

2 A: 62A-1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Law enforcement officers--
civil actions)

NJSA: 2A:62A-1

LAWS OF: 1993 **CHAPTER:** 366

BILL NO: A1342

SPONSOR(S): Solomon

DATE INTRODUCED: May 4, 1992

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** October 29, 1992

SENATE: June 28, 1993

DATE OF APPROVAL: January 5, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 1342

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1992

By Assemblyman SOLOMON, Assemblywoman DERMAN
and Assemblyman Roma

1 AN ACT concerning rights of action available to certain law
2 enforcement officers, firefighters and emergency service
3 personnel, and supplementing chapter 62A of Title 2A of the
4 New Jersey Statutes.

5

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

8 1. In addition to any other right of action or recovery
9 otherwise available under law, whenever any law enforcement
10 officer, firefighter, or ¹[volunteer]¹ member of a duly
11 incorporated first aid, emergency, ambulance or rescue squad
12 association suffers any injury, disease or death while in the lawful
13 discharge of his official duties and that injury, disease or death is
14 directly or indirectly the result of the neglect, willful omission,
15 or willful or culpable conduct of any person or entity, other than
16 that law enforcement officer, firefighter or first aid, emergency,
17 ambulance or rescue squad member's employer or co-employee,
18 the law enforcement officer, firefighter, or first aid, emergency,
19 ambulance or rescue squad member suffering that injury or
20 disease, or, in the case of death, a representative of that law
21 enforcement officer, firefighter or first aid, emergency,
22 ambulance or rescue squad member's estate, may seek recovery
23 and damages from the person or entity whose neglect, willful
24 omission, or willful or culpable conduct resulted in that injury,
25 disease or death.

26 2. The rights, remedies and limitations accorded by the
27 provisions of this act are hereby declared to be in addition to and
28 cumulative of the rights, remedies and limitations accorded under
29 law and nothing herein shall be construed to deny, abrogate or
30 impair any such statutory right, remedy or prohibition.

31 3. This act shall take effect immediately, but the actions
32 permitted herein shall be available only for injuries, diseases and
33 deaths suffered on or after the effective date.

34

35

36

37

38 Grants police officers, firefighters, emergency service personnel
39 and their estates the right to seek recovery and damages for
40 injury, disease and death in certain cases.

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 SLP committee amendments adopted March 11, 1993.

1 ambulance or rescue squad members and representatives of their
2 estates to seek damages for any death or disease that directly or
3 indirectly results from such negligent actions.

4 Currently, the recovery rights of law enforcement officers,
5 firefighters, and first aid, emergency, ambulance or rescue squad
6 members suffering such injuries, diseases or deaths are limited to
7 those rights and benefits authorized and available under the
8 workers' compensation statutes.

9 The rights afforded under this bill are, however, limited in one
10 respect. The provisions of the bill do not authorize a law
11 enforcement officer, firefighter, and first aid, emergency,
12 ambulance or rescue squad member or a representative of his
13 estate to seek recovery or damages from the law enforcement
14 officer, firefighter or first aid, emergency, ambulance or rescue
15 squad member's employer or any co-worker.

16
17
18
19

20 Grants police officers, firefighters, emergency service personnel
21 and their estates the right to seek recovery and damages for
22 injury, disease and death in certain cases.

ASSEMBLY, No. 1342

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1992

By Assemblyman SOLOMON

1 AN ACT concerning rights of action available to certain law
2 enforcement officers, firefighters and emergency service
3 personnel, and supplementing chapter 62A of Title 2A of the
4 New Jersey Statutes.

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

8 1. In addition to any other right of action or recovery
9 otherwise available under law, whenever any law enforcement
10 officer, firefighter, or volunteer member of a duly incorporated
11 first aid, emergency, ambulance or rescue squad association
12 suffers any injury, disease or death while in the lawful discharge
13 of his official duties and that injury, disease or death is directly
14 or indirectly the result of the neglect, willful omission, or willful
15 or culpable conduct of any person or entity, other than that law
16 enforcement officer, firefighter or first aid, emergency,
17 ambulance or rescue squad member's employer or co-employee,
18 the law enforcement officer, firefighter, or first aid, emergency,
19 ambulance or rescue squad member suffering that injury or
20 disease, or, in the case of death, a representative of that law
21 enforcement officer, firefighter or first aid, emergency,
22 ambulance or rescue squad member's estate, may seek recovery
23 and damages from the person or entity whose neglect, willful
24 omission, or willful or culpable conduct resulted in that injury,
25 disease or death.

