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RWH/JA

P.L. 2019, CHAPTER 51, *approved March 18, 2019*
Assembly Committee Substitute for
Assembly, No. 1400

1 **AN ACT** concerning Class Three special law enforcement officers
2 and amending P.L.1985, c.439.

3

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

6

7 1. Section 2 of P.L.1985, c.439 (C.40A:14-146.9) is amended
8 to read as follows:

9 2. As used in this act:

10 a. "Commission" means the Police Training Commission
11 established in the Department of Law and Public Safety pursuant to
12 section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

13 b. "Emergency" means any sudden, unexpected or
14 unforeseeable event requiring the immediate use or deployment of
15 law enforcement personnel as shall be determined by the chief of
16 police, or in the absence of the chief, other chief law enforcement
17 officer or the mayor or the mayor's designee or, in the case of a
18 county, the county executive or freeholder director or designee, as
19 appropriate, to whom the authority of designating an "emergency"
20 has been prescribed by local ordinance or resolution, as appropriate.
21 Vacations, shortages in police personnel caused by vacancies
22 unfilled by the appointing authority for more than 60 days, or any
23 other condition which could reasonably have been anticipated or
24 foreseen shall not constitute an "emergency" for the purposes of this
25 act; but an "emergency" may continue for the purposes of this act
26 when a vacancy remains unfilled for more than 60 days and when,
27 on application of the appointing authority, the county prosecutor
28 grants an extension for one or more additional 60-day periods upon
29 a showing by the appointing authority of a diligent, good faith effort
30 to fill the vacancy;

31 c. "Local unit" means any municipality or county having
32 established a regular police force pursuant to law;

33 d. "Population" means the population of the resort municipality
34 shown in the last federal decennial census;

35 e. "Public entity" means the State and any county,
36 municipality, district, public authority, public agency and any other
37 political subdivision or public body in the State;

38 f. "Resort municipality" means a municipality which, because
39 of its recreational or entertainment characteristics or facilities or its
40 close proximity to such characteristics or facilities, experiences a

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 substantial increase during the seasonal period in the number of
2 persons visiting or temporarily residing there;

3 g. "Seasonal period" means any one period of four consecutive
4 months during the calendar year, except with regard to a resort
5 municipality bordering on the Atlantic ocean, in which case,
6 "seasonal period" means one period of six consecutive months
7 during the calendar year;

8 h. "Special law enforcement officer" means any person
9 appointed pursuant to this act to temporarily or intermittently
10 perform duties similar to those performed regularly by members of
11 a police force of a local unit, or to provide assistance to a police
12 force during unusual or emergency circumstances, or at individual
13 times or during regular seasonal periods in resort municipalities **[.]**;
14 and

15 i. "County college" means an educational institution
16 established or to be established by one or more counties, offering
17 programs of instruction, extending not more than two years beyond
18 the high school, which may include but need not be limited to
19 specialized or comprehensive curriculums, including college credit
20 transfer courses, terminal courses in the liberal arts and sciences,
21 and technical institute type programs; the term shall include a
22 county vocational school.

23 (cf: P.L.2013, c.21, s.2)

24

25 2. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
26 to read as follows:

27 3. a. Any local unit may, as it deems necessary, appoint special
28 law enforcement officers sufficient to perform the duties and
29 responsibilities permitted by local ordinances authorized by
30 N.J.S.40A:14-118 or ordinance or resolution, as appropriate,
31 authorized by N.J.S.40A:14-106 and within the conditions and
32 limitations as may be established pursuant to this act.

33 b. A person shall not be appointed as a special law enforcement
34 officer unless the person:

35 (1) Is a resident of this State during the term of appointment;

36 (2) Is able to read, write and speak the English language well
37 and intelligently and has a high school diploma or its equivalent;

38 (3) Is sound in body and of good health;

39 (4) Is of good moral character;

40 (5) Has not been convicted of any offense involving dishonesty
41 or which would make him unfit to perform the duties of his office;

42 (6) Has successfully undergone the same psychological testing
43 that is required of all full-time police officers in the municipality or
44 county or, with regard to a special law enforcement officer hired for
45 a seasonal period by a resort municipality which requires
46 psychological testing of its full-time police officers, has

1 successfully undergone a program of psychological testing
2 approved by the commission.

