

2B:10A-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 362
NJSA: 2B:10A-1 (Probation officers—carrying firearms)
BILL NO: A1448 (Substituted for S950)
SPONSOR(S): Blee and LeFavre
DATE INTRODUCED: Pre-filed
COMMITTEE: **ASSEMBLY:** Judiciary; Appropriations
SENATE: Budget
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** June 28, 2001
SENATE: January 7, 2002
DATE OF APPROVAL: January 7, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Assembly Committee Substitute (1st reprint) enacted)
(Amendments during passage denoted by superscript numbers)

A1448

SPONSORS STATEMENT: (Begins on page 11 of original bill)

Yes

COMMITTEE STATEMENT:

ASSEMBLY:

Yes

1-23-2001(Judiciary)
6-4-2001(Appropr.)

SENATE:

Yes

FLOOR AMENDMENT STATEMENTS:

No

LEGISLATIVE FISCAL ESTIMATE:

No

S950

SPONSORS STATEMENT: (Begins on page 11 of original bill)

Yes

COMMITTEE STATEMENT:

ASSEMBLY:

No

SENATE:

Yes

5-11-2000(Law&Public)
11-29-2001(Budget)

Identical to Senate Budget Statement for A1448

FLOOR AMENDMENT STATEMENTS:

No

LEGISLATIVE FISCAL ESTIMATE:

No

SENATE COMMITTEE SUBSTITUTE:

Yes

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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No

ASSEMBLY, No. 1448

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

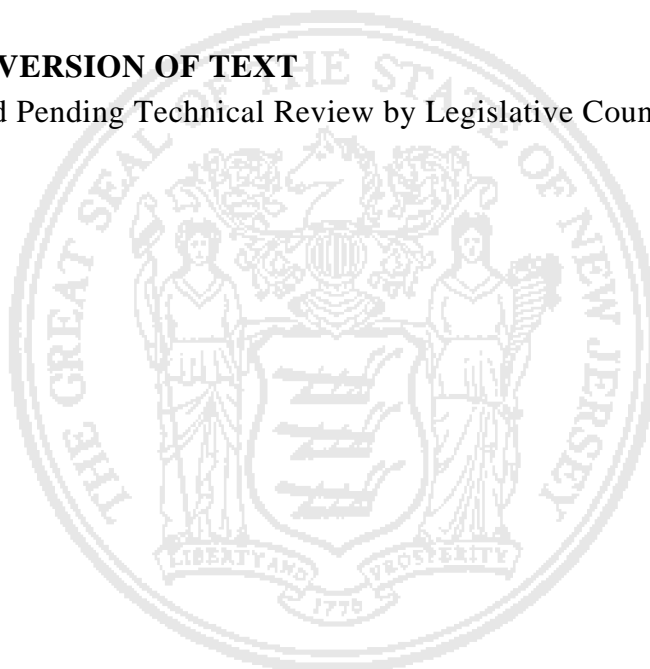
Assemblyman Felice

SYNOPSIS

Grants to probation officers certain powers of enforcement and authority to carry firearms subject to Supreme Court rule; appropriates \$3 million to Judiciary.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning probation officers, supplementing chapter 168 of
2 Title 2A of the New Jersey Statutes and P.L.1944, c.255, amending
3 N.J.S.2C:39-6 and making an appropriation.

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

7
8 1. (New section) A probation officer, duly appointed pursuant to
9 the provisions of N.J.S.2A:168-5, shall be authorized to carry a
10 firearm provided the carrying is in accordance with the authority
11 provided in paragraph (17) of subsection e. of N.J.S.2C:39-6 and such
12 rules as are adopted by the Supreme Court regarding the carrying of
13 a firearm by a probation officer; shall undergo a course of training
14 on the performance of the officer's duties which training shall be
15 subject to and in accordance with rules adopted by the Supreme Court;
16 and shall have the authority to arrest, detain and transport
17 probationers and enforce the criminal laws of this State during the
18 performance of the officer's duties subject to and in accordance with
19 such conditions and guidelines as set forth in rules adopted by the
20 Supreme Court.

21
22 2. N.J.S.2C:39-6 is amended to read as follows:

23 2C:39-6. a. Provided a person complies with the requirements of
24 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

35 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
36 assistant prosecutor, prosecutor's detective or investigator, deputy
37 attorney general or State investigator employed by the Division of
38 Criminal Justice of the Department of Law and Public Safety,
39 investigator employed by the State Commission of Investigation,
40 inspector of the Alcoholic Beverage Control Enforcement Bureau of
41 the Division of State Police in the Department of Law and Public
42 Safety authorized to carry such weapons by the Superintendent of
43 State Police, State park ranger, or State conservation officer;

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

Matter underlined thus is new matter.

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

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

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

19 (b) A special law enforcement officer authorized to carry a weapon
20 as provided in subsection b. of section 7 of P.L.1985, c.439
21 (C.40A:14-146.14);

22 (c) An airport security officer or a special law enforcement officer
23 appointed by the governing body of any county or municipality, except
24 as provided in subsection b. of this section, or by the commission,
25 board or other body having control of a county park or airport or
26 boulevard police force, while engaged in the actual performance of his
27 official duties and when specifically authorized by the governing body
28 to carry weapons;

29 (8) A full-time, paid member of a paid or part-paid fire department
30 or force of any municipality who is assigned full-time or part-time to
31 an arson investigation unit created pursuant to section 1 of P.L.1981,
32 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
33 county prosecutor's office, while either engaged in the actual
34 performance of arson investigation duties or while actually on call to
35 perform arson investigation duties and when specifically authorized by
36 the governing body or the county prosecutor, as the case may be, to
37 carry weapons. Prior to being permitted to carry a firearm, such a
38 member shall take and successfully complete a firearms training course
39 administered by the Police Training Commission pursuant to P.L.1961,
40 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
41 revolver or similar weapon prior to being permitted to carry a firearm;

42 (9) A juvenile corrections officer in the employment of the Juvenile
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) subject to the regulations promulgated by the
45 commission.

