

2C:39-6

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 2C:39-6 and 53:1-11.10 to 53:1-11.15 (Marine Law Enforcement Bureau--  
establish-- within State Police)

**CHAPTER 150**

**Laws Of:** 1986

**Bill No:** A2447

**Sponsor(s):** Hendrickson

**Date Introduced:** May 8, 1986

**Committee:** **Assembly:** Law, Public Safety

**Senate:** Law, Public Safety and Defense

**Amended during passage:** Yes Amendments during passage denoted  
by asterisks. Substituted for S2328  
(not attached since identical to  
A2447).

**Date of Passage:** **Assembly:** June 23, 1986  
**Senate:** September 18, 1986

**Date of Approval:** November 13, 1986

**Following statements are attached if available:**

**Sponsor statement:** Yes

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

**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

11-13-86

[SECOND OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 2447

## STATE OF NEW JERSEY

INTRODUCED MAY 8, 1986

By Assemblymen HENDRICKSON, VILLANE, Moran, Singer,  
Colburn, Stuhltrager, Rocco and Shusted

AN ACT establishing the Bureau of Marine Law Enforcement within the Division of State Police, amending N. J. S. 2C:39-6, and supplementing Title 53 of the Revised Statutes.

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

1 1. As used in this act:

2 a. "Bureau" means the Bureau of Marine Law Enforcement  
3 established in section 2 of this act.

4 b. "Waters of the State" means, but shall not be limited to, the  
5 waters of the Atlantic ocean for three nautical \*miles\* eastward  
6 from the shores of this State; all navigable and non-navigable, tidal  
7 and non-tidal, rivers, bays, streams, and inlets; and any other  
8 water within the jurisdiction of the State.

9 c. "Superintendent" means the Superintendent of *\*the Division*  
10 *of\* State Police \*in the Department of Law and Public Safety\**.

1 2. There is established in the Division of State Police in the  
2 Department of Law and Public Safety a Bureau of Marine Law  
3 Enforcement under the supervision of the superintendent. *\*\*Marine*  
4 *police officers shall be in the unclassified service of the civil service*  
5 *of this State.\*\**

1 3. The bureau shall consist of the following:

2 a. The law enforcement personnel currently employed by the  
3 State Marine Police Force, established by section 2 of P. L. 1980,  
4 c. 96 (C. 52:17B-9.5).

5 b. Law enforcement personnel appointed to the bureau under

**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:**

**\*—Assembly committee amendments adopted June 9, 1986**

**\*\*—Senate committee amendments adopted September 8, 1986.**

6 this act and trained by the superintendent. Law enforcement  
 7 personnel appointed to the bureau under this act shall not be sub-  
 8 ject to the provisions of Title 11 of the Revised Statutes and shall  
 9 be removable by the superintendent at will for the first three years  
 10 of employment; thereafter, these personnel shall serve during good  
 11 behavior and shall not be removed except for cause.

12 c. Members of the State Police assigned to the bureau for a  
 13 period of time by the superintendent.

14 **\*\*[d. Clerical and other employees appointed by the superinten-**  
 15 **dent as he may deem necessary, who shall be subject to the provi-**  
 16 **sions of Title 11 of the Revised Statutes.]\*\***

1 4. Nothing in this act shall be construed to deprive **\*\*[any per-**  
 2 **son, including]\*\*** existing *\*\*classified\*\** law enforcement personnel  
 3 currently titled as Marine Police Officer, Senior Marine Police  
 4 Officer, and Principal Marine Police Officer, *\*\*or any other title*  
 5 *which encompasses substantially the same duties and responsibili-*  
 6 *ties,\*\** of tenure rights **\*\*[or of a right or protection]\*\*** under the  
 7 laws concerning civil service, pension, or retirement.

1 5. Marine law enforcement officers within the bureau:

2 a. Shall have the powers **\*\*[and be subject to the obligations]\*\***  
 3 of police officers *\*\*as the superintendent may prescribe\*\**;

4 b. Shall enforce the laws of this State on the waters of the State  
 5 and the land areas contiguous thereto;

6 c. Shall perform related law enforcement duties throughout the  
 7 State as the superintendent may prescribe;

8 d. Shall have the power to stop and board a vessel in the waters  
 9 of the State to determine whether the vessel complies with State  
 10 and federal boating safety laws and shall have the power **\*\*[of**  
 11 **members of the United States Coast Guard]\*\*** to order a vessel  
 12 that does not comply with these laws to return immediately to shore.

