

48:3-38

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NJSA: 48:3-38 et al

(NJ Transit
Corporation--appointment
of police officers)

LAWS OF: 1989

CHAPTER: 291

Bill No: S2411

Sponsor(s): Rand

Date Introduced: April 25, 1988

Committee: Assembly: Transportation & Communications

Senate: Transportation & Communications

Amended during passage: Yes Amendments during passage
denoted by asterisks.

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Senate: January 23, 1989

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

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[FIRST REPRINT]

SENATE, No. 2411

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1988

By Senator RAND

1 AN ACT concerning the New Jersey Transit Corporation ¹[or a
2 subsidiary thereof]¹, amending R.S.48:3-38 and N.J.S.2C:39-6,
3 and amending and supplementing P.L.1979, c.150.

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

7 1. R.S.48:3-38 is amended to read as follows:

8 48:3-38. a. On the application of any railroad, street railway,
9 canal or steamboat company the Governor may appoint such
10 persons as the company may designate to act as policemen for
11 the company. The Secretary of State shall issue to each person
12 so appointed a commission, a copy of which shall be filed in the
13 office of the Superintendent of State Police. Each appointee
14 shall pay to the Secretary of State a fee of \$25.00 for that
15 commission.

16 All applications shall, in the first instance, be made to said
17 superintendent. The superintendent shall investigate and
18 determine the character, competency, integrity and fitness of the
19 person or persons designated in the application. Notwithstanding
20 any other provision of law in the case of any railroad, street
21 railway, canal or steamboat company, the operations of which
22 extend from this State to any other, such person or persons need
23 not be residents of the State of New Jersey. If the application is
24 approved by the superintendent, the applicant shall then present
25 the approved application to the Governor.

26 Every person so appointed and commissioned shall, in the
27 several counties, possess all the powers of policemen and
28 constables in criminal cases of the several municipalities in such
29 counties and shall be compensated by the company.

30 When on duty, except when employed as a detective, he shall
31 wear in plain view a metallic shield or device with the words
"railway police," "canal police" or "steamboat police" as may be

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STC committee amendments adopted December 8, 1988.

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1 appropriate, and the name or style of the company for whom he
was appointed inscribed thereon.

3 Notwithstanding anything to the contrary herein contained, all
appointments made prior to the effective date of this enactment
5 which meet the requirements thereof shall be and they hereby are
declared to be valid.

7 When any such company shall file in the offices of the
Superintendent of State Police a notice that it no longer requires
9 the service of such policeman, his power as such shall cease and
determine.

11 b. The provisions of subsection a. of this section do not apply
13 to the New Jersey Transit Corporation established by P.L.1979,
c.150 (C.27:25-1 et seq.). The ¹executive director of the¹
15 corporation ¹, through the chief of police of the New Jersey
Transit Rail Operations Police Department,¹ may appoint and
17 employ ¹rail¹ police officers under the provisions of section 2 of
this 1988 amendatory and supplementary act.

19 All ¹railway¹ policemen who were appointed pursuant to this
section and who are employed by the corporation on the effective
21 date of this 1988 amendatory and supplementary act shall
continue in employment, and shall be appointed pursuant to
23 section 2 of this 1988 amendatory and supplementary act as
¹rail¹ police officers of the corporation ¹[or subsidiary
25 corporation]¹ without diminution in compensation or seniority
rights or impairment of tenure. Nothing in this 1988 amendatory
27 and supplementary act shall affect the rights, privileges,
obligations or status with respect to any pension or retirement
29 system or employee benefits program of these ¹railway¹
policemen.