3 c. Every applicant for the position of special law enforcement
4 officer appointed pursuant to this act shall have fingerprints taken,
5 which fingerprints shall be filed with the Division of State Police
6 and the Federal Bureau of Investigation.

7 d. No person shall be appointed to serve as a special law
8 enforcement officer in more than one local unit at the same time,
9 nor shall any permanent, regularly appointed full-time police officer
10 of any local unit be appointed as a special law enforcement officer
11 in any local unit. No public official with responsibility for setting
12 law enforcement policy or exercising authority over the budget of
13 the local unit or supervision of the police department of a local unit
14 shall be appointed as a special law enforcement officer.

15 e. Before any special law enforcement officer is appointed
16 pursuant to this act, the chief of police, or, in the absence of the
17 chief, other chief law enforcement officer of the local unit shall
18 ascertain the eligibility and qualifications of the applicant and
19 report these determinations in writing to the appointing authority.

20 f. Any person who at any time prior to his appointment had
21 served as a duly qualified, fully-trained, full-time officer in any
22 municipality or county of this State and who was separated from
23 that prior service in good standing, shall be eligible to serve as a
24 special law enforcement officer consistent with guidelines
25 promulgated by the commission. The training requirements set
26 forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be
27 waived by the commission with regard to any person eligible to be
28 appointed as a special law enforcement officer pursuant to the
29 provisions of this section.

30 g. In addition to the qualifications established in subsection b.
31 of this section, a person shall not be appointed as a Class Three
32 special law enforcement officer unless the person:

33 (1) is a retired law enforcement officer who is less than 65 years
34 of age; for the purposes of this paragraph, a law enforcement officer
35 shall not be considered retired if the officer's return to employment
36 violates any federal or State law or regulation which would deem
37 the officer's retirement as not being bona fide;

38 (2) had served as a duly qualified, fully-trained, full-time officer
39 in any **【municipality or county of this State】** law enforcement
40 position eligible for participation in the Police and Firemen's
41 Retirement System or in any federal or bi-state law enforcement
42 agency or as a member of the State Police and was separated from
43 that prior service in good standing **【**, within three years of
44 appointment, except during the first year following the effective
45 date of P.L.2016, c.68, was separated from that prior service within
46 five years of appointment**】**;

1 (3) is physically capable of performing the functions of the
2 position, determined in accordance with Police Training
3 Commission guidelines;

4 (4) possesses a New Jersey Police Training Commission Basic
5 Police Officer Certification **[or]**, New Jersey State Police Academy
6 Certification, or other proof of basic police training approved by the
7 Police Training Commission;

8 (5) has completed the training course for safe schools resource
9 officers developed pursuant to subsection a. of section 2 of
10 P.L.2005, c.276 (C.52:17B-71.8); and

11 (6) is hired in a part-time capacity.

12 For the purposes of this subsection, "good standing" shall exclude a
13 retirement resulting from injury or incapacity.

14 (cf: P.L.2016, c.68, s.1)

15

16 3. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended
17 to read as follows:

18 9. a. Except as provided in subsection c. of this section, a
19 special law enforcement officer shall not be employed for more than
20 20 hours per week by the local unit except that special law
21 enforcement officers may be employed by the local unit for those
22 hours as the governing body may determine necessary in
23 accordance with the limits prescribed below:

24 (1) In resort municipalities not to exceed 48 hours per week
25 during any seasonal period.

26 (2) In all municipalities or counties without limitation as to
27 hours during periods of emergency.

28 (3) In all municipalities or counties in addition to not more than
29 20 hours per week including duties assigned pursuant to the
30 provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a
31 special law enforcement officer may be assigned for not more than
32 20 hours per week to provide public safety and law enforcement
33 services to a public entity.

34 (4) In municipalities or counties, as provided in subsection b. of
35 section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be
36 determined at the discretion of the director of the municipal or
37 county police force.

38 (5) A Class Three special law enforcement officer in all
39 municipalities without limitation.