13 Nothing in this section shall limit the law enforcement authority  
 14 of a member of the State Police assigned to the bureau by the  
 15 superintendent, unless the superintendent shall so prescribe.

1 6. a. The superintendent may make appointments to the bureau,  
 2 train members of the bureau, and create ranks in the bureau as he  
 3 deems necessary to effectuate efficient law enforcement **\*\*[in]\*\***  
 4 *\*\*on\*\** the waters of the State and the land areas contiguous  
 5 thereto.

6 b. **\*\*[Pursuant to the "Administrative Procedure Act," P. L.**  
 7 **1968, c. 410 (C. 52:14B-1 et seq.), the]\*\*** *\*\*The\*\** superintendent  
 8 shall adopt rules to effectuate the purposes of this act, including  
 9 rules regarding the internal operating procedures of the bureau  
 10 and the discipline and control of its members.

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

2 2C:39-6. Exemptions. a. *Provided a person complies with the*  
3 *requirements of subsection j. of this section, [Section] N. J. S.*  
4 *2C:39-5 does not apply to:*

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

9 (2) Federal law enforcement officers, and any other federal  
10 officers and employees required to carry firearms in the perfor-  
11 mance of their official duties;

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

15 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
16 assistant prosecutor, prosecutor's detective or investigator, deputy  
17 attorney general or State investigator employed by the Division of  
18 Criminal Justice of the Department of Law and Public Safety,  
19 investigator employed by the State Commission of Investigation,  
20 inspector [and investigators] of the [Division of] Alcoholic Bever-  
21 age Control *Enforcement Bureau of the Division of State Police*  
22 *in the Department of Law and Public Safety authorized to carry*  
23 *such weapons by the Superintendent of State Police, State park*  
24 *ranger, or State conservation officer;*

25 (5) A prison or jail warden or any penal institution in this State  
26 or his deputies, or an employee of the Department of Corrections  
27 engaged in the interstate transportation of convicted offenders,  
28 while in the performance of his duties, and when required to possess  
29 [such a] *the* weapon by his superior officer, or a correction officer  
30 or keeper of a penal institution in this State at all times while in  
31 the State of New Jersey, provided he annually passes an examina-  
32 tion approved by the superintendent testing his proficiency in the  
33 handling of firearms;

34 (6) A civilian employee of the United States Government under  
35 the supervision of the commanding officer of any post, camp, sta-  
36 tion, base or other military or naval installation located in this  
37 State who is required, in the performance of his official duties,  
38 to carry firearms, and who is authorized to carry such firearms by  
39 said commanding officer, while in the actual performance of his  
40 official duties;

41 (7) (a) A regularly employed member, including a detective, of  
42 the police department of any county or municipality, or of any

43 State, interstate, municipal or county park police force or boulevard  
44 police force, at all times while in the State of New Jersey;

45 (b) A special law enforcement officer authorized to carry a wea-  
46 pon as provided in subsection b. of section 7 of P. L. 1985, c. 439  
47 (C. 40A:14-146.14);

48 (c) An airport security officer or a special law enforcement officer  
49 appointed by the governing body of any county or municipality,  
50 except as provided in subsection b. of this section, or by the com-  
51 mission, board or other body having control of a county park or  
52 airport or boulevard police force, while engaged in the actual per-  
53 formance of his official duties and when specifically authorized by  
54 the governing body to carry weapons; or

55 **[(8) A paid member of a paid or part-paid fire department or**  
56 **force of any municipality who is assigned full-time to an arson**  
57 **investigation unit created pursuant to section 1 of P. L. 1981, c.**  
58 **409 (C. 40A:14-7.1), while engaged in the actual performance of**  
59 **arson investigation duties and when specifically authorized by the**  
60 **governing body to carry weapons.]**