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

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

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

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

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

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

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

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

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

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

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

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

41 (9) A railway policeman, except a transit police officer of the New
42 Jersey Transit Police Department, at all times while in the State of
43 New Jersey, provided that he has passed an approved police academy
44 training program consisting of at least 280 hours. The training
45 program shall include, but need not be limited to, the handling of
46 firearms, community relations, and juvenile relations;

1 (10) A campus police officer appointed under P.L.1970, c.211
2 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
3 firearm, a campus police officer shall take and successfully complete
4 a firearms training course administered by the Police Training
5 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
6 shall annually qualify in the use of a revolver or similar weapon prior
7 to being permitted to carry a firearm;

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

13 (12) A transit police officer of the New Jersey Transit Police
14 Department, at all times while in the State of New Jersey, provided the
15 officer has satisfied the training requirements of the Police Training
16 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
17 (C.27:25-15.1);

18 (13) A parole officer employed by the Bureau of Parole in the
19 Department of Corrections at all times. Prior to being permitted to
20 carry a firearm, a parole officer shall take and successfully complete
21 a basic course for regular police officer training administered by the
22 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
23 et seq.), and shall annually qualify in the use of a revolver or similar
24 weapon prior to being permitted to carry a firearm;

25 (14) A Human Services police officer at all times while in the State
26 of New Jersey, as authorized by the Commissioner of Human Services;
27 [or]

28 (15) A person or employee of any person who, pursuant to and as
29 required by a contract with a governmental entity, supervises or
30 transports persons charged with or convicted of an offense;

31 (16) A housing authority police officer appointed under P.L.1997,
32 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
33 Jersey ;or

34 (17) A probation officer while in the actual performance of the
35 officer's official duties. Prior to being permitted to carry a firearm, a
36 probation officer shall take and successfully complete a basic course
37 for regular police officer training administered by the Police Training
38 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
39 shall annually qualify in the use of a revolver or similar weapon prior
40 to being permitted to carry a firearm.

41 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
42 antique firearms, provided that such antique firearms are unloaded or
43 are being fired for the purposes of exhibition or demonstration at an
44 authorized target range or in such other manner as has been approved
45 in writing by the chief law enforcement officer of the municipality in
46 which the exhibition or demonstration is held, or if not held on

1 property under the control of a particular municipality, the
2 superintendent.

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

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

14 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
15 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
16 or fired by one eligible to possess an antique cannon, for purposes of
17 exhibition or demonstration at an authorized target range or in the
18 manner as has been approved in writing by the chief law enforcement
19 officer of the municipality in which the exhibition or demonstration is
20 held, or if not held on property under the control of a particular
21 municipality, the superintendent, provided that performer has given at
22 least 30 days' notice to the superintendent.

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

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

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

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

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

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

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

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

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

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

41 g. All weapons being transported under paragraph (2) of subsection
42 b., subsection e., or paragraph (1) or (3) of subsection f. of this
43 section shall be carried unloaded and contained in a closed and
44 fastened case, gunbox, securely tied package, or locked in the trunk of
45 the automobile in which it is being transported, and in the course of
46 travel shall include only such deviations as are reasonably necessary

1 under the circumstances.

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

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

18 Any device used pursuant to this act shall be selected from a list of
19 products, which consist of active and inert ingredients, permitted by
20 the Commissioner of Health and Senior Services.

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

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

36 Such exempt person shall not possess or carry a firearm until the
37 person has satisfactorily completed a firearms training course and shall
38 annually qualify in the use of a revolver or similar weapon. For
39 purposes of this subsection, a "firearms training course" means a
40 course of instruction in the safe use, maintenance and storage of
41 firearms which is approved by the Police Training Commission. The
42 commission shall approve a firearms training course if the
43 requirements of the course are substantially equivalent to the
44 requirements for firearms training provided by police training courses
45 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
46 A person who is specified in paragraph (1), (2), (3) or (6) of

1 subsection a. of this section shall be exempt from the requirements of
2 this subsection.

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

9 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
10 prevent a law enforcement officer who retired in good standing,
11 including a retirement because of a disability pursuant to section 6 of
12 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
13 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
14 substantially similar statute governing the disability retirement of
15 federal law enforcement officers, provided the officer was a regularly
16 employed, full-time law enforcement officer for an aggregate of five
17 or more years prior to his disability retirement and further provided
18 that the disability which constituted the basis for the officer's
19 retirement did not involve a certification that the officer was mentally
20 incapacitated for the performance of his usual law enforcement duties
21 and any other available duty in the department which his employer was
22 willing to assign to him or does not subject that retired officer to any
23 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
24 would disqualify the retired officer from possessing or carrying a
25 firearm, who semi-annually qualifies in the use of the handgun he is
26 permitted to carry in accordance with the requirements and procedures
27 established by the Attorney General pursuant to subsection j. of this
28 section and pays the actual costs associated with those semi-annual
29 qualifications, who is less than 70 years of age, and who was regularly
30 employed as a full-time member of the State Police; a full-time
31 member of an interstate police force; a full-time member of a county
32 or municipal police department in this State; a full-time member of a
33 State law enforcement agency; a full-time sheriff, undersheriff or
34 sheriff's officer of a county of this State; a full-time State or county
35 corrections officer; a full-time county park police officer; a full-time
36 county prosecutor's detective or investigator; or a full-time federal law
37 enforcement officer from carrying a handgun in the same manner as
38 law enforcement officers exempted under paragraph (7) of subsection
39 a. of this section under the conditions provided herein:

40 (1) The retired law enforcement officer, within six months after
41 retirement, shall make application in writing to the Superintendent of
42 State Police for approval to carry a handgun for one year. An
43 application for annual renewal shall be submitted in the same manner.

44 (2) Upon receipt of the written application of the retired law
45 enforcement officer, the superintendent shall request a verification of
46 service from the chief law enforcement officer of the organization in

1 which the retired officer was last regularly employed as a full-time law
2 enforcement officer prior to retiring. The verification of service shall
3 include:

4 (a) The name and address of the retired officer;

5 (b) The date that the retired officer was hired and the date that the
6 officer retired;

7 (c) A list of all handguns known to be registered to that officer;

8 (d) A statement that, to the reasonable knowledge of the chief law
9 enforcement officer, the retired officer is not subject to any of the
10 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

11 (e) A statement that the officer retired in good standing.

12 (3) If the superintendent approves a retired officer's application or
13 reapplication to carry a handgun pursuant to the provisions of this
14 subsection, the superintendent shall notify in writing the chief law
15 enforcement officer of the municipality wherein that retired officer
16 resides. In the event the retired officer resides in a municipality which
17 has no chief law enforcement officer or law enforcement agency, the
18 superintendent shall maintain a record of the approval.

19 (4) The superintendent shall issue to an approved retired officer an
20 identification card permitting the retired officer to carry a handgun
21 pursuant to this subsection. This identification card shall be valid for
22 one year from the date of issuance and shall be valid throughout the
23 State. The identification card shall not be transferable to any other
24 person. The identification card shall be carried at all times on the
25 person of the retired officer while the retired officer is carrying a
26 handgun. The retired officer shall produce the identification card for
27 review on the demand of any law enforcement officer or authority.

28 (5) Any person aggrieved by the denial of the superintendent of
29 approval for a permit to carry a handgun pursuant to this subsection
30 may request a hearing in the Superior Court of New Jersey in the
31 county in which he resides by filing a written request for such a
32 hearing within 30 days of the denial. Copies of the request shall be
33 served upon the superintendent and the county prosecutor. The
34 hearing shall be held within 30 days of the filing of the request, and no
35 formal pleading or filing fee shall be required. Appeals from the
36 determination of such a hearing shall be in accordance with law and
37 the rules governing the courts of this State.