40 b. Notwithstanding any provision of P.L.1985, c.439
41 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement
42 officers may be employed only to assist the local law enforcement
43 unit but may not be employed to replace or substitute for full-time,
44 regular police officers or in any way diminish the number of full-
45 time officers employed by the local unit or a school or county
46 college. A Class Three special law enforcement officer may be
47 employed only to assist the local law enforcement unit with security

1 duties and shall not supplant a law enforcement officer employed
2 pursuant to the provisions of N.J.S.18A:17-43 or a safe schools
3 resource officer employed pursuant to the provisions of section 3 of
4 P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law
5 enforcement officer shall not be assigned to an extra-curricular or
6 after-school function at a school or county college unless the
7 assignment has first been made available to full-time members
8 employed by the local unit or school or county college.

9 c. Each municipality or county may designate one special law
10 enforcement officer to whom the limitations on hours employed set
11 forth in subsection a. of this section shall not be applicable.

12 d. A Class Three special law enforcement officer appointed
13 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-
14 146.8 et seq.) shall not, based on this appointment, be eligible for
15 health care benefits or enrollment in any State-administered
16 retirement system.

17 (cf: P.L.2016, c.68, s.4)

18

19 4. This act shall take effect on the first day of the seventh
20 month next following the date of enactment, except the Police
21 Training Commission may take any anticipatory action in advance
22 as shall be necessary for the implementation of this act.

23

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25

26

27 Revises law governing Class Three special law enforcement
28 officers.

ASSEMBLY, No. 1400

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblymen Peterson, Harold J. Wirths, Space and Thomson

SYNOPSIS

Permits retired corrections officer to be appointed Class Three special law enforcement officer.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/8/2018)

1 AN ACT concerning qualifications for Class Three special law
2 enforcement officers and amending P.L.1985, c.439.

3

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

6

7 1. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
8 to read as follows:

9 3. a. Any local unit may, as it deems necessary, appoint special
10 law enforcement officers sufficient to perform the duties and
11 responsibilities permitted by local ordinances authorized by
12 N.J.S.40A:14-118 or ordinance or resolution, as appropriate,
13 authorized by N.J.S.40A:14-106 and within the conditions and
14 limitations as may be established pursuant to this act.

15 b. A person shall not be appointed as a special law enforcement
16 officer unless the person:

17 (1) Is a resident of this State during the term of appointment;

18 (2) Is able to read, write and speak the English language well
19 and intelligently and has a high school diploma or its equivalent;

20 (3) Is sound in body and of good health;

21 (4) Is of good moral character;

22 (5) Has not been convicted of any offense involving dishonesty
23 or which would make him unfit to perform the duties of his office;

24 (6) Has successfully undergone the same psychological testing
25 that is required of all full-time police officers in the municipality or
26 county or, with regard to a special law enforcement officer hired for
27 a seasonal period by a resort municipality which requires
28 psychological testing of its full-time police officers, has
29 successfully undergone a program of psychological testing
30 approved by the commission.

31 c. Every applicant for the position of special law enforcement
32 officer appointed pursuant to this act shall have fingerprints taken,
33 which fingerprints shall be filed with the Division of State Police
34 and the Federal Bureau of Investigation.

35 d. No person shall be appointed to serve as a special law
36 enforcement officer in more than one local unit at the same time,
37 nor shall any permanent, regularly appointed full-time police officer
38 of any local unit be appointed as a special law enforcement officer
39 in any local unit. No public official with responsibility for setting
40 law enforcement policy or exercising authority over the budget of
41 the local unit or supervision of the police department of a local unit
42 shall be appointed as a special law enforcement officer.

43 e. Before any special law enforcement officer is appointed
44 pursuant to this act, the chief of police, or, in the absence of the
45 chief, other chief law enforcement officer of the local unit shall

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 ascertain the eligibility and qualifications of the applicant and
2 report these determinations in writing to the appointing authority.

3 f. Any person who at any time prior to his appointment had
4 served as a duly qualified, fully-trained, full-time officer in any
5 municipality or county of this State and who was separated from
6 that prior service in good standing, shall be eligible to serve as a
7 special law enforcement officer consistent with guidelines
8 promulgated by the commission. The training requirements set
9 forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be
10 waived by the commission with regard to any person eligible to be
11 appointed as a special law enforcement officer pursuant to the
12 provisions of this section.