61 *(8) A full-time, paid member of a paid or part-paid fire depart-*  
62 *ment or force of any municipality who is assigned full-time or part-*  
63 *time to an arson investigation unit created pursuant to section 1*  
64 *of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investi-*  
65 *gation unit in the county prosecutor's office, while either engaged*  
66 *in the actual performance of arson investigation duties or while*  
67 *actually on call to perform arson investigation duties and when*  
68 *specifically authorized by the governing body or the county pro-*  
69 *secutor, as the case may be, to carry weapons. Prior to being*  
70 *permitted to carry a firearm, such a member shall take and success-*  
71 *fully complete a firearms training course administered by the Police*  
72 *Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66*  
73 *et seq.), and shall annually qualify in the use of a revolver or*  
74 *similar weapon prior to being permitted to carry a firearm.*

75 b. Subsections a., b. and c. of **[section]** *N. J. S. 2C:39-5* do not  
76 apply to:

77 (1) A law enforcement officer employed by a governmental  
78 agency outside of the State of New Jersey while actually engaged  
79 in his official duties, provided, however, that he has first notified  
80 the superintendent or the chief law enforcement officer of the mu-  
81 nicipality or the prosecutor of the county in which he is engaged;  
82 or

83 (2) A licensed dealer in firearms and his registered employees  
84 during the course of their normal business while traveling to and

85 from their place of business and other places for the purpose of  
 86 demonstration, exhibition or delivery in connection with a sale,  
 87 provided, however, that **any such** *the* weapon is carried in the  
 88 manner specified in subsection g. of this section.

89 c. **Subsections** *Provided a person complies with the require-*  
 90 *ments of subsection j. of this section, subsections b. and c. of sec-*  
 91 *tion* **N. J. S. 2C:39-5** do not apply to:

92 (1) A special agent of the Division of Taxation who has passed  
 93 an examination in an approved police training program testing  
 94 proficiency in the handling of any firearm which he may be re-  
 95 quired to carry, while in the actual performance of his official duties  
 96 and while going to or from his place of duty, **a campus police**  
 97 **officer appointed pursuant to P. L. 1970, c. 211 (C. 18A:6-4.2 et**  
 98 **seq.,)** or any other police officer, while in the actual performance  
 99 of his official duties;

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

104 (3) **A full-time member of the marine patrol force or a special**  
 105 **marine patrolman authorized to carry such a** *the* weapon by the  
 106 Commissioner of Environmental Protection, while in the actual  
 107 performance of his official duties **Deleted by amendment,**  
 108 *P. L. . . . ., c. . . . (C. . . . .) (now pending before the Legis-*  
 109 *lature as this bill);*

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

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

117 (6) A member of a legally recognized military organization  
 118 while actually under orders or while going to or from the pre-  
 119 scribed place of meeting and carrying the weapons prescribed for  
 120 drill, exercise or parade;

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

123 (8) An employee of a public utilities corporation actually en-  
 124 gaged in the transportation of explosives; **or**

125 (9) A railway policeman, at all times while in the State of New  
 126 Jersey, provided that he has passed an approved police academy

127 training program consisting of at least 280 hours. The training  
 128 program shall include, but need not be limited to, the handling  
 129 of firearms, community relations, and juvenile relations[.]; or  
 130 (10) *A campus police officer appointed under P. L. 1970, c. 211*  
 131 *(C. 18A:6-4.2 et seq.), while going to and from his place of duty*  
 132 *and while in the course of performing official duties or while in*  
 133 *the course of an official investigation within the State. Prior to*  
 134 *being permitted to carry a firearm, a campus police officer shall*  
 135 *take and successfully complete a firearms training course admin-*  
 136 *istered by the Police Training Commission, pursuant to P. L.*  
 137 *1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the*  
 138 *use of a revolver or similar weapon prior to being permitted to*  
 139 *carry a firearm.*

140 d. (1) Subsections c. and d. of [section] N. J. S. 2C:39-5 do  
 141 not apply to antique firearms, provided that such antique firearms  
 142 are unloaded or are being fired for the purposes of exhibition or  
 143 demonstration at an authorized target range or in such other man-  
 144 ner as has been approved in writing by the chief law enforcement  
 145 officer of the municipality in which the exhibition or demonstration  
 146 is held, or if not held on property under the control of a particular  
 147 municipality, the superintendent.

148 (2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of  
 149 N. J. S. 2C:39-5 do not apply to an antique cannon that is capable  
 150 of being fired but that is unloaded and immobile, provided that  
 151 the antique cannon is possessed by (a) a scholastic institution,  
 152 a museum, a municipality, a county or the State, or (b) a person  
 153 who obtained a firearms purchaser identification card as specified  
 153A in N. J. S. 2C:58-3.