26 2. The rights, remedies and limitations accorded by the
27 provisions of this act are hereby declared to be in addition to and
28 cumulative of the rights, remedies and limitations accorded under
29 law and nothing herein shall be construed to deny, abrogate or
30 impair any such statutory right, remedy or prohibition.

31 3. This act shall take effect immediately, but the actions
32 permitted herein shall be available only for injuries, diseases and
33 deaths suffered on or after the effective date.

34

35

36

STATEMENT

37

38 This bill would permit law enforcement officers, firefighters,
39 and volunteer first aid, emergency, ambulance or rescue squad
40 members who, while performing their official duties, suffer an
41 injury which is directly or indirectly the result of another's
42 neglect, willful omission, or willful or culpable conduct to seek
43 recovery for that injury and any resulting lost wages, medical
44 expenses, and pain and suffering. The bill also permits those law
45 enforcement officers, firefighters, and first aid, emergency,

46 ambulance or rescue squad members and representatives of their
47 estates to seek damages for any death or disease that directly or
48 indirectly results from such negligent actions.

49 Currently, the recovery rights of law enforcement officers,
50 firefighters, and first aid, emergency, ambulance or rescue squad
51 members suffering such injuries, diseases or deaths are limited to
52 those rights and benefits authorized and available under the
53 workers' compensation statutes.

54 The rights afforded under this bill are, however, limited in one
55 respect. The provisions of the bill do not authorize a law
56 enforcement officer, firefighter, and first aid, emergency,
57 ambulance or rescue squad member or a representative of his
58 estate to seek recovery or damages from the law enforcement
59 officer, firefighter or first aid, emergency, ambulance or rescue
60 squad member's employer or any co-worker.

61

62

63

64

65 Grants police officers, firefighters, emergency service personnel
66 and their estates the right to seek recovery and damages for
67 injury, disease and death in certain cases.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1342

STATE OF NEW JERSEY

DATED: AUGUST 24, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1342.

This bill would permit law enforcement officers, firefighters, and volunteer first aid, emergency, ambulance or rescue squad members who, while performing their official duties, suffer an injury which is directly or indirectly the result of another's neglect, willful omission, or willful or culpable conduct, to seek recovery for that injury and any resulting lost wages, medical expenses, and pain and suffering. The bill also permits those law enforcement officers, firefighters, and first aid, emergency, ambulance or rescue squad members and representatives of their estates to seek damages for any death or disease that directly or indirectly results from such negligent actions.

Currently, the recovery rights of law enforcement officers, firefighters, and first aid, emergency, ambulance or rescue squad members suffering such injuries, diseases or deaths are limited to those rights and benefits authorized and available under the workers' compensation statutes.

The rights afforded under this bill are, however, limited in one respect. The provisions of the bill do not authorize a law enforcement officer, firefighter, or first aid, emergency, ambulance or rescue squad member or a representative of his estate to seek recovery or damages from his employer or any co-worker.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1342

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 1993

The Senate Law and Public Safety Committee favorably reports Assembly Bill No. 1342 with committee amendments.

Under the provisions of the bill as amended by the committee, a law enforcement officer, firefighter, or first aid, emergency, ambulance or rescue squad member who, while performing official duties, suffers an injury which is directly or indirectly the result of another's neglect, willful omission, or willful or culpable conduct, would be permitted to seek recovery for that injury and any resulting lost wages, medical expenses, and pain and suffering. The bill also permits the injured person or a representative of his estate to seek damages for death or disease that directly or indirectly results from such negligent actions.

Currently, the recovery rights of law enforcement officers, firefighters, and first aid, emergency, ambulance or rescue squad members suffering such injuries, diseases or deaths are limited to those rights and benefits authorized and available under the workers' compensation statutes.

The rights afforded under this bill are, however, limited in one respect. The provisions of the bill do not permit the injured person or a representative of his estate to seek recovery or damages from his employer or any co-worker.

The committee amended the bill so that it would be applicable to both paid and volunteer members of first aid, emergency, ambulance or rescue squads.

As amended and released by the committee, this bill is identical to Senate Bill No. 914 which was also amended and released by the committee on this date.