

CHAPTER 105

AN ACT concerning deferred retirement for certain judges in 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:

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, has the necessary judicial service credit for a full judicial retirement, and has served for 25 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. 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 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.

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.

2. This act shall take effect immediately.

Approved June 11, 2021.