38 (6) A judge of the Superior Court may revoke a retired officer's
39 privilege to carry a handgun pursuant to this subsection for good cause
40 shown on the application of any interested person. A person who
41 becomes subject to any of the disabilities set forth in subsection c. of
42 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
43 identification card issued under paragraph (4) of this subsection to the
44 chief law enforcement officer of the municipality wherein he resides or
45 the superintendent, and shall be permanently disqualified to carry a
46 handgun under this subsection.

1 N.J.S.2C:39-6 and such rules as are adopted by the Supreme Court
2 regarding the carrying of firearms by probation officers; requires
3 them to undergo a course of training on the performance of their
4 duties which training shall be subject to and in accordance with rules
5 adopted by the Supreme Court; and authorizes them to arrest, detain
6 and transport probationers and enforce the criminal laws of this State
7 during the performance of their duties subject to and in accordance
8 with such conditions and guidelines as set forth in rules adopted by the
9 Supreme Court.

10 The authorization to carry a firearm would be subject to the
11 successful completion of a basic course for regular police training and
12 the annual qualification in the use of the firearm, in addition to any
13 conditions set forth in rules of the Supreme Court. The committee
14 amended the bill in this regard. In its original form the bill required
15 completion of a firearms training course. The committee looked at the
16 requirement for parole officers in paragraph (13) of subsection c. of
17 N.J.S.2C:39-6 and modeled the change for probation officers under
18 the bill accordingly. The committee is of the opinion that training is
19 essential since the bill authorizes powers of arrest in addition to
20 permission to carry a firearm.

21 Finally, the bill makes probation officers ineligible for membership
22 in the Police and Firemen's Retirement System of New Jersey, and
23 appropriates \$3 million from the General Fund to the Judiciary for the
24 costs of implementing this bill.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1448

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED JANUARY 23, 2001

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

Assemblymen Felice and Merkt

SYNOPSIS

Grants to certain probation officers in new unit certain powers of enforcement and authority to carry firearms subject to Supreme Court rule; appropriates \$3 million to Judiciary.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Judiciary Committee.



(Sponsorship Updated As Of: 6/5/2001)

1 AN ACT concerning probation officers, supplementing Title 2B of the
2 New Jersey Statutes, amending N.J.S.2C:39-6 and making an
3 appropriation.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. The enforcement of probation sentences is crucial to the public
10 safety;

11 b. Despite a drop in the overall crime rate, the number of
12 dangerous and repeat offenders who are serving probation sentences
13 has continued to rise in New Jersey;

14 c. The number of probationers who have violated the conditions
15 of probation and have a warrant issued for their arrest has reached
16 15,000;

17 d. Probation officers working in the New Jersey state courts are
18 not currently permitted to enforce these warrants;

19 e. Probation officers in other states are permitted to act as law
20 enforcement officers.

21

22 2. (New section) a. There shall be established within the
23 Administrative Office of the Courts a "Probation Officer Community
24 Safety Unit." The "Probation Officer Community Safety Unit" shall
25 consist of no less than 200 probation officers, duly appointed pursuant
26 to the provisions of N.J.S.2A:168-5, who shall be authorized to carry
27 a firearm provided the carrying is in accordance with the authority
28 provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such
29 rules as are adopted by the Supreme Court regarding the carrying of
30 a firearm by a probation officer. The probation officer shall undergo
31 a course of law enforcement training as administered by the Police
32 Training Commission which training shall be subject to and in
33 accordance with rules adopted by the Supreme Court. A probation
34 officer in the "Probation Officer Community Safety Unit" shall have
35 the authority to arrest, detain and transport probationers and enforce
36 the criminal laws of this State in accordance with such conditions and
37 guidelines as set forth in rules adopted by the Supreme Court and shall
38 be empowered to enforce warrants for the apprehension and arrest of
39 probationers who violate the conditions of their probation sentence.

40 b. A "Probation Officer Community Safety Unit" shall be assigned
41 to every county and consist of no less than 5 probation officers.

42 c. Prior to being permitted to carry a firearm, a probation officer
43 assigned to the "Probation Officer Community Safety Unit" shall take

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

Matter underlined thus is new matter.

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

6 3. (New section) Any probation officer, duly appointed pursuant
7 to the provisions of N.J.S.2A:168-5, including probation officers
8 assigned to the "Probation Officer Community Safety Unit established
9 pursuant to section 2 of P.L. , c. (C.) (now pending before the
10 Legislature as section 2 of this bill)," shall undergo a basic course of
11 self-defense training administered by the Police Training Commission
12 which training shall be subject to and in accordance with rules adopted
13 by the Supreme Court.
14

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

16 2C:39-6. a. Provided a person complies with the requirements of
17 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

28 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
29 assistant prosecutor, prosecutor's detective or investigator, deputy
30 attorney general or State investigator employed by the Division of
31 Criminal Justice of the Department of Law and Public Safety,
32 investigator employed by the State Commission of Investigation,
33 inspector of the Alcoholic Beverage Control Enforcement Bureau of
34 the Division of State Police in the Department of Law and Public
35 Safety authorized to carry such weapons by the Superintendent of
36 State Police, State park ranger, or State conservation officer;

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

45 (6) A civilian employee of the United States Government under
46 the supervision of the commanding officer of any post, camp, station,

1 base or other military or naval installation located in this State who is
2 required, in the performance of his official duties, to carry firearms,
3 and who is authorized to carry such firearms by said commanding
4 officer, while in the actual performance of his official duties;

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

9 (b) A special law enforcement officer authorized to carry a
10 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
11 (C.40A:14-146.14);

12 (c) An airport security officer or a special law enforcement officer
13 appointed by the governing body of any county or municipality, except
14 as provided in subsection b. of this section, or by the commission,
15 board or other body having control of a county park or airport or
16 boulevard police force, while engaged in the actual performance of his
17 official duties and when specifically authorized by the governing body
18 to carry weapons;

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

32 (9) A juvenile corrections officer in the employment of the
33 Juvenile Justice Commission established pursuant to section 2 of
34 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
35 promulgated by the commission.

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

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

42 (2) A licensed dealer in firearms and his registered employees
43 during the course of their normal business while traveling to and from
44 their place of business and other places for the purpose of
45 demonstration, exhibition or delivery in connection with a sale,
46 provided, however, that the weapon is carried in the manner specified

1 in subsection g. of this section.

