee amendments adopted June 8, 2006.

1 than the 45th day after the date on which the person filing the
2 complaint obtained sufficient information to file the matter upon
3 which the complaint is based. A failure to comply with this section
4 shall require a dismissal of the complaint. The 45-day time limit
5 shall not apply if an investigation of a sheriff's officer for a
6 violation of the internal rules and regulations of the sheriff's
7 department is included directly or indirectly within a concurrent
8 investigation of that officer for a violation of the criminal laws
9 of this State; the 45-day limit shall begin on the day after the
10 disposition of the criminal investigation. The 45-day requirement
11 in this section for the filing of a complaint against a sheriff's officer
12 shall not apply to a filing of a complaint by a private individual.
13

14 ¹3. A person shall not be removed from employment or a
15 position as a police officer of the New Jersey Transit Police
16 Department pursuant to section 2 of P.L.1989, c.291 (C.27:25-
17 15.1), or suspended, fined or reduced in rank for a violation of the
18 internal rules and regulations established for the conduct of
19 employees of the New Jersey Transit Police Department, unless a
20 complaint charging a violation of those rules and regulations is filed
21 no later than the 45th day after the date on which the person filing
22 the complaint obtained sufficient information to file the matter upon
23 which the complaint is based. A failure to comply with this section
24 shall require a dismissal of the complaint. The 45-day time limit
25 shall not apply if an investigation of a police officer for a violation
26 of the internal rules and regulations of the New Jersey Transit
27 Police Department is included directly or indirectly within a
28 concurrent investigation of that officer for a violation of the
29 criminal laws of this State; the 45-day limit shall begin on the day
30 after the disposition of the criminal investigation. The 45-day
31 requirement in this section for the filing of a complaint against a
32 police officer of the New Jersey Transit Police Department shall not
33 apply to a filing of a complaint by a private individual.¹
34

35 ²4. A person shall not be removed from employment or a
36 position as a paid member of a paid or part-paid fire department or
37 force, whether that department or force be created, established and
38 maintained by a municipality, fire district, regional entity, county,
39 authority or the State, or suspended, fined or reduced in rank for a
40 violation of the internal rules and regulations established for the
41 conduct of employees of the department or force, unless a
42 complaint charging a violation of those rules and regulations is filed
43 no later than the 45th day after the date on which the person filing
44 the complaint obtained sufficient information to file the matter upon
45 which the complaint is based. A failure to comply with this section
46 shall require a dismissal of the complaint. The 45-day time limit
47 shall not apply if an investigation by the fire department or force for
48 a violation of the internal rules and regulations of the department or

1 force is included directly or indirectly within a concurrent
2 investigation of that member of the department or force for a
3 violation of the criminal laws of this State; the 45-day limit shall
4 begin on the day after the disposition of the criminal investigation.
5 The 45-day requirement in this section for the filing of a complaint
6 against a member of the department or force shall not apply to a
7 filing of a complaint by a private individual.²

8
9 ³5. A person shall not be removed from employment or a
10 position as a State corrections officer, or suspended, fined or
11 reduced in rank for a violation of the internal rules and regulations
12 established for the conduct of employees of the Department of
13 Corrections, unless a complaint charging a violation of those rules
14 and regulations is filed no later than the 45th day after the date on
15 which the person filing the complaint obtained sufficient
16 information to file the matter upon which the complaint is based. A
17 failure to comply with this section shall require a dismissal of the
18 complaint. The 45-day time limit shall not apply if an investigation
19 of a State corrections officer for a violation of the internal rules and
20 regulations of the Department of Corrections is included directly or
21 indirectly within a concurrent investigation of that officer for a
22 violation of the criminal laws of this State; the 45-day limit shall
23 begin on the day after the disposition of the criminal investigation.
24 The 45-day requirement in this section for the filing of a complaint
25 against a State corrections officer shall not apply to a filing of a
26 complaint by a private individual.³

27
28 ¹[3.] ²[4.] ³[5.] 6.³ This act shall take effect immediately ³,
29 and any administrative action subject to the provisions of this bill
30 which is pending on the effective date shall be concluded within 45
31 days following that effective date³.

