

SENATE, No. 679

STATE OF NEW JERSEY

INTRODUCED APRIL 22, 1968

By Senators McDERMOTT, MATTURRI, GIULIANO, LA CORTE,
FARLEY, WHITE and RINALDO

Referred to Committee on Judiciary

AN ACT concerning certain retired judges, authorizing them, where willing and when assigned by the Chief Justice, to serve in specified courts and repealing section 4 of chapter 183 of the laws of 1963 and section 4 of chapter 135 of the laws of 1964.

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

1 1. Any judge retired on pension, except a judge of the municipal
2 court, who has not attained the age of 70 years, may, with his con-
3 sent, be assigned by the Chief Justice to sit in any court but the
4 Supreme Court, or in the case of a retired justice of the Supreme
5 Court, to sit in any court.

1 2. Upon such assignment the retired judge shall have all the
2 powers of a judge or justice of the court to which he is assigned
3 and shall be paid a per diem allowance to be fixed by the Chief
4 Justice at a rate which, for a court year, together with his pension,
5 shall not exceed the current salary of the court from which he re-
6 tired. In addition such judge or justice shall be reimbursed for
7 all reasonable expenses actually incurred in connection with such
8 assignment. Such per diem compensation and expenses shall be
9 paid by the State.

1 3. Payment for such service shall be made in the same manner
2 as is compensation of the active judges of the court from which
3 he retired.

1 4. Section 4 (C. 43:6-6.16) of chapter 183 of the laws of 1963
2 and section 4 (C. 43:6-6.21) of chapter 135 of the laws of 1964
3 are hereby repealed.

1 5. This act shall take effect immediately.

Sponsors

STATEMENT

This bill gives the Chief Justice authority to recall to service judges who have retired on pension prior to the mandatory retirement age of 70 years. Such recall is conditioned upon the judge's voluntary acceptance of the assignment. Provision is made to compensate the recalled judge in an amount which, together with his pension, shall not exceed the current salary of the office from which he retired.

A judge so assigned shall receive as compensation an amount set by the Chief Justice calculated to pay him as nearly as possible the difference between his pension, which in the case of justices of the Supreme Court and judges of the Superior Court amounts to $\frac{3}{4}$ salary, and the salary of the office he fills. Presently there exists statutory authority only for the temporary recall to the bench of retired justices of the Supreme Court and judges of the Superior Court, but such recall is without compensation and provides only for reimbursement of expenses.