(cf: P.L.1987, c.435, s.15)

31 2. (New section) a. ¹There is established in the New Jersey
Transit Corporation a New Jersey Transit Rail Operations Police
33 Department, which shall be headed by a chief of police.¹ The
executive director of the New Jersey Transit Corporation ¹[or a
35 designated officer of any subsidiary corporation providing rail
passenger service], through the chief of police of the New Jersey
37 Transit Rail Operations Police Department,¹ shall have the power
and authority to appoint and employ such number of ¹rail¹ police
39 officers as he deems necessary to act as ¹rail¹

1 police officers of the corporation and to administer to the ¹rail¹
2 police officers an oath or affirmation faithfully to perform the
3 duties of their respective positions or offices. The ¹rail¹ police
4 officers so appointed shall have general authority, without
5 limitation, to exercise police powers and duties, as provided by
6 law for police officers and law enforcement officers, in all
7 criminal and traffic matters at all times throughout the State
8 and, in addition, to enforce such rules and regulations as the
9 corporation shall adopt and deem appropriate. ¹The members of
10 the New Jersey Transit Rail Operations Police Department shall
11 comply with all policies established by the Attorney General,
12 including rules and regulations, directives, advisory opinions, and
13 other guidelines.¹ The executive director ¹[or a designated
14 officer of the subsidiary corporation] , through the chief of police
15 of the New Jersey Transit Rail Operations Police Department,¹
16 shall ¹, in accordance with procedures established by the
17 Superintendent of State Police,¹ investigate and determine the
18 character, competency, integrity and fitness of any person
19 making application for appointment as a police officer. ¹The
20 New Jersey Transit Rail Operations Police Department is
21 authorized to exchange fingerprint data and receive criminal
22 history record information from the State Bureau of
23 Identification in the Division of State Police and the Federal
24 Bureau of Investigation, Identification Division, for use in making
25 this determination.¹

26 b. All ¹railway¹ policemen who were appointed pursuant to
27 ¹[of]¹ R.S. 48:3-38 and who are employed by the corporation on
28 the effective date of this 1988 amendatory and supplementary
29 act shall continue in employment, and shall be appointed pursuant
30 to this section as ¹rail¹ police officers of the corporation ¹[or
31 subsidiary corporation]¹ without diminution in compensation or
32 seniority rights or impairment of tenure. Nothing in this 1988
33 amendatory and supplementary act shall affect the rights,
34 privileges, obligations or status with respect to any pension or
35 retirement system or employee benefits program of these
36 ¹railway¹ policemen.

37 c. ¹[The Administrative Director of the Courts shall, pursuant
38 to Rules of Court, prescribe a universal form of complaint for
39 traffic offenses and a universal form of complaint and summons
for nonindictable offenses for use in all municipalities by the

1 police officers appointed pursuant to this section.

2 The corporation may authorize the printing of those prescribed
3 forms for use by the police officers.]

4 All rail police officers appointed pursuant to this section shall
5 satisfy the training requirements established by the Police
6 Training Commission as follows:

7 (1) All officers appointed pursuant to this section after the
8 effective date of this 1988 amendatory and supplementary act
9 shall successfully complete, within one year of the date of their
10 appointment, a training course approved by the Police Training
11 Commission;

12 (2) All officers appointed and in employment on the effective
13 date of this 1988 amendatory and supplementary act may
14 continue in employment if, within 18 months of the effective
15 date of this act, they have satisfied the training requirements of
16 the Police Training Commission;

17 (3) The executive director, through the chief of police of the
18 New Jersey Transit Rail Operations Police Department, may
19 request from the Police Training Commission an exemption from
20 all or part of the training requirements of this subsection on
21 behalf of a current or prospective officer who demonstrates
22 successful completion of a police training course conducted by
23 any federal, state or other public or private agency, the
24 requirements of which are substantially equivalent to the
25 requirements of the Police Training Commission.¹

26 3. Section 8 of P.L.1979, c.150 (C.27:25-8) is amended to read
27 as follows:

28 8. a. The corporation or any subsidiary thereof shall not be
29 considered a public utility as defined in R.S. 48:2-13 and except
30 with regard to subsection c. of this section, subsection b. of
31 R.S.48:3-38 and section 2 of P.L.1988, c. (now pending before
32 the Legislature as this bill) the provisions of Title 48 of the
33 Revised Statutes shall not apply to the corporation or any
34 subsidiary thereof.

