

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4641

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 2022

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4641.

This bill would change the factors to be considered by the boards of State or locally administered retirement systems hearing pension forfeiture cases concerning public employees. It would emphasize the nature of the misconduct, the relationship between the misconduct and the person's public duties, and the person's moral turpitude, and require the board to direct the person's entire pension be forfeited based on these factors. Additional factors may only be used subsequently to mitigate this full forfeiture to a partial forfeiture. Where a forfeiture is warranted, this bill requires that the person receive a refund of their contributions, but allows for the board to determine whether that refund is with or without any accrued interest.

This bill would require the forfeiture of the pension or retirement benefit of a person if the person is convicted of any crime of the first or second degree, or the equivalent under the laws of another state or of the United States, when the offense is related to the person's performance in or circumstances flowing from the public office or employment held by the person. This bill also specifies that pension forfeiture applies in cases that result in qualifying guilty or nolo contendere pleas, in addition to convictions.

This bill would also open a person's public pension to garnishment in order to fulfill court ordered restitution of public funds when a person has been convicted of, or plead guilty or nolo contendere to, certain offenses.