P.L. 2021, CHAPTER 329, ***approved December 21, 2021***
Assembly, No. 5998

AN ACT concerning deferred retirement by certain members of the Judicial Retirement System and amending P.L.2019, c.287.

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

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

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 Governor, with the advice and consent of the Senate, to the position of county prosecutor in accordance with N.J.S.2A:158-1 or 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 county prosecutor or 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 **[**25**]** 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 county prosecutor or 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 a county prosecutor or 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 county prosecutor or of Administrative Director of the Courts.

If such a person dies while in service as a county prosecutor or 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

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.

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 county prosecutor or of Administrative Director of the Courts shall not be eligible to participate in the Defined Contribution Retirement System, enroll in any other State-administered retirement system, or receive any other payments from the county or State deemed to be payments for retirement accounts, funds, pensions, or annuities. The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of county prosecutor or 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.

(cf: P.L.2021, c.105, s.1)

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

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 county prosecutor or 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 a county prosecutor or 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.
(cf: P.L.2019, c.287, s.2)

3. This act shall take effect immediately.

STATEMENT

This bill changes the eligibility criteria for a deferred retirement for a member of the Judicial Retirement System (JRS) who has been appointed by the Chief Justice of the Supreme Court to serve as the Administrative Director of the Courts.

The bill amends the relevant statute, N.J.S.A.43:6A-11.1, to provide a deferred retirement to such a JRS member who is at least 65 years of age, 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. Current law requires 25 years as a judge for any court in New Jersey; this bill reduces 25 to 20 years.

If such a person attains the age of 70 years while still serving as the Administrative Director of the Courts, the current law (N.J.S.A.43:6A-11.1) overrides the mandatory retirement age of 70 set forth in the JRS law and regulations and allows for the deferment of the mandatory retirement for JRS to the first day of the month following the termination of the member's service as the Administrative Director of the Courts.

The bill also amends current law, N.J.S.A.52:14-17.32o, to provide post-retirement health care benefits through the State Health Benefits Program (SHBP) to the JRS member who deferred retirement to serve as the Administrative Director of the Courts if the person was eligible for such benefits at the time of terminating employment as a judge.

Permits deferred retirement from JRS for member appointed as Administrative Director of the Courts by Chief Justice of Supreme Court.