35 b. The authority hereby given the corporation pursuant to
36 section 6 of this act with respect to fares and service, shall be
37 exercised without regard or reference to the jurisdiction vested
in the Department of Transportation by [sections] R.S.48:2-21,

1 48:2-24 and 48:4-3 [of the Revised Statutes]. The Department of
Transportation shall resume jurisdiction over service and fares
3 upon the termination and discontinuance of a contractual
relationship between the corporation and a private or public
5 entity relating to the provision of public transportation services
operated under the authority of certificates of public
7 convenience and necessity previously issued by the department or
its predecessors; provided, however, that no private entity shall
9 be required to restore any service discontinued or any fare
changed during the existence of a contractual relationship with
11 the corporation, unless the Department of Transportation shall
determine, after notice and hearing, that the service or fare is
13 required by public convenience and necessity.

c. Notwithstanding any other provisions of this act, all
15 vehicles used by any public or private entity pursuant to contract
authorized by this act, and all vehicles operated by the
17 corporation directly, shall be subject to the jurisdiction of the
Department of Transportation with respect to maintenance,
19 specifications and safety to the same extent such jurisdiction is
conferred upon the department by Title 48 of the Revised
21 Statutes.

d. Before implementing any fare increase for any motorbus
23 regular route or rail passenger services, or the substantial
curtailment or abandonment of any such services, the corporation
25 shall hold a public hearing in the area affected during evening
hours. Notice of such hearing shall be given by the corporation at
27 least 15 days prior to such hearing to the governing body of each
county whose residents will be affected and to the clerk of each
29 municipality in the county or counties whose residents will be
affected; such notice shall also be posted at least 15 days prior to
31 such hearing in prominent places on the railroad cars and buses
serving the routes to be affected.

33 (cf: P.L.1979, c.150, s.8)

4. N.J.S.2C:39-6 is amended to read as follows:

35 2C:39-6. a. Provided a person complies with the requirements
of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

37 (1) Members of the Armed Forces of the United States or of
the National Guard while actually on duty, or while traveling
39 between places of duty and carrying authorized weapons in the
manner prescribed by the appropriate military authorities;

1 (2) Federal law enforcement officers, and any other federal
officers and employees required to carry firearms in the
3 performance of their official duties;

5 (3) Members of the State Police and, under conditions
prescribed by the superintendent, members of the Marine Law
Enforcement Bureau of the Division of State Police;

7 (4) A sheriff, undersheriff, sheriff's officer, county
prosecutor, assistant prosecutor, prosecutor's detective or
9 investigator, deputy attorney general or State investigator
employed by the Division of Criminal Justice of the Department
11 of Law and Public Safety, investigator employed by the State
Commission of Investigation, inspector of the Alcoholic Beverage
13 Control Enforcement Bureau of the Division of State Police in
the Department of Law and Public Safety authorized to carry
15 such weapons by the Superintendent of State Police, State park
ranger, or State conservation officer;

17 (5) A prison or jail warden of any penal institution in this State
or his deputies, or an employee of the Department of Corrections
19 engaged in the interstate transportation of convicted offenders,
while in the performance of his duties, and when required to
21 possess the weapon by his superior officer, or a correction officer
or keeper of a penal institution in this State at all times while in
23 the State of New Jersey, provided he annually passes an
examination approved by the superintendent testing his
25 proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under
27 the supervision of the commanding officer of any post, camp,
station, base or other military or naval installation located in this
29 State who is required, in the performance of his official duties, to
carry firearms, and who is authorized to carry such firearms by
31 said commanding officer, while in the actual performance of his
official duties;

33 (7)(a) A regularly employed member, including a detective, of
the police department of any county or municipality, or of any
35 State, interstate, municipal or county park police force or
boulevard police force, at all times while in the State of New
37 Jersey;