13 g. In addition to the qualifications established in subsection b.
14 of this section, a person shall not be appointed as a Class Three
15 special law enforcement officer unless the person:

16 (1) is a retired law enforcement officer who is less than 65 years
17 of age; for the purposes of this paragraph, a law enforcement officer
18 shall not be considered retired if the officer's return to employment
19 violates any federal or State law or regulation which would deem
20 the officer's retirement as not being bona fide;

21 (2) had served as a duly qualified, fully-trained, full-time officer
22 in any municipality or county of this State **【or as a】** or interstate
23 police force; State or county corrections officer, State juvenile
24 corrections officer, or juvenile detention officer; member of the
25 State Police; or any other duly qualified, fully-trained, full-time law
26 enforcement officer who had full powers of arrest, and was
27 separated from that prior service in good standing, within three
28 years of appointment, except during the first year following the
29 effective date of P.L.2016, c.68, was separated from that prior
30 service within five years of appointment;

31 (3) is physically capable of performing the functions of the
32 position, determined in accordance with Police Training
33 Commission guidelines;

34 (4) possesses a New Jersey Police Training Commission Basic
35 Police Officer Certification or New Jersey State Police Academy
36 Certification, or has successfully completed training at the
37 Corrections Officers' Training Academy of the Department of
38 Corrections or at a basic training program for corrections officers
39 and juvenile detention officers established by a county;

40 (5) has completed the training course for safe schools resource
41 officers developed pursuant to subsection a. of section 2 of
42 P.L.2005, c.276 (C.52:17B-71.8); and

43 (6) is hired in a part-time capacity.

44 For the purposes of this subsection, "good standing" shall
45 exclude a retirement resulting from injury or incapacity.

46 (cf: P.L.2016, c.68, s.1)

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48 2. This act shall take effect immediately.

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STATEMENT

This bill authorizes retired State or county corrections officers, State juvenile corrections officers, or juvenile detention officers to serve as Class Three special law enforcement officers.

Previously, P.L.2016, c.68 established a new category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act to provide security in this State’s public and nonpublic schools and county colleges. Pursuant to current law, a person is eligible to be appointed as a Class Three special law enforcement officer if he or she is a retired police officer less than 65 years old and has served as duly qualified, fully-trained, full-time municipal or county police officer or was regularly employed as a full-time member of the State Police. The person also has to be physically capable of performing the job and have the appropriate law enforcement and safe schools resource officer training. These officers are to be hired in a part-time capacity.

This bill expands the class of retired law enforcement officers deemed qualified to serve as a Class Three special law enforcement officer to also include any retired interstate police officer, State or county corrections officer, State juvenile corrections officer, juvenile detention officer, and any other full time law enforcement officer with full powers of arrest.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1400

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2018

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1400.

This substitute expands the categories of retired law enforcement officers eligible to serve as Class Three special law enforcement officers and clarifies other provisions of law governing these officers.

P.L.2016, c.68 established an additional category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act to provide security in this State’s public and nonpublic schools and county colleges. A person currently is eligible to be appointed as a Class Three special law enforcement officer if he or she is a retired police officer less than 65 years old and has served as a duly qualified, fully-trained, full-time municipal or county police officer or was regularly employed as a full-time member of the State Police within the previous three years. The person also has to be physically capable of performing the job and have the appropriate law enforcement and safe schools resource officer training. These officers may only be employed to assist municipal police departments and are not to be employed to replace or substitute for full-time police officers. They may only be hired in a part-time capacity

Specifically, this bill authorizes law enforcement officers who served in any law enforcement position eligible for participation in the Police and Firemen's Retirement System, or who served as a law enforcement officer for a federal or bi-state law enforcement agency, to be appointed as a Class Three special law enforcement officer. The bill also removes the requirement that the officer be retired from their law enforcement position within three years of appointment as a Class Three special officer.

The bill further establishes that Class Three special law enforcement officers may not be assigned to an extra-curricular or after-school function at a school or college unless that assignment has first been made available to full-time members employed by the municipality, school, or county college.

Finally, the bill includes county vocational schools in the definition of a county college to clarify that Class Three special law

enforcement officers are authorized to serve in county vocational schools.