32
33
34
35
36 Establishes that “45-day” rule applies to corrections officers,
37 sheriff’s officers, New Jersey Transit police officers and paid
38 firefighters.

ASSEMBLY, No. 1550

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman ALFRED E. STEELE

District 35 (Bergen and Passaic)

Assemblyman KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Establishes that "45-day" rule applies to county corrections officers and sheriff's officers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/28/2006)

1 AN ACT concerning county corrections officers and sheriff's
2 officers and supplementing chapter 8 of Title 30 of the Revised
3 Statutes and chapter 9 of Title 40A of the New Jersey Statutes.
4

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

8 1. A person shall not be removed from employment or a position
9 as a county corrections officer, or suspended, fined or reduced in
10 rank for a violation of the internal rules and regulations established
11 for the conduct of employees of the county corrections department,
12 unless a complaint charging a violation of those rules and
13 regulations is filed no later than the 45th day after the date on which
14 the person filing the complaint obtained sufficient information to
15 file the matter upon which the complaint is based. A failure to
16 comply with this section shall require a dismissal of the complaint.
17 The 45-day time limit shall not apply if an investigation of a county
18 corrections for a violation of the internal rules and regulations of
19 the county corrections department is included directly or indirectly
20 within a concurrent investigation of that officer for a violation of
21 the criminal laws of this State; the 45-day limit shall begin on the
22 day after the disposition of the criminal investigation. The 45-day
23 requirement in this section for the filing of a complaint against a
24 county corrections officer shall not apply to a filing of a complaint
25 by a private individual.
26

27 2. A person shall not be removed from employment or a position
28 as a sheriff's officer, or suspended, fined or reduced in rank for a
29 violation of the internal rules and regulations established for the
30 conduct of employees of the sheriff's department unless a complaint
31 charging a violation of those rules and regulations is filed no later
32 than the 45th day after the date on which the person filing the
33 complaint obtained sufficient information to file the matter upon
34 which the complaint is based. A failure to comply with this section
35 shall require a dismissal of the complaint. The 45-day time limit
36 shall not apply if an investigation of a sheriff's officer for a
37 violation of the internal rules and regulations of the sheriff's
38 department is included directly or indirectly within a concurrent
39 investigation of that officer for a violation of the criminal laws of
40 this State; the 45-day limit shall begin on the day after the
41 disposition of the criminal investigation. The 45-day requirement
42 in this section for the filing of a complaint against a sheriff's officer
43 shall not apply to a filing of a complaint by a private individual.
44

45 3. This act shall take effect immediately.

1 STATEMENT

2

3 This bill would establish that the "45-day rule" applies to county
4 corrections officers and sheriff's officers.

5 The "45-day rule" is a statutory requirement that all complaints
6 against law enforcement officers for violations of their department
7 or agency's internal rules or regulations must be filed within 45
8 days of establishing the grounds for the complaint. If the complaint
9 is not filed within the 45 day window, the complaint must be
10 dismissed and the officer cannot be fired, suspended, fined or
11 reduced in rank for that violation. The 45-day rule does not apply if
12 an officer's alleged violation of departmental or agency rules and
13 regulations is directly or indirectly related to a criminal
14 investigation involving that officer. The 45-day rule also does not
15 apply in cases where the complaint is being filed by a private
16 individual.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1550

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1550.

As amended and released by the committee, Assembly Bill No. 1550 establishes that the "45-day rule" applies to county corrections officers, sheriff's officers and New Jersey Transit police officers.

The "45-day rule" is a statutory requirement that all complaints against law enforcement officers for violations of their department or agency's internal rules or regulations must be filed within 45 days of establishing the grounds for the complaint. If the complaint is not filed within the 45-day window, the complaint must be dismissed and the officer cannot be fired, suspended, fined or reduced in rank for that violation. The 45-day rule does not apply if an officer's alleged violation of departmental or agency rules and regulations is directly or indirectly related to a criminal investigation involving that officer. The 45-day rule also does not apply in cases where the complaint is being filed by a private individual.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to also make the 45-day rule applicable to New Jersey Transit police officers.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 1550

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 1550 (2R).