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

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

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

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

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

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

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

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

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

31 (9) A railway policeman, except a transit police officer of the New
32 Jersey Transit Police Department, at all times while in the State of
33 New Jersey, provided that he has passed an approved police academy
34 training program consisting of at least 280 hours. The training
35 program shall include, but need not be limited to, the handling of
36 firearms, community relations, and juvenile relations;

37 (10) A campus police officer appointed under P.L.1970, c.211
38 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
39 firearm, a campus police officer shall take and successfully complete
40 a firearms training course administered by the Police Training
41 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
42 shall annually qualify in the use of a revolver or similar weapon prior
43 to being permitted to carry a firearm;

44 (11) A person who has not been convicted of a crime under the
45 laws of this State or under the laws of another state or the United
46 States, and who is employed as a full-time security guard for a nuclear

1 power plant under the license of the Nuclear Regulatory Commission,
2 while in the actual performance of his official duties;

3 (12) A transit police officer of the New Jersey Transit Police
4 Department, at all times while in the State of New Jersey, provided the
5 officer has satisfied the training requirements of the Police Training
6 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
7 (C.27:25-15.1);

8 (13) A parole officer employed by the Bureau of Parole in the
9 Department of Corrections at all times. Prior to being permitted to
10 carry a firearm, a parole officer shall take and successfully complete
11 a basic course for regular police officer training administered by the
12 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
13 et seq.), and shall annually qualify in the use of a revolver or similar
14 weapon prior to being permitted to carry a firearm;

15 (14) A Human Services police officer at all times while in the
16 State of New Jersey, as authorized by the Commissioner of Human
17 Services;

18 (15) A person or employee of any person who, pursuant to and as
19 required by a contract with a governmental entity, supervises or
20 transports persons charged with or convicted of an offense; [or]

21 (16) A housing authority police officer appointed under P.L.1997,
22 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
23 Jersey; or

24 (17) A probation officer assigned to the "Probation Officer
25 Community Safety Unit" created by section 2 of P.L. , c. (C.)
26 (now pending as section 2 of this bill) while in the actual performance
27 of the probation officer's official duties. Prior to being permitted to
28 carry a firearm, a probation officer shall take and successfully
29 complete a basic course for regular police officer training administered
30 by the Police Training Commission, pursuant to P.L.1961, c.56
31 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
32 revolver or similar weapon prior to being permitted to carry a firearm.

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

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

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

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

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

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

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

39 (1) A member of any rifle or pistol club organized in accordance
40 with the rules prescribed by the National Board for the Promotion of
41 Rifle Practice, in going to or from a place of target practice, carrying
42 such firearms as are necessary for said target practice, provided that
43 the club has filed a copy of its charter with the superintendent and
44 annually submits a list of its members to the superintendent and
45 provided further that the firearms are carried in the manner specified
46 in subsection g. of this section;

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

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

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

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

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

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

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

40 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
41 prevent any employee of a public utility, as defined in R.S.48:2-13,
42 doing business in this State or any United States Postal Service
43 employee, while in the actual performance of duties which specifically
44 require regular and frequent visits to private premises, from
45 possessing, carrying or using any device which projects, releases or
46 emits any substance specified as being noninjurious to canines or other

1 animals by the Commissioner of Health and Senior Services and which
2 immobilizes only on a temporary basis and produces only temporary
3 physical discomfort through being vaporized or otherwise dispensed
4 in the air for the sole purpose of repelling canine or other animal
5 attacks.

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

10 Any device used pursuant to this act shall be selected from a list of
11 products, which consist of active and inert ingredients, permitted by
12 the Commissioner of Health and Senior Services.

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

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

28 Such exempt person shall not possess or carry a firearm until the
29 person has satisfactorily completed a firearms training course and shall
30 annually qualify in the use of a revolver or similar weapon. For
31 purposes of this subsection, a "firearms training course" means a
32 course of instruction in the safe use, maintenance and storage of
33 firearms which is approved by the Police Training Commission. The
34 commission shall approve a firearms training course if the
35 requirements of the course are substantially equivalent to the
36 requirements for firearms training provided by police training courses
37 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
38 A person who is specified in paragraph (1), (2), (3) or (6) of
39 subsection a. of this section shall be exempt from the requirements of
40 this subsection.

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

1 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
2 prevent a law enforcement officer who retired in good standing,
3 including a retirement because of a disability pursuant to section 6 of
4 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
6 substantially similar statute governing the disability retirement of
7 federal law enforcement officers, provided the officer was a regularly
8 employed, full-time law enforcement officer for an aggregate of five
9 or more years prior to his disability retirement and further provided
10 that the disability which constituted the basis for the officer's
11 retirement did not involve a certification that the officer was mentally
12 incapacitated for the performance of his usual law enforcement duties
13 and any other available duty in the department which his employer was
14 willing to assign to him or does not subject that retired officer to any
15 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
16 would disqualify the retired officer from possessing or carrying a
17 firearm, who semi-annually qualifies in the use of the handgun he is
18 permitted to carry in accordance with the requirements and procedures
19 established by the Attorney General pursuant to subsection j. of this
20 section and pays the actual costs associated with those semi-annual
21 qualifications, who is less than 70 years of age, and who was regularly
22 employed as a full-time member of the State Police; a full-time
23 member of an interstate police force; a full-time member of a county
24 or municipal police department in this State; a full-time member of a
25 State law enforcement agency; a full-time sheriff, undersheriff or
26 sheriff's officer of a county of this State; a full-time State or county
27 corrections officer; a full-time county park police officer; a full-time
28 county prosecutor's detective or investigator; or a full-time federal law
29 enforcement officer from carrying a handgun in the same manner as
30 law enforcement officers exempted under paragraph (7) of subsection
31 a. of this section under the conditions provided herein:

32 (1) The retired law enforcement officer, within six months after
33 retirement, shall make application in writing to the Superintendent of
34 State Police for approval to carry a handgun for one year. An
35 application for annual renewal shall be submitted in the same manner.

36 (2) Upon receipt of the written application of the retired law
37 enforcement officer, the superintendent shall request a verification of
38 service from the chief law enforcement officer of the organization in
39 which the retired officer was last regularly employed as a full-time law
40 enforcement officer prior to retiring. The verification of service shall
41 include:

42 (a) The name and address of the retired officer;

43 (b) The date that the retired officer was hired and the date that the
44 officer retired;

45 (c) A list of all handguns known to be registered to that officer;

46 (d) A statement that, to the reasonable knowledge of the chief law

1 enforcement officer, the retired officer is not subject to any of the
2 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

3 (e) A statement that the officer retired in good standing.

4 (3) If the superintendent approves a retired officer's application
5 or reapplication to carry a handgun pursuant to the provisions of this
6 subsection, the superintendent shall notify in writing the chief law
7 enforcement officer of the municipality wherein that retired officer
8 resides. In the event the retired officer resides in a municipality which
9 has no chief law enforcement officer or law enforcement agency, the
10 superintendent shall maintain a record of the approval.

11 (4) The superintendent shall issue to an approved retired officer
12 an identification card permitting the retired officer to carry a handgun
13 pursuant to this subsection. This identification card shall be valid for
14 one year from the date of issuance and shall be valid throughout the
15 State. The identification card shall not be transferable to any other
16 person. The identification card shall be carried at all times on the
17 person of the retired officer while the retired officer is carrying a
18 handgun. The retired officer shall produce the identification card for
19 review on the demand of any law enforcement officer or authority.

