

ASSEMBLY, No. 5107

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Clarifies certain Superior Court review and arbitration proceedings are available to all non-civil service law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning law enforcement officers and amending
2 N.J.S.40A:14-150.

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

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7 1. N.J.S.40A:14-150 is amended to read as follows:

8 40A:14-150. Any member or officer of a police department or
9 force **[in]** , except for those members or officers employed by a
10 **[municipality wherein]** jurisdiction that operates under Title 11A
11 of the New Jersey Statutes **[is not in operation]**, who has been tried
12 and convicted upon any charge or charges, may obtain a review
13 thereof by the Superior Court; provided, however, that in the case
14 of an officer who is appealing removal from **[his]** the office,
15 employment or position held by the officer for a complaint or
16 charges, other than a complaint or charges relating to a criminal
17 offense, the officer may, in lieu of serving a written notice seeking
18 a review of that removal by the court, submit **[his]** an appeal to
19 arbitration pursuant to section 10 of P.L.2009, c.16 (C.40A:14-209).
20 Such review shall be obtained by serving a written notice of an
21 application therefor upon the officer or board whose action is to be
22 reviewed within 10 days after written notice to the member or
23 officer of the conviction. The officer or board shall transmit to the
24 court a copy of the record of such conviction, and of the charge or
25 charges for which the applicant was tried. The court shall hear the
26 cause de novo on the record below and may either affirm, reverse or
27 modify such conviction. If the applicant shall have been removed
28 from **[his]** the office, employment or position the court may direct
29 that **[he]** the officer be restored to such office, employment or
30 position and to all **[his]** the officer's rights pertaining thereto, and
31 may make such other order or judgment as **[said]** the court shall
32 deem proper.

33 Either party may supplement the record with additional
34 testimony subject to the rules of evidence.

35 (cf: P.L.2009, c.16, s.14)

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37 2. This act shall take effect immediately.

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40 STATEMENT

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42 This bill provides that every member of a non-civil service
43 police department in the State may: (1) obtain a review by the
44 Superior Court if the officer has been convicted upon any charge or
45 charges; or (2) request arbitration to appeal removal from office for
46 certain complaints or charges.

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 Current law already provides for Superior Court review and
2 special disciplinary arbitration in these circumstances, but the
3 wording of the relevant section of law has been found by the New
4 Jersey Superior Court Appellate Division, In re DiGuglielmo, 2020
5 N.J. Super. LEXIS 219, to apply only to law enforcement officers
6 employed by non-civil service municipalities, which excludes
7 officers working for other types of entities, such as universities.
8 This bill amends the language of the existing law to clarify that its
9 provisions apply to all law enforcement officers employed by
10 entities other than civil service jurisdictions.