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

159 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of  
 160 N. J. S. 2C:39-5 do not apply to antique cannons that are being  
 161 loaded or fired by one eligible to possess an antique cannon, for  
 162 purposes of exhibition or demonstration at an authorized target  
 163 range or in the manner as has been approved in writing by the  
 164 chief law enforcement officer of the municipality in which the ex-  
 165 hibition or demonstration is held, or if not held on property under  
 166 the control of a particular municipality, the superintendent, pro-  
 167 vided that performer has given at least 30 days' notice [of such]  
 168 to the superintendent.

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

170 N. J. S. 2C:39-5 do not apply to the transportation of unloaded  
 171 antique cannons directly to or from exhibitions or demonstrations  
 172 authorized under paragraph (4) of subsection d. of this section,  
 173 provided that the transportation is in compliance with safety  
 174 regulations the superintendent may promulgate. Nor do those  
 175 subsections apply to transportation directly to or from exhibitions  
 176 or demonstrations authorized under the law of another jurisdiction,  
 177 provided that the superintendent has been given 30 days' notice  
 178 **【of such】** and that the transportation is in compliance with safety  
 179 regulations the superintendent may promulgate.

180 e. Nothing in subsections b., c. and d. of **【section】** *N. J. S.*  
 181 2C:39-5 shall be construed to prevent a person keeping or carrying  
 182 about his place of business, residence, premises or other land owned  
 183 or possessed by him, any firearm, or from carrying the same, in  
 184 the manner specified in subsection g. of this section, from any place  
 185 of purchase to his residence or place of business, between his  
 186 dwelling and his place of business, between one place of business  
 187 or residence and another when moving, or between his dwelling  
 188 or place of business and place where such firearms are repaired,  
 189 for the purpose of repair. For the purposes of this section, a place  
 190 of business shall be deemed to be a fixed location.

191 f. Nothing in subsections b., c. and d. of **【section】** *N. J. S.*  
 192 2C:39-5 shall be construed to prevent:

193 (1) A member of any rifle or pistol club organized in accordance  
 194 with the rules prescribed by the National Board for the Promotion  
 195 of Rifle Practice, in going to or from a place of target practice,  
 196 carrying such firearms as are necessary for said target practice,  
 197 provided that the club has filed a copy of its charter with the  
 198 superintendent and annually submits a list of its members to the  
 199 superintendent and provided further that the firearms are carried  
 200 in the manner specified in subsection g. of this section;

201 (2) A person carrying a firearm or knife in the woods or fields  
 202 or upon the waters of this State for the purpose of hunting, target  
 203 practice or fishing, provided that the firearm or knife is legal and  
 204 appropriate for hunting or fishing purposes in this State and he  
 205 has in his possession a valid hunting license, or, with respect to  
 206 freshwater fishing, a valid fishing license;

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

208 (a) Directly to or from any place for the purpose of hunting  
 209 or fishing, provided **【such】** *the* person has in his possession a valid  
 210 hunting or fishing license: or

211 (b) Directly to or from any target range, or other authorized



212 place for the purpose of practice, match, target, trap or skeet  
213 shooting exhibitions, provided in all cases that during the course  
214 of **[such]** *the* travel all firearms are carried in the manner specified  
215 in subsection g. of this section and the person has complied with  
216 all the provisions and requirements of Title 23 of the Revised  
217 Statutes and any amendments thereto and all rules and regulations  
218 promulgated thereunder; or

219 (c) In the case of a firearm, directly to or from any exhibition  
220 or display of firearms which is sponsored by any law enforcement  
221 agency, any rifle or pistol club, or any firearms collectors club, for  
222 the purpose of displaying **[of]** the firearms to the public or to the  
223 members of **[such]** *the* organization or club, provided, however,  
224 that not less than 30 days prior to **[such]** *the* exhibition or display,  
225 notice of **[such]** *the* exhibition or display shall be given to the  
226 Superintendent of the State Police by the sponsoring organization  
227 or club, and the sponsor has complied with such reasonable safety  
228 regulations as the superintendent may promulgate. Any firearms  
229 transported pursuant to this section shall be transported in the  
230 manner specified in subsection g. of this section;

231 (4) A person from keeping or carrying about a private or com-  
232 mercial aircraft or any boat, or from transporting to or from  
233 such vessel for the purpose of installation or repair a visual dis-  
234 tress signalling device approved by the United States Coast Guard.

