

SENATE, No. 1433

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Revises method of determining reimbursement costs when a law enforcement entity hires a recently trained officer from another law enforcement entity.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain costs incurred in the training and hiring
2 of certain law enforcement employees and amending P.L.1987,
3 c.47, P.L.1989, c.40, and P.L.2000, c.106.

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

7
8 1. Section 1 of P.L.1987, c.47 (C.40A:14-178) is amended to
9 read as follows:

10 1. a. Whenever a person who resigned as a member of a
11 county or municipal law enforcement agency is appointed to
12 another county or municipal law enforcement agency, the police
13 department of an educational institution pursuant to P.L.1970, c.211
14 (C.18A:6-4.2 et seq.), a State law enforcement agency, or the New
15 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
16 c.291 (C.27:25-15.1) within 120 days of resignation, and that
17 person **【**held a probationary appointment at the time of resignation
18 or held a permanent appointment for 30 days or less prior to
19 resignation**】** had successfully completed training at a police
20 academy at the expense of the appointing jurisdiction and had been
21 employed by that jurisdiction for two years or less before being
22 appointed by the new employer, the county or municipal law
23 enforcement agency, educational institution, or State law
24 enforcement agency appointing the person, or the New Jersey
25 Transit Corporation, is liable to the former county or municipal
26 employer, as appropriate**【**, for the total certified costs incurred by
27 the former employer in the examination, hiring, and training of the
28 person**】**:

29 (1) for the total certified cost incurred by the former employer in
30 the examination, hiring, and training of the officer if that officer
31 completed the police academy training 120 days or less before the
32 date of the officer's resignation; or

33 (2) for one-half of the total certified costs incurred by the
34 former employer in the examination, hiring, and training of the
35 officer if that officer completed the police academy training more
36 than 120 days but less than two years before the date of the officer's
37 resignation.

38 b. **【**Whenever a person who resigned as a member of a county
39 or municipal law enforcement agency is appointed to another
40 county or municipal law enforcement agency, the police department
41 of an educational institution pursuant to P.L.1970, c.211 (C.18A:6-
42 4.2 et seq.), State law enforcement agency or the New Jersey
43 Transit Police Department pursuant to section 2 of P.L.1989, c.291
44 (C.27:25-15.1) within 120 days of resignation, and that person, at
45 the time of resignation held a permanent appointment for more than

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 30 days but less than two years, the county or municipal law
2 enforcement agency, educational institution, or State law
3 enforcement agency appointing the person, or the New Jersey
4 Transit Corporation, is liable to the former county or municipal
5 employer, as appropriate, for one-half of the total certified costs
6 incurred by the former employer in the examination, hiring and
7 training of that person.】 (Deleted by amendment, P.L. _____, c. _____)
8 (pending before the Legislature as this bill)

9 c. Upon the appointment of a former member of a county or
10 municipal law enforcement agency, the appointing county or
11 municipal law enforcement agency, educational institution, State
12 law enforcement agency, or the New Jersey Transit Corporation
13 shall notify the former employer immediately upon the appointment
14 of a former employee and shall reimburse the former employer
15 within 120 days of the receipt of the certified costs.

16 d. For the purposes of this act:

17 "County or municipal law enforcement agency" means and
18 includes, but is not limited to, a county or municipal police
19 department or force, a county corrections department, and a county
20 sheriff's office;

21 "Examination costs" means and includes, but is not limited to,
22 the costs of all qualifying examinations and the public
23 advertisements for these examinations;

24 "State law enforcement agency" means and includes, but is not
25 limited to, the police department of a State agency and the State
26 Department of Corrections, but does not include the State Police;
27 and

28 "Training costs" means the police training course fees and the
29 base salary received while attending the police training course, as
30 required by P.L.1961, c.56 (C.52:17B-66 et seq.).

31 (cf: P.L.2000, c.106, s.1)

32
33 2. Section 2 of P.L.1989, c.40 (C.18A:6-4.12) is amended to
34 read as follows:

35 2. a. If a person who was appointed as a police officer of an
36 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
37 seq.) resigns and is subsequently appointed as a police officer for
38 another educational institution or for a county or municipal law
39 enforcement agency, a State law enforcement agency or the New
40 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
41 c.291 (C.27:25-15.1) within 120 days of resignation, and if that
42 person 【held a probationary appointment at the time of resignation
43 or held a permanent appointment for 30 days or less prior to
44 resignation】 had successfully completed the required police training
45 course at the expense of the appointing educational institution and
46 had been employed by that educational institution for two years or
47 less before being appointed by the new employer, the educational
48 institution, county or municipal law enforcement agency, or State

1 law enforcement agency appointing the person, or the New Jersey
2 Transit Corporation, shall be liable to the former educational
3 institution **【**for the total certified costs incurred by that former
4 educational institution in the examination, hiring, and training of
5 the person**】**, as appropriate:

6 (1) for the total certified cost incurred by the former employer in
7 the examination, hiring, and training of the officer if that officer
8 completed the required police training course 120 days or less
9 before the date of the officer's resignation; or

10 (2) for one-half of the total certified costs incurred by the
11 former employer in the examination, hiring, and training of the
12 officer if that officer completed the required police training course
13 more than 120 days but less than two years before the date of the
14 officer's resignation.

