

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-147; 40A:14-106a (Police-- County and municipal--
filing of complaints against officers--
time limits)

LAWS OF: 1988 **CHAPTER:** 145

BILL NO: A2630

SPONSOR(S): Zangari

Date Introduced: February 29, 1988

Committee: **Assembly:** Law, Public Safety and Defense
Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: **Assembly:** June 2, 1988
Senate: October 17, 1988

Date of Approval: November 1, 1988

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

P.L. 1988, CHAPTER 145, *approved November 1, 1988*

1988 Assembly No. 2630

1 **AN ACT** concerning county and municipal law enforcement
 officers, amending N.J.S. 40A:14-147 and supplementing
 3 chapter 14 of Title 40A of the New Jersey Statutes.

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

7 1. N.J.S. 40A:14-147 is amended to read as follows:

40A:14-147. Except as otherwise provided by law, no
 9 permanent member or officer of the police department or force
 shall be removed from his office, employment or position for
 11 political reasons or for any cause other than incapacity,
 misconduct, or disobedience of rules and regulations established
 13 for the government of the police department and force, nor shall
 such member or officer be suspended, removed, fined or reduced
 15 in rank from or in office, employment, or position therein, except
 for just cause as herein before provided and then only upon a
 17 written complaint setting forth the charge or charges against
 such member or officer. Said complaint shall be filed in the
 19 office of the body, officer or officers having charge of the
 department or force wherein the complaint is made and a copy
 21 shall be served upon the member or officer so charged, with
 notice of a designated hearing thereon by the proper authorities,
 23 which shall be not less than 10 nor more than 30 days from date
 of service of the complaint.

25 A complaint charging a violation of the internal rules and
regulations established for the conduct of a law enforcement unit
 27 shall be filed no later than the 45th day after the date on which
the person filing the complaint obtained sufficient information to
 29 file the matter upon which the complaint is based. The 45-day
time limit shall not apply if an investigation of a law
 31 enforcement officer for a violation of the internal rules or
regulations of the law enforcement unit is included directly or
 33 indirectly within a concurrent investigation of that officer for

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

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

9 (cf: P.L. 1981, c. 75)

10 2. (New section) A county law enforcement officer shall not be
11 removed from the officer's employment or position, nor
12 suspended, fined or reduced in rank for a violation of the internal
13 rules and regulations established for the conduct of a law
14 enforcement unit unless a complaint charging a violation of those
15 rules and regulations is filed no later than the 45th day after the
16 date on which the person filing the complaint obtained sufficient
17 information to file the matter upon which the complaint is
18 based. A failure to comply with this section shall require a
19 dismissal of the complaint. The 45-day time limit shall not apply
20 if an investigation of a law enforcement officer for a violation of
21 the internal rules and regulations of the law enforcement unit is
22 included directly or indirectly within a concurrent investigation
23 of that officer for a violation of the criminal laws of this State.
24 The 45-day limit shall begin on the day after the disposition of
25 the criminal investigation. The 45 day requirement in this
26 section for the filing of a complaint against an officer shall not
27 apply to a filing of a complaint by a private individual.

28 3. This act shall take effect immediately.

29

30

31 STATEMENT

32 This bill requires that a complaint against a county or
33 municipal law enforcement officer which is based on a violation
34 of the internal rules and regulations of a law enforcement unit be
35 filed within 45 days from the date the person filing the complaint
36 obtained sufficient information to file the matter upon which the
37 complaint is based. This 45-day requirement would not apply to a
38 filing of a complaint by a private individual.
39

1 The bill also states that the 45-day time limit shall not apply if
2 an investigation of a law enforcement officer for a violation of
3 the internal rules and regulations of a law enforcement unit is
4 included directly or indirectly within a concurrent investigation
5 of that officer for a violation of the criminal laws of this State.
6 The 45-day limit will begin in such a situation on the day after
7 the disposition of the criminal investigation. It is the sponsor's
8 intent that the term "disposition of the criminal investigation" be
9 interpreted to include grand jury action, the court trial and all
10 appeals taken.