(b) A special law enforcement officer authorized to carry a
39 weapon as provided in subsection b. of section 7 of P.L.1985,

1 c.439 (C.40A:14-146.14);

2 (c) An airport security officer or a special law enforcement
3 officer appointed by the governing body of any county or
4 municipality, except as provided in subsection b. of this section,
5 or by the commission, board or other body having control of a
6 county park or airport or boulevard police force, while engaged in
7 the actual performance of his official duties and when
8 specifically authorized by the governing body to carry weapons; or

9 (8) A full-time, paid member of a paid or part-paid fire
10 department or force of any municipality who is assigned full-time
11 or part-time to an arson investigation unit created pursuant to
12 section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1) or to the county
13 arson investigation unit in the county prosecutor's office, while
14 either engaged in the actual performance of arson investigation
15 duties or while actually on call to perform arson investigation
16 duties and when specifically authorized by the governing body or
17 the county prosecutor, as the case may be, to carry weapons.
18 Prior to being permitted to carry a firearm, such a member shall
19 take and successfully complete a firearms training course
20 administered by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in
22 the use of a revolver or similar weapon prior to being permitted
23 to carry a firearm.

24 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

25 (1) A law enforcement officer employed by a governmental
26 agency outside of the State of New Jersey while actually engaged
27 in his official duties, provided, however, that he has first notified
28 the superintendent or the chief law enforcement officer of the
29 municipality or the prosecutor of the county in which he is
engaged; or

30 (2) A licensed dealer in firearms and his registered employees
31 during the course of their normal business while traveling to and
32 from their place of business and other places for the purpose of
33 demonstration, exhibition or delivery in connection with a sale,
34 provided, however, that the weapon is carried in the manner
35 specified in subsection g. of this section.

36 c. Provided a person complies with the requirements of
37 subsection j. of this section, subsections b. and c. of
38 N.J.S.2C:39-5 do not apply to:
39

1 (1) A special agent of the Division of Taxation who has passed
2 an examination in an approved police training program testing
3 proficiency in the handling of any firearm which he may be
4 required to carry, while in the actual performance of his official
5 duties and while going to or from his place of duty, or any other
6 police officer, while in the actual performance of his official
7 duties;

(2) A State deputy conservation officer or a full-time
8 employee of the Division of Parks and Forestry having the power
9 of arrest and authorized to carry weapons, while in the actual
10 performance of his official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

13 (4) A court attendant serving as such under appointment by the
14 sheriff of the county or by the judge of any municipal court or
15 other court of this State, while in the actual performance of his
16 official duties;

17 (5) A guard in the employ of any railway express company,
18 banking or building and loan or savings and loan institution of this
19 State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization
21 while actually under orders or while going to or from the
22 prescribed place of meeting and carrying the weapons prescribed
23 for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to
25 Animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually
27 engaged in the transportation of explosives;

(9) A railway policeman ¹[or] , except¹ a ¹rail¹ police officer
29 of the New Jersey Transit ¹[Corporation or subsidiary thereof]
30 Rail Operations Police Department¹, at all times while in the
31 State of New Jersey, provided that he has passed an approved
32 police academy training program consisting of at least 280 hours.
33 The training program shall include, but need not be limited to,
34 the handling of firearms, community relations, and juvenile
35 relations; or

(10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.), while going to and from his place of duty
38 and while in the course of performing official duties or while in
39 the course of an official investigation within the State. Prior to

1 being permitted to carry a firearm, a campus police officer shall
take and successfully complete a firearms training course
3 administered by the Police Training Commission, pursuant to
P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in
5 the use of a revolver or similar weapon prior to being permitted
to carry a firearm; or

7 (11) A person who has not been convicted of a crime under the
laws of this State or under the laws of another state or the
9 United States, and who is employed as a full-time security guard
for a nuclear power plant under the license of the Nuclear
11 Regulatory Commission, while in the actual performance of his
official duties.