15 b. **【**If a person who was appointed as a police officer of an
16 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
17 seq.) resigns and is subsequently appointed as a police officer for
18 another educational institution or for a county or municipal law
19 enforcement agency, State law enforcement agency or the New
20 Jersey Transit Police Department pursuant to section 2 of P.L.1989,
21 c.291 (C.27:25-15.1) within 120 days of resignation, and if that
22 person held a permanent appointment for more than 30 days but less
23 than two years at the time of resignation, the educational institution,
24 county or municipal law enforcement agency or State law
25 enforcement agency appointing the person, or the New Jersey
26 Transit Corporation, shall be liable to the former educational
27 institution for one-half of the total certified costs incurred by that
28 former institution in the examination, hiring, and training of the
29 person.**】** (Deleted by amendment, P.L. , c.) (pending before the
30 Legislature as this bill)

31 c. Upon the appointment of a former police officer of an
32 educational institution, the appointing educational institution,
33 county or municipal law enforcement agency, State law
34 enforcement agency, or the New Jersey Transit Corporation shall
35 notify the former educational institution immediately upon the
36 appointment of a police officer formerly with that institution and
37 shall reimburse the institution within 120 days of the receipt of the
38 certified costs.

39 d. As used in this section:

40 "County or municipal law enforcement agency" means and
41 includes, but is not limited to, a county or municipal police
42 department or force, a county corrections department, and a county
43 sheriff's office;

44 "Examination costs" means and includes, but is not limited to,
45 the costs of all qualifying examinations and public advertisements
46 for these examinations.

1 "State law enforcement agency" means and includes, but is not
2 limited to, the police department of a State agency and the State
3 Department of Corrections, but does not include the State Police.

4 "Training costs" means the police training course fees and the
5 base salary received while attending the police training course as
6 required by section 3 of P.L.1970, c.211 (C.18A:6-4.4).
7 (cf: P.L.2000, c.106, s.2)

8
9 3. Section 3 of P.L. 2000, c.106 (C.27:25-15.1b) is amended to
10 read as follows:

11 3. a. If a person who was appointed as a police officer of the
12 New Jersey Transit Police Department pursuant to section 2 of
13 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently
14 appointed to a county or municipal law enforcement agency, a
15 police department of an educational institution pursuant to
16 P.L.1970, c.211 (C.18A:6-4.2 et seq.), or a State law enforcement
17 agency within 120 days of resignation, and if that person **【**held a
18 probationary appointment at the time of resignation or held a
19 permanent appointment for 30 days or less prior to resignation**】** had
20 successfully completed the required police training course at the
21 expense of the New Jersey Transit Corporation and had been
22 employed by the corporation for two years or less before being
23 appointed by the new employer, the appointing county or municipal
24 law enforcement agency, educational institution, or State law
25 enforcement agency shall be liable to the New Jersey Transit
26 Corporation **【**for the total certified costs incurred by the corporation
27 in the examination, hiring, and training of the person**】**, as
28 appropriate:

29 (1) for the total certified cost incurred by the corporation in the
30 examination, hiring, and training of the officer if that officer
31 completed the required police training course 120 days or less
32 before the date of the officer's resignation; or

33 (2) for one-half of the total certified costs incurred by the
34 corporation in the examination, hiring, and training of the officer if
35 that officer completed the required police training course more than
36 120 days but less than two years before the date of the officer's
37 resignation.

38 b. **【**If a person who was appointed as a police officer of the
39 New Jersey Transit Police Department pursuant to section 2 of
40 P.L.1989, c.291 (C.27:25-15.1) resigns and is subsequently
41 appointed to a county or municipal law enforcement agency, the
42 police department of an educational institution pursuant to
43 P.L.1970, c.211 (C.18A:6-4.2 et seq.) or a State law enforcement
44 agency within 120 days of resignation, and if that person held a
45 permanent appointment for more than 30 days but less than two
46 years at the time of resignation, the appointing county or municipal
47 law enforcement agency, educational institution or State law

1 enforcement agency shall be liable to the New Jersey Transit
2 Corporation for one-half of the total certified costs incurred by the
3 corporation in the examination, hiring, and training of the person.】
4 (Deleted by amendment, P.L. , c.) (pending before the
5 Legislature as this bill)

6 c. The appointing county or municipal law enforcement
7 agency, educational institution, or State law enforcement agency
8 shall notify the New Jersey Transit Corporation immediately upon
9 the appointment of a police officer formerly employed by the
10 corporation and shall reimburse the corporation within 120 days of
11 the receipt of the certified costs.

12 d. As used in this section:

13 "County or municipal law enforcement agency" means and
14 includes, but is not limited to, a county or municipal police
15 department or force, a county corrections department, and a county
16 sheriff's office.

17 "Examination costs" means and includes, but is not limited to,
18 the costs of all qualifying examinations and public advertisements
19 for these examinations.