As amended and reported by the committee, this bill establishes that the "45-day rule" applies to State and county corrections officers, sheriff's officers, New Jersey Transit police officers, and firefighters.

The "45-day rule" is a statutory requirement that all complaints against law enforcement officers for violations of their department or agency's internal rules or regulations must be filed within 45 days of establishing the grounds for the complaint. If the complaint is not filed within the 45-day window, the complaint must be dismissed and the officer cannot be fired, suspended, fined or reduced in rank for that violation. The 45-day rule does not apply if an officer's alleged violation of departmental or agency rules and regulations is directly or indirectly related to a criminal investigation involving that officer. The 45-day rule also does not apply in cases where the complaint is being filed by a private individual.

The committee amended the bill to include State corrections officers in the bill's provisions. The amendments also provide that any administrative action subject to the bill's provisions which is pending on the bill's effective date shall be concluded within 45 days following that effective date.

STATEMENT TO
[First Reprint]
ASSEMBLY No. 1550

with Assembly Floor Amendments
(Proposed By Assemblyman STEELE)

ADOPTED: MARCH 2, 2006

Assembly Bill No. 1550 (1R) establishes that the "45-day" rule applies to county corrections officers, sheriff's officers and New Jersey Transit police officers. The "45-day rule" is a statutory requirement that all complaints against law enforcement officers for violations of their department or agency's internal rules or regulations must be filed within 45 days of establishing the grounds for the complaint.

These Assembly amendments expand the scope of the bill to also make the 45-day rule applicable to firefighters. Specifically, the amendments make the 45-day rule applicable to a paid member of a paid or part-paid fire department or force, whether that department or force be created, established and maintained by a municipality, fire district, regional entity, county, authority or the State. The amendments would apply to firefighters employed by municipal fire departments; municipal fire districts; regional fire districts, such as the North Hudson Regional Authority; an authority, such as the South Jersey Transportation Authority; a county; or the State, such as those working in State hospitals.

SENATE, No. 1789

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 8, 2006

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Establishes that “45-day” rule applies to county corrections officers, sheriff’s officers, New Jersey Transit police officers and paid firefighters.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2006)

1 AN ACT concerning county corrections officers, sheriff's officers,
2 New Jersey Transit police officers, and certain firefighters, and
3 supplementing chapter 8 of Title 30 of the Revised Statutes,
4 chapter 9 of Title 40A of the New Jersey Statutes, and chapter 25
5 of Title 27 of the Revised Statutes.

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

9
10 1. A person shall not be removed from employment or a position
11 as a county corrections officer, or suspended, fined or reduced in
12 rank for a violation of the internal rules and regulations established
13 for the conduct of employees of the county corrections department,
14 unless a complaint charging a violation of those rules and
15 regulations is filed no later than the 45th day after the date on which
16 the person filing the complaint obtained sufficient information to
17 file the matter upon which the complaint is based. A failure to
18 comply with this section shall require a dismissal of the complaint.
19 The 45-day time limit shall not apply if an investigation of a county
20 corrections for a violation of the internal rules and regulations of
21 the county corrections department is included directly or indirectly
22 within a concurrent investigation of that officer for a violation of
23 the criminal laws of this State; the 45-day limit shall begin on the
24 day after the disposition of the criminal investigation. The 45-day
25 requirement in this section for the filing of a complaint against a
26 county corrections officer shall not apply to a filing of a complaint
27 by a private individual.

28
29 2. A person shall not be removed from employment or a position
30 as a sheriff's officer, or suspended, fined or reduced in rank for a
31 violation of the internal rules and regulations established for the
32 conduct of employees of the sheriff's department unless a complaint
33 charging a violation of those rules and regulations is filed no later
34 than the 45th day after the date on which the person filing the
35 complaint obtained sufficient information to file the matter upon
36 which the complaint is based. A failure to comply with this section
37 shall require a dismissal of the complaint. The 45-day time limit
38 shall not apply if an investigation of a sheriff's officer for a
39 violation of the internal rules and regulations of the sheriff's
40 department is included directly or indirectly within a concurrent
41 investigation of that officer for a violation of the criminal laws of
42 this State; the 45-day limit shall begin on the day after the
43 disposition of the criminal investigation. The 45-day requirement
44 in this section for the filing of a complaint against a sheriff's officer
45 shall not apply to a filing of a complaint by a private individual.