13 ¹(12) A rail police officer of the New Jersey Transit Rail
Operations Police Department, at all times while in the State of
15 New Jersey, provided the officer has satisfied the training
requirements of the Police Training Commission, pursuant to
17 subsection c. of section 2 of P.L.1988, c. (C.)(now
pending before the Legislature as this bill).¹

19 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
antique firearms, provided that such antique firearms are
21 unloaded or are being fired for the purposes of exhibition or
demonstration at an authorized target range or in such other
23 manner as has been approved in writing by the chief law
enforcement officer of the municipality in which the exhibition
25 or demonstration is held, or if not held on property under the
control of a particular municipality, the superintendent.

27 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to an antique cannon that is capable
29 of being fired but that is unloaded and immobile, provided that
the antique cannon is possessed by (a) a scholastic institution, a
31 museum, a municipality, a county or the State, or (b) a person
who obtained a firearms purchaser identification card as
33 specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
35 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
being transported by one eligible to possess it, in compliance with
37 regulations the superintendent may promulgate, between its
permanent location and place of purchase or repair.

39 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of

1 N.J.S.2C:39-5 do not apply to antique cannons that are being
loaded or fired by one eligible to possess an antique cannon, for
3 purposes of exhibition or demonstration at an authorized target
range or in the manner as has been approved in writing by the
5 chief law enforcement officer of the municipality in which the
exhibition or demonstration is held, or if not held on property
7 under the control of a particular municipality, the
superintendent, provided that performer has given at least 30
9 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
11 N.J.S.2C:39-5 do not apply to the transportation of unloaded
antique cannons directly to or from exhibitions or demonstrations
13 authorized under paragraph (4) of subsection d. of this section,
provided that the transportation is in compliance with safety
15 regulations the superintendent may promulgate. Nor do those
subsections apply to transportation directly to or from exhibitions
17 or demonstrations authorized under the law of another
jurisdiction, provided that the superintendent has been given 30
19 days' notice and that the transportation is in compliance with
safety regulations the superintendent may promulgate.

21 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
construed to prevent a person keeping or carrying about his place
23 of business, residence, premises or other land owned or possessed
by him, any firearm, or from carrying the same, in the manner
25 specified in subsection g. of this section, from any place of
purchase to his residence or place of business, between his
27 dwelling and his place of business, between one place of business
or residence and another when moving, or between his dwelling or
29 place of business and place where such firearms are repaired, for
the purpose of repair. For the purposes of this section, a place of
31 business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
33 construed to prevent:

(1) A member of any rifle or pistol club organized in
35 accordance with the rules prescribed by the National Board for
the Promotion of Rifle Practice, in going to or from a place of
37 target practice, carrying such firearms as are necessary for said
target practice, provided that the club has filed a copy of its
39 charter with the superintendent and annually submits a list of its

1 members to the superintendent and provided further that the
firearms are carried in the manner specified in subsection g. of
3 this section;

(2) A person carrying a firearm or knife in the woods or fields
5 or upon the waters of this State for the purpose of hunting, target
practice or fishing, provided that the firearm or knife is legal and
7 appropriate for hunting or fishing purposes in this State and he
has in his possession a valid hunting license, or, with respect to
9 fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

11 (a) Directly to or from any place for the purpose of hunting or
fishing, provided the person has in his possession a valid hunting
or fishing license; or