As reported by the committee, this Assembly Committee Substitute for Assembly Bill No. 1400 is identical to Senate Bill No. 3245 (1R) as reported by the Senate Law and Public Safety Committee on December 6, 2018.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 3245

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED DECEMBER 3, 2018

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Revises law governing Class Three special law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning Class Three special law enforcement officers
2 and amending P.L.1985, c.439.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1985, c.439 (C.40A:14-146.9) is amended
8 to read as follows:

9 2. As used in this act:

10 a. "Commission" means the Police Training Commission
11 established in the Department of Law and Public Safety pursuant to
12 section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

13 b. "Emergency" means any sudden, unexpected or
14 unforeseeable event requiring the immediate use or deployment of
15 law enforcement personnel as shall be determined by the chief of
16 police, or in the absence of the chief, other chief law enforcement
17 officer or the mayor or the mayor's designee or, in the case of a
18 county, the county executive or freeholder director or designee, as
19 appropriate, to whom the authority of designating an "emergency"
20 has been prescribed by local ordinance or resolution, as appropriate.
21 Vacations, shortages in police personnel caused by vacancies
22 unfilled by the appointing authority for more than 60 days, or any
23 other condition which could reasonably have been anticipated or
24 foreseen shall not constitute an "emergency" for the purposes of this
25 act; but an "emergency" may continue for the purposes of this act
26 when a vacancy remains unfilled for more than 60 days and when,
27 on application of the appointing authority, the county prosecutor
28 grants an extension for one or more additional 60-day periods upon
29 a showing by the appointing authority of a diligent, good faith effort
30 to fill the vacancy;

31 c. "Local unit" means any municipality or county having
32 established a regular police force pursuant to law;

33 d. "Population" means the population of the resort municipality
34 shown in the last federal decennial census;

35 e. "Public entity" means the State and any county,
36 municipality, district, public authority, public agency and any other
37 political subdivision or public body in the State;

38 f. "Resort municipality" means a municipality which, because
39 of its recreational or entertainment characteristics or facilities or its
40 close proximity to such characteristics or facilities, experiences a
41 substantial increase during the seasonal period in the number of
42 persons visiting or temporarily residing there;

43 g. "Seasonal period" means any one period of four consecutive
44 months during the calendar year, except with regard to a resort
45 municipality bordering on the Atlantic ocean, in which case,

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 "seasonal period" means one period of six consecutive months
2 during the calendar year;

3 h. "Special law enforcement officer" means any person
4 appointed pursuant to this act to temporarily or intermittently
5 perform duties similar to those performed regularly by members of
6 a police force of a local unit, or to provide assistance to a police
7 force during unusual or emergency circumstances, or at individual
8 times or during regular seasonal periods in resort municipalities **[.]**;
9 and

10 i. "County college" means an educational institution established
11 or to be established by one or more counties, offering programs of
12 instruction, extending not more than two years beyond the high
13 school, which may include but need not be limited to specialized or
14 comprehensive curriculums, including college credit transfer
15 courses, terminal courses in the liberal arts and sciences, and
16 technical institute type programs; the term shall include a county
17 vocational school.

18 (cf: P.L.2013, c.21, s.2)

19

20 2. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
21 to read as follows:

22 3. a. Any local unit may, as it deems necessary, appoint special
23 law enforcement officers sufficient to perform the duties and
24 responsibilities permitted by local ordinances authorized by
25 N.J.S.40A:14-118 or ordinance or resolution, as appropriate,
26 authorized by N.J.S.40A:14-106 and within the conditions and
27 limitations as may be established pursuant to this act.

28 b. A person shall not be appointed as a special law enforcement
29 officer unless the person:

30 (1) Is a resident of this State during the term of appointment;

31 (2) Is able to read, write and speak the English language well
32 and intelligently and has a high school diploma or its equivalent;

33 (3) Is sound in body and of good health;

34 (4) Is of good moral character;

35 (5) Has not been convicted of any offense involving dishonesty
36 or which would make him unfit to perform the duties of his office;

37 (6) Has successfully undergone the same psychological testing
38 that is required of all full-time police officers in the municipality or
39 county or, with regard to a special law enforcement officer hired for
40 a seasonal period by a resort municipality which requires
41 psychological testing of its full-time police officers, has
42 successfully undergone a program of psychological testing
43 approved by the commission.

44 c. Every applicant for the position of special law enforcement
45 officer appointed pursuant to this act shall have fingerprints taken,
46 which fingerprints shall be filed with the Division of State Police
47 and the Federal Bureau of Investigation.