20 (5) Any person aggrieved by the denial of the superintendent of
21 approval for a permit to carry a handgun pursuant to this subsection
22 may request a hearing in the Superior Court of New Jersey in the
23 county in which he resides by filing a written request for such a
24 hearing within 30 days of the denial. Copies of the request shall be
25 served upon the superintendent and the county prosecutor. The
26 hearing shall be held within 30 days of the filing of the request, and no
27 formal pleading or filing fee shall be required. Appeals from the
28 determination of such a hearing shall be in accordance with law and
29 the rules governing the courts of this State.

30 (6) A judge of the Superior Court may revoke a retired officer's
31 privilege to carry a handgun pursuant to this subsection for good cause
32 shown on the application of any interested person. A person who
33 becomes subject to any of the disabilities set forth in subsection c. of
34 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
35 identification card issued under paragraph (4) of this subsection to the
36 chief law enforcement officer of the municipality wherein he resides or
37 the superintendent, and shall be permanently disqualified to carry a
38 handgun under this subsection.

39 (7) The superintendent may charge a reasonable application fee to
40 retired officers to offset any costs associated with administering the
41 application process set forth in this subsection.

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish, Game and Wildlife, while in the actual performance of duties,
45 from possessing, transporting or using any device that projects,
46 releases or emits any substance specified as being non-injurious to

1 wildlife by the Director of the Division of Animal Health in the
2 Department of Agriculture, and which may immobilize wildlife and
3 produces only temporary physical discomfort through being vaporized
4 or otherwise dispensed in the air for the purpose of repelling bear or
5 other animal attacks or for the aversive conditioning of wildlife.

6 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
7 construed to prevent duly authorized personnel of the New Jersey
8 Division of Fish, Game and Wildlife, while in the actual performance
9 of duties, from possessing, transporting or using hand held pistol-like
10 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
11 purpose of frightening, hazing or aversive conditioning of nuisance or
12 depredating wildlife; from possessing, transporting or using rifles,
13 pistols or similar devices for the sole purpose of chemically
14 immobilizing wild or non-domestic animals; or, provided the duly
15 authorized person complies with the requirements of subsection j. of
16 this section, from possessing, transporting or using rifles or shotguns,
17 upon completion of a Police Training Commission approved training
18 course, in order to dispatch injured or dangerous animals or for
19 non-lethal use for the purpose of frightening, hazing or aversive
20 conditioning of nuisance or depredating wildlife.
21 (cf: P.L.1997, c.393)

22

23 5. There is appropriated \$3,000,000 from the General Fund to the
24 Judiciary to implement the provisions of P.L. , c. (C.) (now
25 pending before the Legislature as this bill).

26

27 6. (New section) The Administrative Director of the Courts shall
28 report within 18 months of this act's effective date to the presiding
29 officers of the Senate and General Assembly regarding the
30 effectiveness of the "Probation Officer Community Safety Unit"
31 established pursuant to section 2 of P.L. , c. (C.) (now
32 pending before the Legislature as section 2 of this bill) in tracking and
33 apprehending probationers.

34

35 7. This act shall take effect immediately.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1448**

STATE OF NEW JERSEY

DATED: JANUARY 23, 2001

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1448.

This substitute establishes within the Administrative Office of the Courts a "Probation Officer Community Safety Unit." The "Probation Officer Community Safety Unit" shall consist of no less than 200 probation officers and these officers would be authorized to carry a firearm provided the carrying is in accordance with the authority in N.J.S.2C:39-6 and Supreme Court rules. Prior to being permitted to carry a firearm, these probation officers assigned to the unit shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon. These probation officers must undergo a course of law enforcement training as administered by the Police Training Commission which training shall be subject to and in accordance with rules adopted by the Supreme Court. A probation officer in the "Probation Officer Community Safety Unit" shall have the authority to arrest, detain and transport probationers and enforce the criminal laws of this State in accordance with rules adopted by the Supreme Court and shall be empowered to enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence.

The substitute provides that there shall be a "Probation Officer Community Safety Unit" in every county which shall consist of no less than 5 probation officers.

The substitute provides that any probation officer, including probation officers assigned to the new unit, shall undergo a basic course of self-defense training administered by the Police Training Commission.

Finally, the bill appropriates \$3 million from the General Fund to the Judiciary for the costs of implementing this substitute. The Administrative Director of the Courts shall report on the effectiveness of the unit within 18 months.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1448**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 4, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1448 (ACS) with committee amendments.

Assembly Bill No. 1448 (ACS), as amended, establishes within the Administrative Office of the Courts a "Probation Officer Community Safety Unit." The "Probation Officer Community Safety Unit" shall consist of no fewer than 200 probation officers and these officers will be authorized to carry a firearm, provided that carrying is in accordance with the authority of N.J.S.2C:39-6 and Supreme Court rules.

Before being permitted to carry a firearm, the probation officers assigned to the unit will take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon. These probation officers must undergo a course of law enforcement training as administered by the Police Training Commission, which training shall be subject to and in accordance with rules adopted by the Supreme Court. A probation officer in the "Probation Officer Community Safety Unit" shall have the authority to arrest, detain and transport probationers and enforce the criminal laws of this State in accordance with rules adopted by the Supreme Court and shall be empowered to enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence.

The bill provides that there shall be a "Probation Officer Community Safety Unit" in every county, which shall consist of no fewer than 5 probation officers (which would require a minimum of 105 unit probation officers State-wide).

The bill provides that any probation officer, including probation officers assigned to the new unit, shall undergo a basic course of self-defense training administered by the Police Training Commission.

The Administrative Director of the Courts shall report on the effectiveness of the unit within 18 months.

FISCAL IMPACT:

This bill, as introduced, was not certified as requiring a fiscal note. For a similar bill in a prior Legislative session relating to similar subject matter (Assembly Bill No. 2690 of 1997), the Administrative Office of the Courts (AOC) estimated the 1997 training course costs at \$3,100 per officer. The AOC further noted that it would be necessary to withdraw the officers from their posts for 18 weeks for training, and noted that some percentage of the lost work time would need to be replaced through overtime. The AOC also noted staff and overhead costs for program operation (relevant, in that case, to a 600 officer per year training program, and therefore perhaps not reflective of the costs of this program). Because the program is based on a minimum number of officers, and the success of the program and total final numbers of officers to be trained is not known, total costs cannot be estimated.

The bill requires that all probation officers, including probation officers assigned to the new unit, undergo a basic course of self-defense training administered by the Police Training Commission. It is not clear that a separate course of basic self-defense training (apart from the extensive pre- and post-employment training courses) is currently offered, so the cost of this requirement cannot be isolated with the information available.