20 "State law enforcement agency" means and includes, but is not
21 limited to, the police department of a State agency and the State
22 Department of Corrections, but does not include the State Police.

23 "Training costs" means the police training course fees and the
24 base salary received while attending the police training course as
25 required by section 2 of P.L.1989, c.291 (C.27:25-15.1).
26 (cf: P.L.2000, c.106, s.3)

27
28 4. Section 4 of P.L.2000, c.106 (C.52:17B-77.6) is amended to
29 read as follows:

30 4. a. If a person who was appointed to a State law enforcement
31 agency resigns and is subsequently appointed to a county or
32 municipal law enforcement agency, a police department of an
33 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
34 seq.), another State law enforcement agency, or the New Jersey
35 Transit Police Department pursuant to section 2 of P.L.1989, c.291
36 (C.27:25-15.1) within 120 days of resignation, and if that person
37 **【held a probationary appointment at the time of resignation or held**
38 **a permanent appointment for 30 days or less prior to resignation】**
39 had successfully completed the required police training course at
40 the expense of the appointing State agency and had been employed
41 by that State agency for two years or less before being appointed by
42 the new employer, the appointing county or municipal law
43 enforcement agency, educational institution, State law enforcement
44 agency, or the New Jersey Transit Corporation shall be liable to the
45 State law enforcement agency **【for the total certified costs incurred**
46 **by the corporation in the examination, hiring, and training of the**
47 **person】**, as appropriate:

1 (1) for the total certified cost incurred by the State agency in the
2 examination, hiring and training of the officer if that officer
3 completed the required police training course 120 days or less
4 before the date of the officer's resignation; or

5 (2) for one-half of the total certified costs incurred by the State
6 agency in the examination, hiring, and training of the officer if that
7 officer completed the police academy training more than 120 days
8 but less than two years before the date of the officer's resignation.

9 b. **【**If a person who was appointed to a State law enforcement
10 agency resigns and is subsequently appointed to a county or
11 municipal law enforcement agency, a police department of an
12 educational institution pursuant to P.L.1970, c.211 (C.18A:6-4.2 et
13 seq.), another State law enforcement agency or the New Jersey
14 Transit Police Department pursuant to section 2 of P.L.1989, c.291
15 (C.27:25-15.1) within 120 days of resignation, and if that person
16 held a permanent appointment for more than 30 days but less than
17 two years at the time of resignation, the appointing county or
18 municipal law enforcement agency, educational institution or State
19 law enforcement agency, or the New Jersey Transit Corporation,
20 shall be liable to the State law enforcement agency for one-half of
21 the total certified costs incurred by the agency in the examination,
22 hiring, and training of the person.**】** (Deleted by amendment, P.L. ,
23 c.) (pending before the Legislature as this bill)

24 c. The appointing county or municipal law enforcement
25 agency, educational institution, State law enforcement agency, or
26 the New Jersey Transit Corporation shall notify the former
27 employer immediately upon the appointment of an employee
28 formerly employed by the State law enforcement agency and shall
29 reimburse the agency within 120 days of the receipt of the certified
30 costs.

31 d. As used in this section:

32 "County or municipal law enforcement agency" means and
33 includes, but is not limited to, a county or municipal police
34 department or force, a county corrections department, and a county
35 sheriff's office.

36 "Examination costs" means and includes, but is not limited to,
37 the costs of all qualifying examinations and public advertisements
38 for these examinations.

39 "State law enforcement agency" means and includes, but is not
40 limited to, the police department of a State agency and the State
41 Department of Corrections, but does not include the State Police

42 "Training costs" means the police training course fees and the
43 base salary received while attending the police training course as
44 required by section 2 of P.L.1989, c.291 (C.27:25-15.1).

45 (cf: P.L.2000, c.106, s.4)

46
47 5. This act shall take effect immediately.

STATEMENT

Under New Jersey law, when a law enforcement entity hires a recently trained officer from another law enforcement entity, it is required to compensate the officer's former employer for the costs associated with that officer's hiring and training. The law sets forth two levels of liability. In those cases where the officer has held a permanent appointment for 30 days or less, the new employer is required to reimburse the officer's former employer for all the costs associated with the officer's hiring and training. In those cases where the officer has held a permanent appointment for more than 30 days, but less than two years, the new employer is required to reimburse the officer's former employer for one-half of the costs associated with the officer's hiring and training.

While there is no debate over what constitutes the "cost" of hiring and training a law enforcement officer, there are, however, conflicting interpretations concerning the time frames, particularly the treatment of an officer's provisional period of appointment.

Under this bill, the starting point for the time frames is the date the officer completed his or her required police training.

It also shortens the period for which a new employer is liable for reimbursement payments. In those cases where the officer has been employed for 120 days or less from the date of completing the required police training course, the new employer is required to reimburse the officer's former employer for all the costs associated with the officer's hiring and training. In those cases where the officer has been employed for more than 120 days, but less than two years from the date of completing the police training course, the new employer is required to reimburse the officer's former employer for one-half of the costs associated with the officer's hiring and training.