235 g. All weapons being transported under **[subsection b. (2), e.**  
236 **or f. (1) or (3)]** *paragraph (2) of subsection b., subsection e., or*  
237 *paragraph (1) or (3) of subsection f.* of this section shall be  
238 carried unloaded and contained in a closed and fastened case, gun-  
239 box, securely tied package, or locked in the trunk of the automobile  
240 in which it is being transported, and the course of travel shall  
241 include only such deviations as are reasonably necessary under  
242 the circumstances.

243 h. Nothing in subsection d. of **[section]** *N. J. S. 2C:39-5* shall  
244 be construed to prevent any employee of a public utility, as defined  
245 in R. S. 48:2-13, doing business in this State or any United States  
246 Postal Service employee, while in the actual performance of duties  
247 which specifically require regular and frequent visits to private  
248 premises, from possessing, carrying or using any device which  
249 projects, releases or emits any substance specified as being non-  
250 injurious to canines or other animals by the Commissioner of  
251 Health and which immobilizes only on a temporary basis and  
252 produces only temporary physical discomfort through being vapor-

253 ized or otherwise dispensed in the air for the sole purpose of re-  
254 pelling canine or other animal attacks.

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

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

262 i. Nothing in subsection d. of *N. J. S. 2C:39-5* shall be con-  
263 strued to prevent any person who is 18 years of age or older and  
264 who has not been convicted of a felony, from possession for the  
265 purpose of personal self-defense of one pocket-sized device which  
266 contains and releases not more than three-quarters of an ounce of  
267 chemical substance not ordinarily capable of lethal use or of in-  
268 flicting serious bodily injury, but rather, is intended to produce  
269 temporary physical discomfort or disability through being vapor-  
270 ized or otherwise dispensed in the air. Any person in possession  
271 of any device in violation of this subsection shall be deemed and  
272 adjudged to be a disorderly person, and upon conviction thereof,  
273 shall be punished by a fine of not less than \$100.00.

274 *j. A person shall qualify for an exemption from the provisions*  
275 *of N. J. S. 2C:39-5, as specified under subsections a. and c. of*  
276 *this section, if the person has satisfactorily completed a firearms*  
277 *training course approved by the Police Training Commission.*

278 *Such exempt person shall not possess or carry a firearm until*  
279 *the person has satisfactorily completed a firearms training course*  
280 *and shall annually qualify in the use of a revolver or similar weap-*  
281 *on. For purposes of this subsection, a "firearms training course"*  
282 *means a course of instruction in the safe use, maintenance and*  
283 *storage of firearms which is approved by the Police Training Com-*  
284 *mission. The commission shall approve a firearms training course*  
285 *if the requirements of the course are substantially equivalent to*  
286 *the requirements for firearms training provided by police training*  
287 *courses which are certified under section 6 of P. L. 1961, c. 56*  
288 *(C. 52:17B-71). A person who is specified in paragraph (1), (2),*  
289 *(3) or (6) of subsection a. of this section shall be exempt from the*  
290 *requirements of this paragraph.*

1 8. This act shall take effect on the 91st day after enactment.

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### POLICE, SECURITY AND DEFENSE

Establishes the Bureau of Marine Law Enforcement in the Division  
of State Police.

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274 *j. A person shall qualify for an exemption from the provisions*  
 275 *of N. J. S. 2C:39-5, as specified under subsections a. and c. of*  
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 286 *the requirements for firearms training provided by police training*  
 287 *courses which are certified under section 6 of P. L. 1961, c. 56*  
 288 *(C. 52:17B-71). A person who is specified in paragraph (1), (2),*  
 289 *(3) or (6) of subsection a. of this section shall be exempt from the*  
 290 *requirements of this paragraph.*

1 8. This act shall take effect on the 91st day after enactment.

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#### STATEMENT

This bill establishes the Bureau of Marine Law Enforcement in the Division of State Police.

