

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

October 20, 1999

To: Assignment Judges

From: David P. Anderson, Jr.

Subject: P.L. 1999, c.251 (A-2302) - Provides immunity and other benefits to persons who participate in search and rescue teams

On October 15, 1999, Governor Whitman signed A-2302 into law as P.L. 1999, c.251. The new law was effective October 15, 1999. Attached is a copy of the law for your information.

The law provides officers, firefighters, emergency medical technicians or paramedics with the same powers, authority and immunities as law enforcement officers, firefighters, emergency medical technicians and paramedics in the municipality where the assistance is being rendered. Additionally, State and local law enforcement officers, firefighters, emergency medical technicians and paramedics who are participating in a State, county, municipal or regional search and rescue task force or team and who are injured or killed in association with participation in that search and rescue task force or team are entitled to the same salary, pension rights and other benefits as if the injury or death had occurred in the jurisdiction where those persons are normally employed. The law defines *participate* and *participation* to include taking part in meetings, training sessions, emergency drills, emergency responses and such other similar activities of a search and rescue task force or team whether as an employment duty of the territorial jurisdiction of employment or as a volunteer, including travel to and from such activities.

Kindly advise your trial court judges and appropriate staff of this new law. Please contact Jane Castner, Assistant Director, AOC Civil Division at 609-292-8470 if you have any questions regarding Chapter 251.

/dp

attachment

c: Richard J. Williams

Civil Division Presiding Judges

Theodore J. Fetter

Directors

Assistant Directors

Clerks of the Court

Trial Court Administrators

Civil Division Managers

P.L. 1999, c.251
Approved October 15, 1999

[First Reprint]
ASSEMBLY, No. 2302

STATE OF NEW JERSEY
208th LEGISLATURE
INTRODUCED JULY 27, 1998

Sponsored by:

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN C. GIBSON

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblyman Holzapfel, Assemblywoman Heck, Assemblymen Cottrell, Kelly, Malone, LeFevre, Senators Cafiero and Matheussen

SYNOPSIS

Provides immunities and other benefits to persons who participate in search and rescue teams.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on 12/3/98.

AN ACT concerning certain police, fire and emergency services ¹[and] ¹ supplementing Title 40A of the New Jersey Statutes ¹and amending R.S.34:15-43¹.

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

1. Whenever a law enforcement officer, firefighter, emergency medical technician or paramedic employed by a municipality, county, fire district or the State ¹[is appointed to or training for appointment to] participates in¹ a State, county, municipal or regional ¹[urban]¹ search and rescue task force or team, and that law enforcement officer, firefighter, emergency medical technician or paramedic suffers injury or death ¹[in the performance of his duties]as a result of his participation in such search and rescue task force or team¹, he or his designee or legal representative shall be entitled to the salary, pension rights, worker's compensation, or other benefits as would have accrued if the injury or death had occurred in the performance of duties in the territorial jurisdiction in which ¹[the duties were normally performed] he is employed.

As used in this section, "participate" and "participation" shall include taking part in meetings, training sessions, emergency drills, emergency responses and such other similar

activities of a search and rescue task force or team whether as an employment duty of the territorial jurisdiction of employment or as a volunteer, and shall include travel to and from such activities¹.

In addition, such officer, firefighter, emergency medical technician or paramedic shall have the same powers, authority and immunities as law enforcement officers, firefighters, emergency medical technicians and paramedics, as the case may be, in the municipality in which the assistance is being rendered.

¹2. R.S.34:15-43 is amended to read as follows:

34:15-43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, individuals who are under the general supervision of the Palisades Interstate Park Commission and who work in that part of the Palisades Interstate Park which is located in this State, and also each and every member of a volunteer fire company doing public fire duty and also each and every active volunteer, first aid or rescue squad worker, including each and every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty under the control or supervision of any commission, council, or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution, every county fire marshal and assistant county fire marshal, every special, reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, every emergency management volunteer doing emergency management service for the State and any person doing volunteer work for the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, the New Jersey Natural Lands Trust or the New Jersey Historic Trust, as authorized by the Commissioner of Environmental Protection, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (R.S.34:15-7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in R.S.34:15-15.

Benefits available under this section to emergency management volunteers and volunteers participating in activities of the Division of Parks and Forestry, the Division of Fish, Game and Wildlife, the New Jersey Natural Lands Trust or the New Jersey Historic Trust, shall not be paid to any claimant who has another single source of injury or death benefits that provides the claimant with an amount of compensation that exceeds the compensation available to the claimant under R.S.34:15-1 et seq.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to members of volunteer fire companies, county fire marshals or assistant county fire marshals, and the term "doing public first aid or rescue duty," as applied to active volunteer first aid or rescue squad workers, shall be deemed to include participation in any authorized construction, installation, alteration, maintenance or repair work upon the premises, apparatus or other equipment owned or used by the fire company or the first aid or rescue squad, participation in any State, county, municipal or regional search and rescue task force or team, participation in any authorized public drill, showing, exhibition, fund raising activity or parade,

and to include also the rendering of assistance in case of fire and, when authorized, in connection with other events affecting the public health or safety, in any political subdivision or territory of another state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

Also, as used in this section, "doing public police duty" and "who may be injured in line of duty" as applied to special, reserve or auxiliary policemen, shall be deemed to include participation in any authorized public drill, showing, exhibition or parade, and to include also the rendering of assistance in connection with other events affecting the public health or safety in the municipality, and also, when authorized, in connection with any such events in any political subdivision or territory of this or any other state of the United States or on property ceded to the federal government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

As used in this section, the terms "doing emergency management service" and "who may be injured in the line of duty" as applied to emergency management volunteers mean participation in any activities authorized pursuant to P.L.1942, c.251 (C.App. A:9-33 et seq.), including participation in any State, county, municipal or regional search and rescue task force or team, except that the terms shall not include activities engaged in by a member of an emergency management agency of the United States Government or of another state, whether pursuant to a mutual aid compact or otherwise.

Every member of a volunteer fire company shall be deemed to be doing public fire duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district or board of managers of any State institution within the meaning of this section, if such control or supervision is provided for by statute or by rule or regulation of the board of managers or the superintendent of such State institution, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker, including every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member or authorized worker receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

As used in this section and in R.S.34:15-74, the term "authorized worker" shall mean and include, in addition to an active volunteer fireman and an active volunteer first aid or rescue squad worker, any person performing any public fire duty or public first aid or rescue squad duty, as the same are defined in this section, at the request of the chief or acting chief of a fire company or the president or person in charge of a first aid or rescue squad for the time being.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.¹
(cf: P.L.1997, c.199, s.2)

¹[2.] 3.¹ This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted December 3, 1998.