COMMITTEE AMENDMENTS:

The amendments delete a \$3,000,000 appropriation from the General Fund to the Judiciary for the costs of implementing the bill.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1448

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED JANUARY 23, 2001

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman KENNETH C. LEFEVRE

District 2 (Atlantic)

Co-Sponsored by:

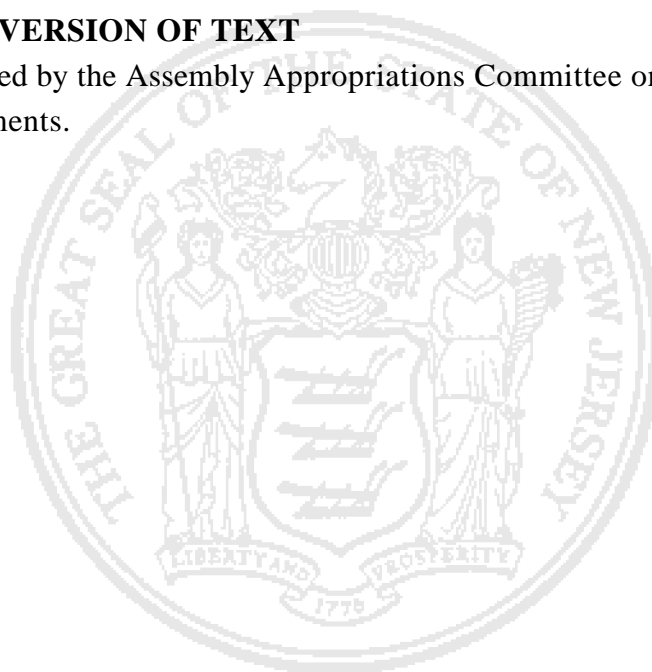
Assemblymen Felice, Merkt, Assemblywoman Heck, Senators Singer and Bucco

SYNOPSIS

Grants to certain probation officers in new unit certain powers of enforcement and authority to carry firearms subject to Supreme Court rule.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 4, 2001, with amendments.



(Sponsorship Updated As Of: 1/8/2002)

1 **AN ACT** concerning probation officers, supplementing Title 2B of the
2 New Jersey Statutes, amending N.J.S.2C:39-6 ¹[and making an
3 appropriation]¹.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. The enforcement of probation sentences is crucial to the public
10 safety;

11 b. Despite a drop in the overall crime rate, the number of
12 dangerous and repeat offenders who are serving probation sentences
13 has continued to rise in New Jersey;

14 c. The number of probationers who have violated the conditions
15 of probation and have a warrant issued for their arrest has reached
16 15,000;

17 d. Probation officers working in the New Jersey state courts are
18 not currently permitted to enforce these warrants;

19 e. Probation officers in other states are permitted to act as law
20 enforcement officers.

21

22 2. (New section) a. There shall be established within the
23 Administrative Office of the Courts a "Probation Officer Community
24 Safety Unit." The "Probation Officer Community Safety Unit" shall
25 consist of no less than 200 probation officers, duly appointed pursuant
26 to the provisions of N.J.S.2A:168-5, who shall be authorized to carry
27 a firearm provided the carrying is in accordance with the authority
28 provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such
29 rules as are adopted by the Supreme Court regarding the carrying of
30 a firearm by a probation officer. The probation officer shall undergo
31 a course of law enforcement training as administered by the Police
32 Training Commission which training shall be subject to and in
33 accordance with rules adopted by the Supreme Court. A probation
34 officer in the "Probation Officer Community Safety Unit" shall have
35 the authority to arrest, detain and transport probationers and enforce
36 the criminal laws of this State in accordance with such conditions and
37 guidelines as set forth in rules adopted by the Supreme Court and shall
38 be empowered to enforce warrants for the apprehension and arrest of
39 probationers who violate the conditions of their probation sentence.

40 b. A "Probation Officer Community Safety Unit" shall be assigned
41 to every county and consist of no less than 5 probation officers.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 4, 2001.

1 c. Prior to being permitted to carry a firearm, a probation officer
2 assigned to the "Probation Officer Community Safety Unit" shall take
3 and successfully complete a firearms training course administered by
4 the Police Training Commission, pursuant to P.L.1961, c.56
5 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
6 revolver or similar weapon prior to being permitted to carry a firearm.

7
8 3. (New section) Any probation officer, duly appointed pursuant
9 to the provisions of N.J.S.2A:168-5, including probation officers
10 assigned to the "Probation Officer Community Safety Unit established
11 pursuant to section 2 of P.L. , c. (C.) (now pending before the
12 Legislature as section 2 of this bill)," shall undergo a basic course of
13 self-defense training administered by the Police Training Commission
14 which training shall be subject to and in accordance with rules adopted
15 by the Supreme Court.

16
17 4. N.J.S.2C:39-6 is amended to read as follow:

18 2C:39-6. a. Provided a person complies with the requirements of
19 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

30 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
31 assistant prosecutor, prosecutor's detective or investigator, deputy
32 attorney general or State investigator employed by the Division of
33 Criminal Justice of the Department of Law and Public Safety,
34 investigator employed by the State Commission of Investigation,
35 inspector of the Alcoholic Beverage Control Enforcement Bureau of
36 the Division of State Police in the Department of Law and Public
37 Safety authorized to carry such weapons by the Superintendent of
38 State Police, State park ranger, or State conservation officer;

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

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

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

11 (b) A special law enforcement officer authorized to carry a
12 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
13 (C.40A:14-146.14);

14 (c) An airport security officer or a special law enforcement officer
15 appointed by the governing body of any county or municipality, except
16 as provided in subsection b. of this section, or by the commission,
17 board or other body having control of a county park or airport or
18 boulevard police force, while engaged in the actual performance of his
19 official duties and when specifically authorized by the governing body
20 to carry weapons;

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

34 (9) A juvenile corrections officer in the employment of the
35 Juvenile Justice Commission established pursuant to section 2 of
36 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
37 promulgated by the commission.

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

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

44 (2) A licensed dealer in firearms and his registered employees
45 during the course of their normal business while traveling to and from
46 their place of business and other places for the purpose of

1 demonstration, exhibition or delivery in connection with a sale,
2 provided, however, that the weapon is carried in the manner specified
3 in subsection g. of this section.

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

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

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

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

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

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

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

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

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

33 (9) A railway policeman, except a transit police officer of the New
34 Jersey Transit Police Department, at all times while in the State of
35 New Jersey, provided that he has passed an approved police academy
36 training program consisting of at least 280 hours. The training
37 program shall include, but need not be limited to, the handling of
38 firearms, community relations, and juvenile relations;

39 (10) A campus police officer appointed under P.L.1970, c.211
40 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
41 firearm, a campus police officer shall take and successfully complete
42 a firearms training course administered by the Police Training
43 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
44 shall annually qualify in the use of a revolver or similar weapon prior
45 to being permitted to carry a firearm;

46 (11) A person who has not been convicted of a crime under the

1 laws of this State or under the laws of another state or the United
2 States, and who is employed as a full-time security guard for a nuclear
3 power plant under the license of the Nuclear Regulatory Commission,
4 while in the actual performance of his official duties;

5 (12) A transit police officer of the New Jersey Transit Police
6 Department, at all times while in the State of New Jersey, provided the
7 officer has satisfied the training requirements of the Police Training
8 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
9 (C.27:25-15.1);