(b) Directly to or from any target range, or other authorized
15 place for the purpose of practice, match, target, trap or skeet
shooting exhibitions, provided in all cases that during the course
17 of the travel all firearms are carried in the manner specified in
subsection g. of this section and the person has complied with all
19 the provisions and requirements of Title 23 of the Revised
Statutes and any amendments thereto and all rules and
21 regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition
23 or display of firearms which is sponsored by any law enforcement
agency, any rifle or pistol club, or any firearms collectors club,
25 for the purpose of displaying the firearms to the public or to the
members of the organization or club, provided, however, that not
27 less than 30 days prior to the exhibition or display, notice of the
exhibition or display shall be given to the Superintendent of the
29 State Police by the sponsoring organization or club, and the
sponsor has complied with such reasonable safety regulations as
31 the superintendent may promulgate. Any firearms transported
pursuant to this section shall be transported in the manner
33 specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or
35 commercial aircraft or any boat, or from transporting to or from
such vessel for the purpose of installation or repair a visual
37 distress signalling device approved by the United States Coast
Guard.

39 g. All weapons being transported under paragraph (2) of

1 subsection b., subsection e., or paragraph (1) or (3) of subsection
2 f. of this section shall be carried unloaded and contained in a
3 closed and fastened case, gunbox, securely tied package, or
4 locked in the trunk of the automobile in which it is being
5 transported, and in the course of travel shall include only such
6 deviations as are reasonably necessary under the circumstances.

7 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
8 to prevent any employee of a public utility, as defined in
9 R.S.48:2-13, doing business in this State or any United States
10 Postal Service employee, while in the actual performance of
11 duties which specifically require regular and frequent visits to
12 private premises, from possessing, carrying or using any device
13 which projects, releases or emits any substance specified as being
14 noninjurious to canines or other animals by the Commissioner of
15 Health and which immobilizes only on a temporary basis and
16 produces only temporary physical discomfort through being
17 vaporized or otherwise dispensed in the air for the sole purpose of
18 repelling canine or other animal attacks.

19 The device shall be used solely to repel only those canine or
20 other animal attacks when the canines or other animals are not
21 restrained in a fashion sufficient to allow the employee to
22 properly perform his duties.

23 Any device used pursuant to this act shall be selected from a
24 list of products, which consist of active and inert ingredients,
25 permitted by the Commissioner of Health.

26 i. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
27 to prevent any person who is 18 years of age or older and who has
28 not been convicted of a felony, from possession for the purpose of
29 personal self-defense of one pocket-sized device which contains
30 and releases not more than three-quarters of an ounce of
31 chemical substance not ordinarily capable of lethal use or of
32 inflicting serious bodily injury, but rather, is intended to produce
33 temporary physical discomfort or disability through being
34 vaporized or otherwise dispensed in the air. Any person in
35 possession of any device in violation of this subsection shall be
36 deemed and adjudged to be a disorderly person, and upon
37 conviction thereof, shall be punished by a fine of not less than
38 \$100.00.

39 j. A person shall qualify for an exemption from the provisions

1 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
2 section, if the person has satisfactorily completed a firearms
3 training course approved by the Police Training Commission.

4 Such exempt person shall not possess or carry a firearm until
5 the person has satisfactorily completed a firearms training course
6 and shall annually qualify in the use of a revolver or similar
7 weapon. For purposes of this subsection, a "firearms training
8 course" means a course of instruction in the safe use,
9 maintenance and storage of firearms which is approved by the
10 Police Training Commission. The commission shall approve a
11 firearms training course if the requirements of the course are
12 substantially equivalent to the requirements for firearms training
13 provided by police training courses which are certified under
14 section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is
15 specified in paragraph (1), (2), (3) or (6) of subsection a. of this
16 section shall be exempt from the requirements of this subsection.

17 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
18 to prevent any financial institution, or any duly authorized
19 personnel of the institution, from possessing, carrying or using for
20 the protection of money or property, any device which projects,
21 releases or emits tear gas or other substances intended to
22 produce temporary physical discomfort or temporary
23 identification.