1 d. No person shall be appointed to serve as a special law
2 enforcement officer in more than one local unit at the same time,
3 nor shall any permanent, regularly appointed full-time police officer
4 of any local unit be appointed as a special law enforcement officer
5 in any local unit. No public official with responsibility for setting
6 law enforcement policy or exercising authority over the budget of
7 the local unit or supervision of the police department of a local unit
8 shall be appointed as a special law enforcement officer.

9 e. Before any special law enforcement officer is appointed
10 pursuant to this act, the chief of police, or, in the absence of the
11 chief, other chief law enforcement officer of the local unit shall
12 ascertain the eligibility and qualifications of the applicant and
13 report these determinations in writing to the appointing authority.

14 f. Any person who at any time prior to his appointment had
15 served as a duly qualified, fully-trained, full-time officer in any
16 municipality or county of this State and who was separated from
17 that prior service in good standing, shall be eligible to serve as a
18 special law enforcement officer consistent with guidelines
19 promulgated by the commission. The training requirements set
20 forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be
21 waived by the commission with regard to any person eligible to be
22 appointed as a special law enforcement officer pursuant to the
23 provisions of this section.

24 g. In addition to the qualifications established in subsection b.
25 of this section, a person shall not be appointed as a Class Three
26 special law enforcement officer unless the person:

27 (1) is a retired law enforcement officer who is less than 65 years
28 of age; for the purposes of this paragraph, a law enforcement officer
29 shall not be considered retired if the officer's return to employment
30 violates any federal or State law or regulation which would deem
31 the officer's retirement as not being bona fide;

32 (2) had served as a duly qualified, fully-trained, full-time officer
33 in any **【municipality or county of this State】** law enforcement
34 position eligible for participation in the Police and Firemen's
35 Retirement System or in any federal or bi-state law enforcement
36 agency or as a member of the State Police and was separated from
37 that prior service in good standing, within three years of
38 appointment, except during the first year following the effective
39 date of P.L.2016, c.68, was separated from that prior service within
40 five years of appointment;

41 (3) is physically capable of performing the functions of the
42 position, determined in accordance with Police Training
43 Commission guidelines;

44 (4) possesses a New Jersey Police Training Commission Basic
45 Police Officer Certification **【or】**, New Jersey State Police Academy
46 Certification, or other proof of basic police training approved by the
47 Police Training Commission;

1 (5) has completed the training course for safe schools resource
2 officers developed pursuant to subsection a. of section 2 of
3 P.L.2005, c.276 (C.52:17B-71.8); and

4 (6) is hired in a part-time capacity.

5 For the purposes of this subsection, "good standing" shall exclude a
6 retirement resulting from injury or incapacity.

7 (cf: P.L.2016, c.68, s.1)

8

9 3. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended
10 to read as follows:

11 9. a. Except as provided in subsection c. of this section, a
12 special law enforcement officer shall not be employed for more than
13 20 hours per week by the local unit except that special law
14 enforcement officers may be employed by the local unit for those
15 hours as the governing body may determine necessary in
16 accordance with the limits prescribed below:

17 (1) In resort municipalities not to exceed 48 hours per week
18 during any seasonal period.

19 (2) In all municipalities or counties without limitation as to
20 hours during periods of emergency.

21 (3) In all municipalities or counties in addition to not more than
22 20 hours per week including duties assigned pursuant to the
23 provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a
24 special law enforcement officer may be assigned for not more than
25 20 hours per week to provide public safety and law enforcement
26 services to a public entity.

27 (4) In municipalities or counties, as provided in subsection b. of
28 section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be
29 determined at the discretion of the director of the municipal or
30 county police force.

31 (5) A Class Three special law enforcement officer in all
32 municipalities without limitation.

33 b. Notwithstanding any provision of P.L.1985, c.439
34 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement
35 officers may be employed only to assist the local law enforcement
36 unit but may not be employed to replace or substitute for full-time,
37 regular police officers or in any way diminish the number of full-
38 time officers employed by the local unit or a school or county
39 college. A Class Three special law enforcement officer may be
40 employed only to assist the local law enforcement unit with security
41 duties and shall not supplant a law enforcement officer employed
42 pursuant to the provisions of N.J.S.18A:17-43 or a safe schools
43 resource officer employed pursuant to the provisions of section 3 of
44 P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law
45 enforcement officer shall not be assigned to an extra-curricular or
46 after-school function at a school or county college unless the
47 assignment has first been made available to full-time members
48 employed by the local unit or school or county college.

