

CHAPTER 56

AN ACT concerning certain service credit for certain members of the Prosecutors Part of the Public Employees' Retirement System, salaries and retirement benefits of certain prosecutors and judges, and amending various parts of the statutory law.

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

1. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to read as follows:

C.43:15A-156 Prosecutors, membership in Prosecutors Part, PERS credit.

2. a. Notwithstanding the provisions of any other law, prosecutors shall be members of the Prosecutors Part, established pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), and shall be subject to the same membership and benefit provisions as State employees, except as provided by P.L.2001, c.366. Membership in the retirement system shall be a condition of employment for service as a prosecutor. Any service credit which has been established in the Public Employees' Retirement System prior to the effective date of this act, P.L.2021, c.226, shall be established in the Prosecutors Part without further assessment of cost to the prosecutor; provided, however, any service credit which has been established in the Public Employees' Retirement System and the Judicial Retirement System not deferred pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1) by a member of the retirement system in any position prior to service as a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, shall be established in the Prosecutors Part without further assessment of cost to the prosecutor.

Any county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution before or after the effective date of P.L.2024, c.56, who purchases, after appointment as a county prosecutor, credit for service as a law clerk to a judge of the New Jersey Superior Court or justice of the New Jersey Supreme Court in the same manner and subject to the same terms and conditions provided for the purchase of previous membership service by section 8 of P.L.1954, c.84 (C.43:15A-8) shall have that service established in the Prosecutors Part.

Any county prosecutor or acting county prosecutor enrolled in the Defined Contribution Retirement Program as a county prosecutor or acting county prosecutor shall be eligible for service credit in the Prosecutors Part, except that the county prosecutor or acting county prosecutor shall first pay the amount equivalent to that amount contributed pursuant to section 3 of P.L.2007, c.92 (C.43:15C-3) during each fiscal year of membership in the Defined Contribution Retirement Program to be credited.

b. All outstanding obligations, such as loans, purchases and other arrearage, shall be satisfied by a prosecutor as previously scheduled for payment to the Public Employees' Retirement System.

2. N.J.S.2B:2-4 is amended to read as follows:

Judicial salaries.

2B:2-4. Judicial Salaries.

Annual salaries of justices and judges beginning on January 1, 2024 and thereafter shall be:

Chief Justice of the Supreme Court	\$234,191.95
Associate Justice of the Supreme Court	\$226,292.11
Presiding Judge of the Superior Court, Appellate Division	\$218,545.82
Judge of the Superior Court, Appellate Division	\$215,545.82
Judge of the Superior Court, Assignment Judge	\$211,437.65
Presiding Judge of the Superior Court; Presiding Judge of the Tax Court	\$207,166.50
Judge of the Superior Court; Judge of the Tax Court	\$204,166.50

Beginning on January 1, 2025, and on January 1 of each year for two years thereafter, the amount of the annual salary determined for the prior calendar year shall be adjusted annually by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 12-month period beginning November 1 and ending October 31. For the purpose of this section, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of each year and the adjustment shall become effective for payments to be made during the calendar year following the determination, beginning with payments made on or after January 1 of each calendar year. An adjustment in the annual payment shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. Such an annual adjustment shall in no event be greater than 2 percent. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods. The first adjustment determination shall be made by December 1, 2024 and applicable to payments commencing on January 1, 2025. The final adjustment shall be made on December 1, 2026 and be applicable for payments commencing on January 1, 2027. No further adjustments shall be made thereafter.

3. N.J.S.2A:158-10 is amended to read as follows:

Salaries of county prosecutors.

2A:158-10. County prosecutors shall receive annual salaries to be fixed by the governing body of the county at \$204,166.50 beginning on January 1, 2024 and thereafter.

Beginning on January 1, 2025 and on January 1 of each year for two years thereafter, the amount of the annual salary determined for the prior calendar year shall be adjusted annually by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 12-month period beginning November 1 and ending October 31. For the purpose of this section, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of each year and the adjustment shall become effective for payments to be made during the calendar year following the determination, beginning with payments made on or after January 1 of each

calendar year. An adjustment in the annual payment shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. Such an annual adjustment shall in no event be greater than 2 percent. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods. The first adjustment determination shall be made by December 1, 2024 and applicable to payments commencing on January 1, 2025. The final adjustment shall be made on December 1, 2026 and be applicable for payments commencing on January 1, 2027. No further adjustments shall be made thereafter.

There shall be appropriated annually to the Department of Community Affairs for payment to each county for additional salary costs resulting from the increase in the salary of county prosecutors an amount equal to the amount by which the annual salary paid to the county prosecutor under this section exceeds \$100,000.00.

4. Section 13 of P.L.1973, c.140 (C.43:6A-13) is amended to read as follows:

C.43:6A-13 Retired judge not to engage in practice of law; assignment to sit in court.

13. a. (1) No member of the retirement system shall, while receiving a pension or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), engage in the practice of law before any of the courts of this State. This prohibition shall not apply to a county prosecutor appointed by the Governor with the advice and consent of the Senate in accordance with N.J.S.2A:158-1.

(2) A member of the retirement system, while receiving a pension or retirement allowance pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), may serve as a county prosecutor appointed by the Governor with the advice and consent of the Senate in accordance with N.J.S.2A:158-1 and receive the full salary for that position. While serving as a county prosecutor, the former member of the retirement system shall not participate in the Defined Contribution Retirement Program or be enrolled in any other State-administered retirement system on the basis of service as a county prosecutor.