(cf: P.L.1987, c.172, s.1)

24 ¹[5. Section 15 of P.L.1979, c.150 (C.27:25-15) is amended to
25 read as follows:

26 15. The corporation may appoint an executive director,
27 directors of operating divisions and other such additional officers,
28 all of whom need not be members of the corporation, and may
29 employ consulting architects, engineers, auditors, accountants,
30 construction, management, real estate, operations and financial
31 experts, supervisors, managers and such other professional
32 consultants and officers and employees, and may fix their
33 compensation, as the corporation deems advisable; and may
34 promote and discharge such officers and employees, all without
35 regard to the provisions of Title [11] 11A of the [Revised] New
36 Jersey Statutes. In developing an employee compensation
37 schedule, the corporation shall consult with appropriate
38 authorities of the State and file such schedule with them upon
39

1 completion. The corporation shall by October 31 of each year
submit to the Governor and the presiding officers and the
3 Transportation and Communications Committees of both Houses
of the Legislature a list of all full and part-time officers and
5 employees of the corporation and the salaries, wages and
compensation received by said officers and employees during the
7 preceding fiscal year.

The executive director on behalf of the corporation or any
9 subsidiary corporation is authorized to request from the State
Bureau of Identification in the Department of Law and Public
11 Safety a criminal history record background check in connection
with an application for employment by any prospective employee,
13 and to pay the appropriate fee therefor. A "criminal history
record background check" means a name search identification
15 check whereby the State Bureau of Identification determines if a
New Jersey criminal history record exists for the person
17 identified by the request.

The corporation may elect or appoint from among the members
19 of its board or from its employees some or all of the members of
the board of directors of any incorporated entity of which it owns
21 part or all of the capital stock.

Employees of the corporation, or any of its subsidiary entities,
23 shall be covered by whatever retirement plan or plans the
corporation or subsidiary entity determines from time to time to
25 maintain for those employees. However, if an individual is a
member of the Public Employees' Retirement System or any
27 other State-administered retirement system immediately prior to
his initial employment by the corporation, he shall continue as or
29 become, as the case may be, a member of the Public Employees'
Retirement System for the duration of his employment by the
31 corporation.

(cf: P.L.1979, c.150, s.15)]¹

33 ¹[6.] 5.1 This act shall take effect on the 30th day after
enactment.

35

TRANSPORTATION

37

Police Officers

39 Provides for appointment of rail police officers by New Jersey
Transit Corporation.

1 New Jersey criminal history record exists for the person
2 identified by the request.

3 The corporation may elect or appoint from among the members
4 of its board or from its employees some or all of the members of
5 the board of directors of any incorporated entity of which it owns
6 part or all of the capital stock.

7 Employees of the corporation, or any of its subsidiary entities,
8 shall be covered by whatever retirement plan or plans the
9 corporation or subsidiary entity determines from time to time to
10 maintain for those employees. However, if an individual is a
11 member of the Public Employees' Retirement System or any
12 other State-administered retirement system immediately prior to
13 his initial employment by the corporation, he shall continue as or
14 become, as the case may be, a member of the Public Employees'
15 Retirement System for the duration of his employment by the
16 corporation.

17 (cf: P.L. 1979, c. 150, s. 15)

18 6. This act shall take effect on the 30th day after enactment.
19

20
21 STATEMENT

22
23 The primary purpose of this bill is to provide the executive
24 director of the New Jersey Transit Corporation or a designated
25 officer of a subsidiary corporation thereof providing rail
26 passenger service with the power and authority to appoint police
27 officers, to administer an oath or affirmation to them, and to
28 perform background and character checks on prospective police
29 officers. The provisions contained in this bill would streamline
30 the process of employing these officers.

31 The police officers so appointed would have the general
32 authority to exercise police powers and duties as generally
33 provided by law for police officers and law enforcement officers
34 in all criminal and traffic matters at all times throughout the
35 State. In addition, they would have the power to enforce New
36 Jersey Transit Corporation regulations.