46
47 3. A person shall not be removed from employment or a position
48 as a police officer of the New Jersey Transit Police Department

1 pursuant to section 2 of P.L.1989, c.291 (C.27:25-15.1), or
2 suspended, fined or reduced in rank for a violation of the internal
3 rules and regulations established for the conduct of employees of
4 the New Jersey Transit Police Department, unless a complaint
5 charging a violation of those rules and regulations is filed no later
6 than the 45th day after the date on which the person filing the
7 complaint obtained sufficient information to file the matter upon
8 which the complaint is based. A failure to comply with this section
9 shall require a dismissal of the complaint. The 45-day time limit
10 shall not apply if an investigation of a police officer for a violation
11 of the internal rules and regulations of the New Jersey Transit
12 Police Department is included directly or indirectly within a
13 concurrent investigation of that officer for a violation of the
14 criminal laws of this State; the 45-day limit shall begin on the day
15 after the disposition of the criminal investigation. The 45-day
16 requirement in this section for the filing of a complaint against a
17 police officer of the New Jersey Transit Police Department shall not
18 apply to a filing of a complaint by a private individual.

19

20 4. A person shall not be removed from employment or a position
21 as a paid member of a paid or part-paid fire department or force,
22 whether that department or force be created, established and
23 maintained by a municipality, fire district, regional entity, county,
24 authority or the State, or suspended, fined or reduced in rank for a
25 violation of the internal rules and regulations established for the
26 conduct of employees of the department or force, unless a
27 complaint charging a violation of those rules and regulations is filed
28 no later than the 45th day after the date on which the person filing
29 the complaint obtained sufficient information to file the matter upon
30 which the complaint is based. A failure to comply with this section
31 shall require a dismissal of the complaint. The 45-day time limit
32 shall not apply if an investigation by the fire department or force for
33 a violation of the internal rules and regulations of the department or
34 force is included directly or indirectly within a concurrent
35 investigation of that member of the department or force for a
36 violation of the criminal laws of this State; the 45-day limit shall
37 begin on the day after the disposition of the criminal investigation.
38 The 45-day requirement in this section for the filing of a complaint
39 against a member of the department or force shall not apply to a
40 filing of a complaint by a private individual.

41

42 5. This act shall take effect immediately.

43

44

45

STATEMENT

46

47 This bill establishes that the "45-day rule" applies to county
48 corrections officers, sheriff's officers, New Jersey Transit police

1 officers, and firefighters.

2 The "45-day rule" is a statutory requirement that all complaints
3 against law enforcement officers for violations of their department
4 or agency's internal rules or regulations must be filed within 45
5 days of establishing the grounds for the complaint. If the complaint
6 is not filed within the 45-day window, the complaint must be
7 dismissed and the officer cannot be fired, suspended, fined or
8 reduced in rank for that violation. The 45-day rule does not apply if
9 an officer's alleged violation of departmental or agency rules and
10 regulations is directly or indirectly related to a criminal
11 investigation involving that officer. The 45-day rule also does not
12 apply in cases where the complaint is being filed by a private
13 individual.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1789

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1789.

As amended and reported by the committee, this bill establishes that the "45-day rule" applies to State and county corrections officers, sheriff's officers, New Jersey Transit police officers, and firefighters.

The "45-day rule" is a statutory requirement that all complaints against law enforcement officers for violations of their department or agency's internal rules or regulations must be filed within 45 days of establishing the grounds for the complaint. If the complaint is not filed within the 45-day window, the complaint must be dismissed and the officer cannot be fired, suspended, fined or reduced in rank for that violation. The 45-day rule does not apply if an officer's alleged violation of departmental or agency rules and regulations is directly or indirectly related to a criminal investigation involving that officer. The 45-day rule also does not apply in cases where the complaint is being filed by a private individual.

The committee amended the bill to include State corrections officers in the bill's provisions. The amendments also provide that any administrative action subject to the bill's provisions which is pending on the bill's effective date shall be concluded within 45 days following that effective date.