1 c. Each municipality or county may designate one special law
2 enforcement officer to whom the limitations on hours employed set
3 forth in subsection a. of this section shall not be applicable.

4 d. A Class Three special law enforcement officer appointed
5 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et
6 seq.) shall not, based on this appointment, be eligible for health care
7 benefits or enrollment in any State-administered retirement system.
8 (cf: P.L.2016, c.68, s.4)

9
10 4. This act shall take effect on the first day of the seventh
11 month next following the date of enactment, except the Police
12 Training Commission may take any anticipatory action in advance
13 as shall be necessary for the implementation of this act.

14
15
16 STATEMENT

17
18 This bill expands the categories of retired law enforcement
19 officers eligible to serve as Class Three special law enforcement
20 officers and clarifies other provisions of law governing these
21 officers.

22 P.L.2016, c.68 established an additional category of “Class
23 Three” special law enforcement officers under the Special Law
24 Enforcement Officers’ Act to provide security in this State’s public
25 and nonpublic schools and county colleges. A person currently is
26 eligible to be appointed as a Class Three special law enforcement
27 officer if he or she is a retired police officer less than 65 years old
28 and has served as duly qualified, fully-trained, full-time municipal
29 or county police officer or was regularly employed as a full-time
30 member of the State Police. The person also has to be physically
31 capable of performing the job and have the appropriate law
32 enforcement and safe schools resource officer training. These
33 officers may only be employed to assist municipal police
34 departments and are not to be employed to replace or substitute for
35 full-time police officers. They may only be hired in a part-time
36 capacity

37 Specifically, this bill authorizes law enforcement officers who
38 served in any law enforcement position eligible for participation in
39 the Police and Firemen's Retirement System, or who served as a law
40 enforcement officer for a federal or bi-state law enforcement
41 agency, to be appointed as a Class Three special law enforcement
42 officer.

43 The bill also establishes that Class Three special law
44 enforcement officers may not be assigned to an extra-curricular or
45 after-school function at a school or college unless that assignment
46 has first been made available to full-time members employed by the
47 municipality, school, or county college.

1 Finally, the bill includes county vocational schools in the
2 definition of a county college to clarify that Class Three special law
3 enforcement officers are authorized to serve in county vocational
4 schools.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3245

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3245.

As amended and reported by the committee, this bill expands the categories of retired law enforcement officers eligible to serve as Class Three special law enforcement officers and clarifies other provisions of law governing these officers.

P.L.2016, c.68 established an additional category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act to provide security in this State’s public and nonpublic schools and county colleges. A person currently is eligible to be appointed as a Class Three special law enforcement officer if he or she is a retired police officer less than 65 years old and has served as duly qualified, fully-trained, full-time municipal or county police officer or was regularly employed as a full-time member of the State Police within the previous three years. The person also has to be physically capable of performing the job and have the appropriate law enforcement and safe schools resource officer training. These officers may only be employed to assist municipal police departments and are not to be employed to replace or substitute for full-time police officers. They may only be hired in a part-time capacity

Specifically, this bill authorizes law enforcement officers who served in any law enforcement position eligible for participation in the Police and Firemen's Retirement System, or who served as a law enforcement officer for a federal or bi-state law enforcement agency, to be appointed as a Class Three special law enforcement officer. As amended, the bill also removes the requirement that the officer be retired from their law enforcement position within three years of appointment as a Class Three special officer.

The bill further establishes that Class Three special law enforcement officers may not be assigned to an extra-curricular or after-school function at a school or college unless that assignment has first been made available to full-time members employed by the municipality, school, or county college.

Finally, the bill includes county vocational schools in the definition of a county college to clarify that Class Three special law enforcement officers are authorized to serve in county vocational schools.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove the requirement that a retired police officer be separated from the required prior service as a law enforcement officer within three years of being appointed as a Class Three special law enforcement officer.



Newark, N.J.