Section 2 of P. L. 1980, c. 96 (C. 52:17B-9.5) transferred the supervisory force of marine police officers from the Department of Environmental Protection to the Division of State Police. This legislation made no provisions for creating an organizational structure, establishing the powers of the force, providing the powers of the Superintendent of State Police over the force, or providing the superintendent with the authority to limit the weapons carrying privileges of members of the marine police. This bill cures these defects.

A 2447 (1986)

According to the bill, marine law enforcement officers will have the powers and be subject to the obligations of police officers. They will enforce State laws on the waters of the State and contiguous lands and may perform related law enforcement duties throughout the State as directed by the superintendent. In addition, they will be empowered to stop and board a vessel in State waters to determine whether it complies with boating safety laws and to order it to return to shore if it does not comply.

The bill permits members of the bureau to carry firearms and other weapons at all times, under conditions prescribed by the superintendent.

The bureau will consist of law enforcement personnel now employed by the State Marine Police Force, newly appointed law enforcement personnel, members of the State police assigned to the bureau by the superintendent, and clerical personnel.

Newly appointed law enforcement personnel will not be subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and will be removable by the superintendent at will for the first three years of their employment.

Thereafter, they will serve during good behavior and will not be removed except for cause. The bill contains a provision stating that the bill will not be construed to deprive any person of tenure rights or of a right or protection under the laws concerning civil service, pension, or retirement.

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#### POLICE, SECURITY AND DEFENSE

Establishes the Bureau of Marine Law Enforcement in the Division of State Police.

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ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND  
CORRECTIONS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 2447**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 9, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Assembly Bill No. 2447 with amendments.

As amended, Assembly Bill No. 2447 establishes the Bureau of Marine Law Enforcement in the Division of State Police within the Department of Law and Public Safety.

The bureau will consist of law enforcement personnel now employed by the State Marine Police Force, newly appointed law enforcement personnel, members of the State Police assigned to the bureau by the superintendent, and clerical personnel.

Newly appointed law enforcement personnel will not be subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and will be removable by the superintendent at will for the first three years of their employment. Thereafter, they will serve during good behavior and will not be removed except for cause. The bill will not deprive any person of tenure rights or of a right or protection under the laws concerning civil service, pension, or retirement.

According to the bill, marine law enforcement officers will have the powers and be subject to the obligations of police officers. They will enforce State laws on the waters of the State and contiguous lands and may perform related law enforcement duties throughout the State as directed by the superintendent. In addition, they will be empowered to stop and board a vessel in State waters to determine whether it complies with boating safety laws and to order it to return to shore if it does not comply.

The bill permits members of the bureau to carry firearms and other weapons at all times, under conditions prescribed by the superintendent.

Section 2 of P. L. 1980, c. 96 (C. 52:17B-9.5), enacted August 29, 1980, transferred the supervisory force of marine police officers from the Department of Environmental Protection to the Division of State Police. This legislation made no provisions for creating an organizational structure, establishing the powers of the force, providing the

powers of the Superintendent of State Police over the force, or providing the Superintendent with the authority to limit the weapons carrying privileges of members of the marine police. This bill cures these defects.

The committee made technical amendments to the bill.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2447**

[OFFICIAL COPY REPRINT]

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: AUGUST 13, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 2447 OCR with amendments.

As amended, this bill establishes the Bureau of Marine Law Enforcement in the Division of State Police within the Department of Law and Public Safety.

The bureau will consist of law enforcement personnel now employed by the State Marine Police Force, newly appointed law enforcement personnel, and members of the State Police assigned to the bureau by the superintendent.

Newly appointed law enforcement personnel will not be subject to the provisions of Title 11 of the Revised Statutes, Civil Service, and will be removable by the superintendent at will for the first three years of their employment. Thereafter, they will serve during good behavior and will not be removed except for cause. The bill will not deprive any person of tenure rights under the laws concerning civil service, pension, or retirement.

According to the bill, marine law enforcement officers will have the powers of police officers. They will enforce State laws on the waters of the State and contiguous lands and may perform related law enforcement duties throughout the State as directed by the superintendent. In addition, they will be empowered to stop and board a vessel in State waters to determine whether it complies with boating safety laws and to order it to return to shore if it does not comply.

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The committee made technical amendments to the bill at the request of the Department of Law and Public Safety and the sponsor, and amended the bill to make it identical to Senate Bill No. 2328 of 1986, sponsored by Senator Russo.

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