37 Although the appointment by the Governor of railway police is
38 permitted under R.S. 48:3-38, the "New Jersey Public
39 Transportation Act of 1979," P.L. 1979, c. 150 (C. 27:25-1 et
40 seq.) provides that the provisions of Title 48 of the Revised

1 Statutes generally do not apply to the corporation. This bill, by
2 revising P.L. 1979, c. 150 and Title 48, would clarify the
3 authority of the corporation or a subsidiary thereof to appoint
4 police officers and to conduct the appropriate background and
5 character checks.

6 In addition, the bill authorizes the executive director to
7 request criminal history record background checks from the State
8 Bureau of Identification for any prospective employees.

9

11 TRANSPORTATION
12 Police Officers

13

14 Provides for appointment of police officers by New Jersey
15 Transit or subsidiary corporation.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 2411

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1988

The Senate Transportation and Communications Committee favorably reports Senate Bill No. 2411 with Senate committee amendments.

This bill, as amended by the committee, provides that the executive director of the New Jersey Transit Corporation, through the Chief of Police of the New Jersey Transit Rail Operations Police Department, established by this bill, would have the power and authority to appoint rail police officers, to administer an oath or affirmation to them, and to determine the character and fitness of prospective officers. In this latter determination the executive director through the chief of police is to conform to procedures established by the Superintendent of State Police. The police department is also authorized to exchange fingerprint data and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Identification in making this determination.

The rail police officers so appointed would have the general authority to exercise police powers and duties as generally provided by law for police officers and law enforcement officers in all criminal and traffic matters at all times throughout the State. In addition, they would have the power to enforce New Jersey Transit Corporation regulations. The rail police officers are to satisfy the training requirements of the Police Training commission. The members of the police department shall also comply with all policies established by the Attorney General, including rules and regulations, directives, advisory opinions, and other guidelines.

Although the appointment by the Governor of railway police is permitted under R.S.48:3-38, the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) provides that the provisions of Title 48 of the Revised Statutes generally do not apply

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to the New Jersey Transit Corporation. This bill, by revising P.L.1979, c.150 and Title 48, would clarify the authority of the corporation to appoint rail police officers and to conduct the appropriate background and character checks. It would also streamline that process.

The committee amendments formally establish the New Jersey Transit Rail Operations Police Department and provide that the executive director through the chief of police would have the power to appoint rail police officers. The amendments clarify the relations between the police department and the Attorney General's office and the Superintendent of State Police. The amendments also delete the requirements for a universal form of complaint and summons to be used by the rail police officers, and the provision providing for a background check for all prospective employees. Finally, the bill requires the rail police officers to satisfy the requirements of the Police Training Commission.

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2411

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STATE OF NEW JERSEY

DATED: FEBRUARY 16, 1989

The Assembly Transportation and Communications Committee reports favorably Senate Bill No. 2411 (1R).

This bill provides that the executive director of the New Jersey Transit Corporation, through the Chief of Police of the New Jersey Transit Rail Operations Police Department, established by this bill, would have the power and authority to appoint rail police officers, to administer an oath or affirmation to them, and to determine the character and fitness of prospective officers. In this latter determination the executive director through the chief of police is to conform to procedures established by the Superintendent of State Police. The police department is also authorized to exchange fingerprint data and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Identification in making this determination.

The rail police officers so appointed would have the general authority to exercise police powers and duties as generally provided by law for police officers and law enforcement officers in all criminal and traffic matters at all times throughout the State. In addition, they would have the power to enforce New Jersey Transit Corporation regulations. The rail police officers are to satisfy the training requirements of the Police Training commission. The members of the police department shall also comply with all policies established by the Attorney General, including rules and regulations, directives, advisory opinions, and other guidelines.

Although the appointment by the Governor of railway police is permitted under R.S.48:3-38, the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) provides that the provisions of Title 48 of the Revised Statutes generally do not apply

to the New Jersey Transit Corporation. This bill, by revising P.L.1979, c.150 and Title 48, would clarify the authority of the corporation to appoint rail police officers and to conduct the appropriate background and character checks. It would also streamline that process.