Governor Murphy Takes Action on Legislation

03/18/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law

AJR-149 (Schepisi, Jasey, Johnson/Pou, T. Kean) – Designates September of each year as “Brain Aneurysm Awareness Month” in New Jersey.

AJR-164 (Benson, Zwicker, Lampitt/Diegnan, T. Kean) – Establishes "New Jersey Advanced Autonomous Vehicle Task Force."

A-591 (Moriarty, Reynolds-Jackson, Jimenez/Pou, Cruz-Perez) – Prohibits discrimination against cash-paying consumers.

A-1400 (A.M. Bucco, Caputo, DeCroce, Johnson/A.R. Bucco, Gopal) – Revises law governing Class Three special law enforcement officer.

A-4073 (Holley, Carter, Kennedy, Quijano/Scutari, Cryan) – Designates portion of State Highway Route 27 in Union County as "Jerry Green Memorial Highway."

A-4177 (Pintor Marin, Mukherji, Downey/Singleton, Ruiz) – Allows county homelessness trust funds to be used for code blue emergency shelter services.

A-4701 (Spearman, Chiaravalloti, Mukherji, Quijano/Ruiz, Cunningham) – Requires DHS to establish electronic portal to promote surplus food donation collaboration among nonprofit organizations, gleaners, and food retailers.

A-4734 (Land, Taliaferro, Mukherji/Beach, C.A. Brown) – Appropriates \$1,190,349 from constitutionally dedicated CBT revenues to NJ Historic Trust for historic site management grants to certain historic preservation projects and associated administrative expenses.

S-121 (Weinberg, Gill/McKeon, Bramnick, Vainieri Huttie) – Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims.

S-641 (Beach, Bateman/Munoz, Thomson, Lampitt) – Upgrades penalty for failing to report act of sexual abuse against child.

S-746 (Diegnan, Cruz-Perez/Vainieri Huttie, Pinkin, Chiaravalloti) – Permits certain audiologists to dispense and fit hearing aids.

S-1073 (Smith, Bateman, Codey, Greenstein/McKeon, Pinkin, Tucker) – Authorizes municipalities, counties, and certain authorities to establish stormwater utilities.

S-1773 (Diegnan, Gopal/Calabrese, Chiaravalloti, Tully) – Requires display of identifying information on rear of school bus so public may report bus driver misconduct.

S-2454 (Madden/Murphy, Houghtaling, Downey) – Concerns prevailing wage requirements for certain fabrication.

S-2712 (Ruiz, Madden/Lampitt, Murphy) – Mandates certain training for DOE arbitrators.

S-2714 (Ruiz, Madden/Lampitt, Armato, Murphy) – Requires school districts to notify State Board of Examiners when teaching staff member fails to report child abuse for determination of revocation or suspension of certificate.

S-2715 (Madden, Ruiz/Lampitt, Reynolds-Jackson) – Requires Attorney General to develop protocol for retaining footage from school surveillance system.

S-2773 (Pou/Greenwald, Lopez, Vainieri Huttle) – Clarifies definition of health care service firms and homemaker-home health aides.

S-2922 (Vitale, O'Scanlon/Vainieri Huttle, DiMaso) – Revises standard for presence of medical examiner during removal of anatomical gift from decedent.

Governor Murphy also announced that he has conditionally vetoed the following bills:

A-4904 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney) – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances.

[Copy of Statement on A-4904](#)

S-2129 (Cruz-Perez, Turner/Wimberly, Armato, Lopez, Mazzeo) – Directs certain unclaimed electric and gas utility deposits in Unclaimed Utility Deposits Trust Fund and societal charge revenues be paid to Statewide nonprofit energy assistance organizations meeting certain eligibility criteria.

[Copy of Statement on S-2129](#)

[Back to Top](#)

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Home

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Economy & Jobs
Education
Environment
Health
Law & Justice
Transportation

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Facebook
Twitter
Instagram
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YouTube

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[Departments/Agencies](#)

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[Boards, Commissions](#)

[& Authorities](#)

[Internship](#)

[Opportunities](#)

[Governor's Residence](#)

[- Drumthwacket](#)

[News & Events](#)

[Press Releases](#)

[Public Addresses](#)

[Executive Orders](#)

[Statements on](#)

[Legislation](#)

[Administration Reports](#)

[Transition Reports](#)

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