

CHAPTER 287

AN ACT concerning the deferment of retirement by certain members of the Judicial Retirement System, and supplementing P.L.1973, c.140 (C.43:6A-1 et seq.) and P.L.1961, c.49 (C.52:14-17.26 et seq.).

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

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 Governor, with the advice and consent of the Senate, to the position of county prosecutor in accordance with N.J.S.2A:158-1 may file, prior to commencing service as the county prosecutor, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years and has served at least 25 consecutive years as a judge of the several courts. 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. 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, the person shall be deemed to be retired for the purposes of section 7 of P.L.1973, c.140 (C.43:6A-7) and paragraph 3 of Section VI of Article VI of the Constitution of the State of New Jersey based on the approved application for the member's retirement the effective date of which has been deferred.

If such a person dies while in service as a county prosecutor, 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 county prosecutor 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 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.

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 county prosecutor; (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 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.

3. This act shall take effect immediately.

Approved January 9, 2020.