(3) The effective date of retirement for a former member of the retirement system who is serving as a county prosecutor on the effective date of P.L.2024, c.56, and who was approved for a deferred retirement in accordance with section 1 of P.L.2019, c.287 (C.43:6A-11.1) prior to that effective date, shall be adjusted to the first day of the month following the effective date of P.L.2024, c.56 and the pension or retirement allowance shall become payable in accordance with P.L.1973, c.140 (C.43:6A-1 et seq.). For the former member of the retirement system whose pension or retirement allowance becomes payable and who was made eligible for deferred State-paid health care benefits coverage in the State Health Benefits Program in accordance section 2 of P.L.2019, c.287 (C.52:14-17.32o) prior to the effective date of P.L.2024, c.56, the former member and the former member's dependents shall be entitled to such health care benefits coverage and payments for such coverage as the former State member was eligible on the date terminating full-time employment as a judge with the State and shall be enrolled for coverage in the program as of the first day of the month following the effective date of P.L.2024, c.56 or as soon as feasible thereafter.

b. Subject to rules of the Supreme Court, any justice of the Supreme Court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service in the Supreme Court or elsewhere within the judicial system, and any judge of the Superior Court, juvenile and domestic relations court, county district court, or tax court who has retired on pension or retirement allowance may, with his consent, be recalled by the Supreme Court for temporary service within the judicial system other than the Supreme Court.

c. Upon such recall, the retired justice or judge shall have all the powers of a justice or judge of the court to which he is assigned and shall be paid a per diem allowance fixed by the Supreme Court in accordance with its rules, provided however that in no event shall he receive a salary which together with his pension or retirement allowance exceeds the current salary of a justice or judge of the court from which he retired. In addition, the recalled justice or judge shall be reimbursed for reasonable expenses actually incurred by him in connection with his assignment and shall be provided with such facilities as may be required in the performance of his duties. Such per diem compensation and expenses shall be paid by the State.

d. Payment for services and expenses shall be made in the same manner as payment is made to the justices or judges of the court from which he retired.

e. The Supreme Court is empowered to adopt such rules as it deems necessary or appropriate for the prompt and efficient administration of justice in furtherance of the purposes of this act.

5. Section 1 of P.L.2019, c.287 (C.43:6A-11.1) is amended to read as follows:

C.43:6A-11.1 Certain members of Judicial Retirement System; deferment.

1. Notwithstanding the provisions of any law or regulation to the contrary, a member of the Judicial Retirement System who has been appointed by the Chief Justice of the Supreme Court to the position of Administrative Director of the Courts in accordance with Article VI, Section VII, paragraph 1 of the New Jersey Constitution may file, prior to commencing service as the Administrative Director of the Courts, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years, has the necessary judicial service credit for a full judicial retirement, and has served for 20 years as a judge for any court in New Jersey. The approval process shall be expedited. If the application is approved, the effective date of retirement for that member shall be deferred to the first day of the month following the termination of the member's service in the position of Administrative Director of the Courts. The application for retirement shall be accompanied by a copy of the member's written resignation from the judicial office effective as of the date of the approval of the retirement application.

If such a person attains the age of 70 years while serving as the Administrative Director of the Courts and has an approved application for the member's retirement the effective date of which has been deferred, this section shall specifically override the JRS mandatory retirement age of 70 enacted in section 7 of P.L.1973, c.140 (C.43:6A-7) and in the administrative code and shall allow for the deferment of the mandatory retirement for JRS to the first day of the month following the termination of the member's service in the position of Administrative Director of the Courts.

If such a person dies while in service as the Administrative Director of the Courts, the death shall not be considered a death in active service. The beneficiary shall be eligible for a pension or survivor's benefit and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death. The election by the member of an option in accordance with section 1 of P.L.2002, c.54 (C.43:6A-16.1) shall become effective and payable.

Notwithstanding any other provision of law to the contrary, a person who files an application for retirement pursuant to this section and serves in the position of Administrative Director of the Courts shall not be eligible to enroll in any other State-administered retirement system or receive any other payments from the State deemed to be payments for retirement

accounts, funds, or pensions, not including annuities. The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of Administrative Director of the Courts during service in that position.

This section shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application.

6. Section 2 of P.L.2019, c.287 (C.52:14-17.32o) is amended to read as follows:

C.52:14-17.32o Payment of premium, periodic changes; deferral of certain benefits.

2. Notwithstanding the provisions of P.L.1961, c.49 (C.52:14-17.26 et seq.) to the contrary, from funds appropriated therefor, the State shall pay the premium or periodic charges for the benefits provided to a retired State employee and any dependents under the program, but not including survivors, if the employee: (a) submitted an application for retirement with the Judicial Retirement System pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1); (b) subsequently served in the position of Administrative Director of the Courts; (c) was covered by the program at the time of terminating full-time employment as a judge with the State; and (d) was eligible for health care benefits coverage in retirement under the program paid in full or in part by the State at the time of terminating full-time employment as a judge with the State.

The health care benefits coverage in retirement under the program to which the former State employee is entitled shall be deferred. The former State employee shall notify the program of the date on which employment as the Administrative Director of the Courts is terminated and the deferred retirement is to commence pursuant to section 1 of P.L.2019, c.287 (C.43:6A-11.1). The former State employee and the employee's dependents shall be enrolled in the program as soon as feasible after that termination date and shall be entitled to such health care benefits coverage and payments for such coverage as the former State employee was eligible on the date terminating full-time employment as a judge with the State.

7. This act shall take effect immediately.

Approved August 22, 2024.