

15: 8-1.1

### LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 15:8-1.1 (Volunteer fire companies--eligibility limitations)

**LAWS OF:** 1985 **CHAPTER:** 323

**BILL NO:** S219

**Sponsor(s):** O'Connor and Caufield

**Date Introduced:** Pre-filed

**Committee: Assembly:** Law, Public Safety and Defense  
**Senate:** County and Municipal Government

**Amended during passage:** Yes Amendments denoted by asterisks  
according to Governor's recommendations

**Date of Passage:** **Assembly:** June 21, 1984 Re-enacted 9-9-85  
**Senate:** February 27, 1984 Re-enacted 6-27-85

**Date of Approval:** September 17, 1985

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** Yes

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

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9-17-84

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**SENATE, No. 219****STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators O'CONNOR and CAUFIELD

AN ACT concerning eligibility for membership in a volunteer fire company and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1 1. a. A person who is convicted of a violation of subsections a.,  
2 b. **\*[or]\*** \*,\* c. *\*or d.\** of N. J. S. 2C:17-1, concerning arson and  
3 arson related offenses, is ineligible for membership in a volunteer  
3A fire company.

4 b. A person who is convicted of a violation of N. J. S. 2C:33-3,  
5 concerning false public alarms, is ineligible for membership in a  
6 volunteer fire company for a period of 10 years from the date of  
7 the conviction.

8 c. For the purposes of this act, "membership in a volunteer fire  
9 company" means membership in a volunteer fire company orga-  
10 nized pursuant to Title 15 of the Revised Statutes or Title 15A of  
11 the New Jersey Statutes, membership in a volunteer fire company  
12 or similar organization constituted in a fire district pursuant to  
13 N. J. S. 40A:14-70.1, membership in a junior firemen's auxiliary  
14 established pursuant to N. J. S. 40A:14-95, or nonpaid membership  
15 in a part-paid fire department or force established pursuant to  
16 chapter 14 of Title 40A of the New Jersey Statutes.

1 2. This act shall take effect immediately.

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate amendment adopted in accordance with Governor's recommendations September 13, 1984.

**SENATE, No. 219**

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators O'CONNOR and CAUFIELD

AN ACT concerning eligibility for membership in a volunteer fire company and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1     1. a. A person who is convicted of a violation of subsections a.,  
2 b. or c. of N. J. S. 2C:17-1, concerning arson and arson related  
3 offenses, is ineligible for membership in a volunteer fire company.

4     b. A person who is convicted of a violation of N. J. S. 2C:33-3,  
5 concerning false public alarms, is ineligible for membership in a  
6 volunteer fire company for a period of 10 years from the date of  
7 the conviction.

8     c. For the purposes of this act, "membership in a volunteer fire  
9 company" means membership in a volunteer fire company orga-  
10 nized pursuant to Title 15 of the Revised Statutes or Title 15A of  
11 the New Jersey Statutes, membership in a volunteer fire company  
12 or similar organization constituted in a fire district pursuant to  
13 N. J. S. 40A:14-70.1, membership in a junior firemen's auxiliary  
14 established pursuant to N. J. S. 40A:14-95, or nonpaid membership  
15 in a part-paid fire department or force established pursuant to  
16 chapter 14 of Title 40A of the New Jersey Statutes.

1     2. This act shall take effect immediately.

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**STATEMENT**

This bill would prohibit persons convicted of certain crimes from membership in volunteer fire companies. Persons who are convicted of arson or arson related crimes would be permanently

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ineligible for membership. Persons convicted of making false public alarms would be ineligible for 10 years following conviction.

There is no current law which limits membership in volunteer fire companies on the basis of criminal record. The appointment of paid firemen is limited under N. J. S. 40A:14-9, which requires that the person "has not been convicted of a criminal offense involving moral turpitude." The same requirement appears in section 2 of P. L. 1979, c. 453 (C. 40A:14-81.2) for persons appointed to paid positions in a fire district.

This bill provides a definition of "membership in a volunteer fire company" to clarify that the intent of the bill is to encompass all nonpaid, volunteer firemen, whether members of a volunteer fire company, fire district company, junior firemen's auxiliary or a part-paid fire department.

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ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 219**

**STATE OF NEW JERSEY**

DATED: MAY 14, 1984

Senate Bill No. 219 makes a person who is convicted of certain offenses ineligible to become a member of a volunteer fire company. The bill permanently disqualifies a person convicted of arson or arson related offenses under N. J. S. 2C:17-1 from becoming a member of a volunteer fire company. A person convicted of making a false public alarm under N. J. S. 2C:33-3 is disqualified from becoming a member of a volunteer fire company for 10 years from the date of conviction.

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**SENATE, No. 219**

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 6, 1984

Senate Bill No. 219 disqualifies persons convicted of certain crimes from membership in volunteer fire companies. Persons who are convicted of arson or a related offense would be permanently ineligible for membership. Persons convicted of giving false public alarms would be ineligible for 10 years following conviction.

Currently, there is no statutory provision which limits membership in volunteer fire companies on the basis of criminal record. The appointment of paid firemen is limited under N. J. S. 40A:14-9, which prohibits appointment of a person "convicted of any criminal offense involving moral turpitude." The same requirement appears in section 2 of P. L. 1979, c. 453 (C. 40A:14-81.2) for persons appointed to paid positions in fire districts.

STATE | NEW JERSEY  
EXECUTIVE DEPARTMENT

July 30, 1984

SENATE BILL NO. 219

To the Senate:

This bill would prohibit persons convicted of arson or related offenses from serving as members of volunteer fire companies and those convicted of issuing false public alarms from serving on such fire companies for a period of ten years.

I am fully supportive of the intent of this legislation. I note, however, that this legislation cites only subsections a., b. and c. of N.J.S.A. 2C:17-1 in prohibiting persons convicted under these subsections from being eligible for membership in volunteer fire companies. Subsection a. concerns aggravated arson, a crime of the second degree; subsection b. concerns arson, a crime of the third degree; and subsection c. concerns failure to control or report a dangerous fire, a crime of the fourth degree.

A subsection d. exists under N.J.S.A. 2C:17-1, which sets forth as a crime of the first degree the act of any person who, directly or indirectly, pays or accepts any form of consideration including, but not limited to, money or any other pecuniary benefit, for the purpose of starting a fire or causing an explosion. This is, of course, a very serious offense, a fact that is reflected in its classification as a crime of the first degree.

Apparently, the failure to include subsection d. along with subsections a., b. and c. in the bill was merely a technical oversight. Certainly, persons who have been convicted of accepting payment for the purpose of starting a fire or causing an explosion should not serve in volunteer fire companies.

Therefore, I herewith return Senate Bill No. 219 and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "b." delete "or c." and insert  
",c. or d."

Respectfully,  
/s/ Thomas H. Kean  
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards  
Chief Counsel