10 (13) A parole officer employed by the Bureau of Parole in the
11 Department of Corrections at all times. Prior to being permitted to
12 carry a firearm, a parole officer shall take and successfully complete
13 a basic course for regular police officer training administered by the
14 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
15 et seq.), and shall annually qualify in the use of a revolver or similar
16 weapon prior to being permitted to carry a firearm;

17 (14) A Human Services police officer at all times while in the
18 State of New Jersey, as authorized by the Commissioner of Human
19 Services;

20 (15) A person or employee of any person who, pursuant to and as
21 required by a contract with a governmental entity, supervises or
22 transports persons charged with or convicted of an offense; [or]

23 (16) A housing authority police officer appointed under P.L.1997,
24 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
25 Jersey; or

26 (17) A probation officer assigned to the "Probation Officer
27 Community Safety Unit" created by section 2 of P.L. , c. (C.)
28 (now pending as section 2 of this bill) while in the actual performance
29 of the probation officer's official duties. Prior to being permitted to
30 carry a firearm, a probation officer shall take and successfully
31 complete a basic course for regular police officer training administered
32 by the Police Training Commission, pursuant to P.L.1961, c.56
33 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
34 revolver or similar weapon prior to being permitted to carry a firearm.

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

43 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
44 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
45 being fired but that is unloaded and immobile, provided that the
46 antique cannon is possessed by (a) a scholastic institution, a museum,

1 a municipality, a county or the State, or (b) a person who obtained a
2 firearms purchaser identification card as specified in N.J.S.2C:58-3.

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

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

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

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

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

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

1 provided further that the firearms are carried in the manner specified
2 in subsection g. of this section;

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

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

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

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

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

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

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

42 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
43 prevent any employee of a public utility, as defined in R.S.48:2-13,
44 doing business in this State or any United States Postal Service
45 employee, while in the actual performance of duties which specifically
46 require regular and frequent visits to private premises, from

1 possessing, carrying or using any device which projects, releases or
2 emits any substance specified as being noninjurious to canines or other
3 animals by the Commissioner of Health and Senior Services and which
4 immobilizes only on a temporary basis and produces only temporary
5 physical discomfort through being vaporized or otherwise dispensed
6 in the air for the sole purpose of repelling canine or other animal
7 attacks.

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

12 Any device used pursuant to this act shall be selected from a list of
13 products, which consist of active and inert ingredients, permitted by
14 the Commissioner of Health and Senior Services.

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

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

30 Such exempt person shall not possess or carry a firearm until the
31 person has satisfactorily completed a firearms training course and shall
32 annually qualify in the use of a revolver or similar weapon. For
33 purposes of this subsection, a "firearms training course" means a
34 course of instruction in the safe use, maintenance and storage of
35 firearms which is approved by the Police Training Commission. The
36 commission shall approve a firearms training course if the
37 requirements of the course are substantially equivalent to the
38 requirements for firearms training provided by police training courses
39 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
40 A person who is specified in paragraph (1), (2), (3) or (6) of
41 subsection a. of this section shall be exempt from the requirements of
42 this subsection.

43 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
44 prevent any financial institution, or any duly authorized personnel of
45 the institution, from possessing, carrying or using for the protection of
46 money or property, any device which projects, releases or emits tear

1 gas or other substances intended to produce temporary physical
2 discomfort or temporary identification.

3 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
4 prevent a law enforcement officer who retired in good standing,
5 including a retirement because of a disability pursuant to section 6 of
6 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
7 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
8 substantially similar statute governing the disability retirement of
9 federal law enforcement officers, provided the officer was a regularly
10 employed, full-time law enforcement officer for an aggregate of five
11 or more years prior to his disability retirement and further provided
12 that the disability which constituted the basis for the officer's
13 retirement did not involve a certification that the officer was mentally
14 incapacitated for the performance of his usual law enforcement duties
15 and any other available duty in the department which his employer was
16 willing to assign to him or does not subject that retired officer to any
17 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
18 would disqualify the retired officer from possessing or carrying a
19 firearm, who semi-annually qualifies in the use of the handgun he is
20 permitted to carry in accordance with the requirements and procedures
21 established by the Attorney General pursuant to subsection j. of this
22 section and pays the actual costs associated with those semi-annual
23 qualifications, who is less than 70 years of age, and who was regularly
24 employed as a full-time member of the State Police; a full-time
25 member of an interstate police force; a full-time member of a county
26 or municipal police department in this State; a full-time member of a
27 State law enforcement agency; a full-time sheriff, undersheriff or
28 sheriff's officer of a county of this State; a full-time State or county
29 corrections officer; a full-time county park police officer; a full-time
30 county prosecutor's detective or investigator; or a full-time federal law
31 enforcement officer from carrying a handgun in the same manner as
32 law enforcement officers exempted under paragraph (7) of subsection
33 a. of this section under the conditions provided herein:

34 (1) The retired law enforcement officer, within six months after
35 retirement, shall make application in writing to the Superintendent of
36 State Police for approval to carry a handgun for one year. An
37 application for annual renewal shall be submitted in the same manner.

38 (2) Upon receipt of the written application of the retired law
39 enforcement officer, the superintendent shall request a verification of
40 service from the chief law enforcement officer of the organization in
41 which the retired officer was last regularly employed as a full-time law
42 enforcement officer prior to retiring. The verification of service shall
43 include:

44 (a) The name and address of the retired officer;

45 (b) The date that the retired officer was hired and the date that the
46 officer retired;

1 (c) A list of all handguns known to be registered to that officer;

2 (d) A statement that, to the reasonable knowledge of the chief law
3 enforcement officer, the retired officer is not subject to any of the
4 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

5 (e) A statement that the officer retired in good standing.

6 (3) If the superintendent approves a retired officer's application
7 or reapplication to carry a handgun pursuant to the provisions of this
8 subsection, the superintendent shall notify in writing the chief law
9 enforcement officer of the municipality wherein that retired officer
10 resides. In the event the retired officer resides in a municipality which
11 has no chief law enforcement officer or law enforcement agency, the
12 superintendent shall maintain a record of the approval.

13 (4) The superintendent shall issue to an approved retired officer
14 an identification card permitting the retired officer to carry a handgun
15 pursuant to this subsection. This identification card shall be valid for
16 one year from the date of issuance and shall be valid throughout the
17 State. The identification card shall not be transferable to any other
18 person. The identification card shall be carried at all times on the
19 person of the retired officer while the retired officer is carrying a
20 handgun. The retired officer shall produce the identification card for
21 review on the demand of any law enforcement officer or authority.

22 (5) Any person aggrieved by the denial of the superintendent of
23 approval for a permit to carry a handgun pursuant to this subsection
24 may request a hearing in the Superior Court of New Jersey in the
25 county in which he resides by filing a written request for such a
26 hearing within 30 days of the denial. Copies of the request shall be
27 served upon the superintendent and the county prosecutor. The
28 hearing shall be held within 30 days of the filing of the request, and no
29 formal pleading or filing fee shall be required. Appeals from the
30 determination of such a hearing shall be in accordance with law and
31 the rules governing the courts of this State.