11

12 **PUBLIC SAFETY**13 **Police Officers**

14

15 Requires certain complaints against county or municipal law
16 enforcement officers to be filed within 45 days.
17

ASSEMBLY, No. 2630

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 29, 1968

By Assemblyman ZANGARI

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permanent member or officer of the police department or force
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misconduct, or disobedience of rules and regulations established
13 for the government of the police department and force, nor shall
such member or officer be suspended, removed, fined or reduced
15 in rank from or in office, employment, or position therein, except
for just cause as herein before provided and then only upon a
17 written complaint setting forth the charge or charges against
such member or officer. Said complaint shall be filed in the
19 office of the body, officer or officers having charge of the
department or force wherein the complaint is made and a copy
21 shall be served upon the member or officer so charged, with
notice of a designated hearing thereon by the proper authorities,
23 which shall be not less than 10 nor more than 30 days from date
of service of the complaint.

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regulations established for the conduct of a law enforcement unit
27 shall be filed no later than the 45th day after the date on which
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14 enforcement unit unless a complaint charging a violation of those
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17 information to file the matter upon which the complaint is
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21 the internal rules and regulations of the law enforcement unit is
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The 45-day limit will begin in such a situation on the day after
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13 **PUBLIC SAFETY**
 Police Officers

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Requires certain complaints against county or municipal law
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**ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE**

STATEMENT TO

ASSEMBLY, No. 2630

STATE OF NEW JERSEY

DATED: MAY 16, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports Assembly Bill 2630.

Assembly Bill No. 2630 amends N.J.S. 40A:14-147 and supplements chapter 14 of Title 40A of the New Jersey Statutes to require that a complaint against a county or municipal law enforcement officer which is based on a violation of the internal rules and regulations of a law enforcement unit be filed within 45 days of the date the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based.

The bill specifies that the 45 day requirement does not apply either in instances where a private citizen files a complaint or in cases where the investigation of the officer for a violation of the internal rules and regulations of the department or force is either directly or indirectly included as part of a concurrent investigation of that officer for a violation of the criminal laws of this State. In situations involving such concurrent investigations, the bill provides that the 45 day filing requirement is to begin on the day after the disposition of the criminal investigation. It is the Committee's understanding that the sponsor's intended interpretation of the phrase "disposition of the criminal investigation" includes grand jury action, court trial and all appeals taken thereto.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2630

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1988

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 2630.

Assembly Bill No. 2630 amends and supplements current law to require that a complaint against a county or municipal law enforcement officer which is based on a violation of the internal rules and regulations of a law enforcement department be filed within 45 days of the date the person filing the complaint obtained sufficient information on the matter upon which the complaint is based.

The bill specifies that the 45 day requirement does not apply when a private citizen files a complaint or when the investigation of the officer for a violation of the internal rules and regulations of the department is either directly or indirectly included in a concurrent investigation of that officer for a violation of the criminal laws of this State. In situations involving such concurrent investigations, the bill provides that the 45 day filing requirement is to begin on the day after the disposition of the criminal investigation. The phrase "disposition of the criminal investigation" includes grand jury action, court trial and all appeals taken thereto.



OFFICE OF THE GOVERNOR

NEWS RELEASE

Governor Thomas H. Kean
TRENTON, N.J. 08625
Release: TUES., 11/1/88

CN-001

Contact: **JOHN SAMERJAN**
609-292-8956 OR 609-292-6000 EXT. 207

Governor Thomas H. Kean today signed the following legislation:

A-2020, sponsored by Assemblyman Ralph Loveys, R-Morris, permits boards of education of county vocational schools to participate in county or joint insurance funds.

A-2021, sponsored by Assemblyman Ralph Loveys, R-Morris, permits boards of trustees of county colleges to participate in county or joint insurance funds.

Both bills are effective immediately.

A-2630, sponsored by Assemblyman James Zangari, D-Essex, establishes a 45 day limit on when complaints against county or municipal law enforcement officers can be filed where the complaint is based on a violation of an internal rule or regulation of the law enforcement unit. The 45 day limit does not apply to complaints brought by private individuals.

The legislation is effective immediately.

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