32 (6) A judge of the Superior Court may revoke a retired officer's
33 privilege to carry a handgun pursuant to this subsection for good cause
34 shown on the application of any interested person. A person who
35 becomes subject to any of the disabilities set forth in subsection c. of
36 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
37 identification card issued under paragraph (4) of this subsection to the
38 chief law enforcement officer of the municipality wherein he resides or
39 the superintendent, and shall be permanently disqualified to carry a
40 handgun under this subsection.

41 (7) The superintendent may charge a reasonable application fee to
42 retired officers to offset any costs associated with administering the
43 application process set forth in this subsection.

44 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
45 to prevent duly authorized personnel of the New Jersey Division of
46 Fish, Game and Wildlife, while in the actual performance of duties,

1 from possessing, transporting or using any device that projects,
2 releases or emits any substance specified as being non-injurious to
3 wildlife by the Director of the Division of Animal Health in the
4 Department of Agriculture, and which may immobilize wildlife and
5 produces only temporary physical discomfort through being vaporized
6 or otherwise dispensed in the air for the purpose of repelling bear or
7 other animal attacks or for the aversive conditioning of wildlife.

8 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
9 construed to prevent duly authorized personnel of the New Jersey
10 Division of Fish, Game and Wildlife, while in the actual performance
11 of duties, from possessing, transporting or using hand held pistol-like
12 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
13 purpose of frightening, hazing or aversive conditioning of nuisance or
14 depredating wildlife; from possessing, transporting or using rifles,
15 pistols or similar devices for the sole purpose of chemically
16 immobilizing wild or non-domestic animals; or, provided the duly
17 authorized person complies with the requirements of subsection j. of
18 this section, from possessing, transporting or using rifles or shotguns,
19 upon completion of a Police Training Commission approved training
20 course, in order to dispatch injured or dangerous animals or for
21 non-lethal use for the purpose of frightening, hazing or aversive
22 conditioning of nuisance or depredating wildlife.

23 (cf: P.L.1997, c.393)

24
25 ¹[5. There is appropriated \$3,000,000 from the General Fund to
26 the Judiciary to implement the provisions of P.L. , c. (C.)
27 (now pending before the Legislature as this bill).]¹

28
29 ¹[6.] 5.¹ (New section) The Administrative Director of the
30 Courts shall report within 18 months of this act's effective date to the
31 presiding officers of the Senate and General Assembly regarding the
32 effectiveness of the "Probation Officer Community Safety Unit"
33 established pursuant to section 2 of P.L. , c. (C.) (now
34 pending before the Legislature as section 2 of this bill) in tracking and
35 apprehending probationers.

36
37 ¹[7.] 6.¹ This act shall take effect immediately.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1448

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1448 (ACS/1R).

This bill establishes within the Administrative Office of the Courts a "Probation Officer Community Safety Unit." The "Probation Officer Community Safety Unit" shall consist of no fewer than 200 probation officers, and these officers will be authorized to carry a firearm, provided that carrying is in accordance with the authority of N.J.S.2C:39-6 and Supreme Court rules.

Before being permitted to carry a firearm, the probation officers assigned to the unit will take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon. These probation officers must undergo a course of law enforcement training as administered by the Police Training Commission, which training shall be subject to and in accordance with rules adopted by the Supreme Court. A probation officer in the "Probation Officer Community Safety Unit" shall have the authority to arrest, detain and transport probationers and enforce the criminal laws of this State in accordance with rules adopted by the Supreme Court and shall be empowered to enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence.

The bill provides that there shall be a "Probation Officer Community Safety Unit" in every county, which shall consist of no fewer than 5 probation officers.

The bill provides that any probation officer, including probation officers assigned to the new unit, shall undergo a basic course of self-defense training administered by the Police Training Commission.

The Administrative Director of the Courts shall report on the effectiveness of the unit within 18 months.

The provisions of this bill are identical to those of Senate Committee Substitute for Senate Bill No. 950, which the committee also reports this day.

FISCAL IMPACT

Training. For a bill in a prior Legislative session relating to subject matter similar to that of this bill (Assembly Bill No. 2690 of 1997), the Administrative Office of the Courts (AOC) estimated the 1997 training course costs at \$3,100 per officer. The AOC further noted that it would be necessary to withdraw the officers from their posts for 18 weeks for training, and noted that some percentage of the lost work time would need to be replaced through overtime. The AOC also noted staff and overhead costs for program operation (relevant, in that case, to a 600 officer per year training program, and therefore perhaps not reflective of the costs of this program). Because the program is based on a minimum number of officers, and the success of the program and total final numbers of officers to be trained is not known, total costs cannot be estimated.

The bill requires that all probation officers, including probation officers assigned to the new unit, undergo a basic course of self-defense training administered by the Police Training Commission. It is not clear that a separate course of basic self-defense training (apart from the extensive pre- and post-employment training courses) is currently offered, so the cost of this requirement cannot be isolated with the information available.

Pensions. Probation officers acquiring law enforcement duties and the authority to carry firearms under the bill may thereby become eligible to join the Police and Firemen's Retirement System (PFRS). The transfer of qualified probation officers from enrollment in the Public Employees' Retirement System (PERS) to enrollment in the PFRS would result in an increase in the percentage of salary that the State, as employer, contributes toward the officers' pension. Currently, the employer normal contribution rate for members of PERS is about 5% of salary, while that for PFRS members is about 12% of salary. Thus the employer's normal contribution for the transferred individuals would more than double. The average salary of probation officers presently is about \$55,000. If only 200 officers (the minimum number under the bill) are assigned to the community safety unit and enrolled in the PFRS, the first-year increase in annual pension costs would be \$770,000; if half of the roughly 1,800 probation officers are assigned to the unit and made PFRS members, the annual cost would be about \$3.46 million.

In addition to the normal cost, the establishment in PFRS of credit for the service that transferred officers rendered prior to their transfer would create in PFRS an actuarial accrued liability for that credit that would be only partially offset by the transfer to the latter of assets originally accumulated in PERS for the benefit of those individuals. A reliable estimate of this net increase in accrued liability would require actuarial analysis, but a general idea can be obtained from the difference in the two systems' per capita accrued liability. As of July 1, 2000, the accrued liability of PERS for its 82,431 State employee members was \$5.081 billion, indicating a per capita liability of roughly

\$62,000; the accrued liability of PFRS for its 42,430 members was \$7.738 billion, indicating a per capita liability of about \$182,000. This per capita difference of \$120,000 implies that the total increase in accrued liability that would result from the transfer of 200 officers to PFRS might be around \$24,000,000. If this new liability were funded in equal annual installments over the remaining 30 years of the PFRS's amortization schedule, the cost would be \$800,000 per year.

"Surplus assets" are currently sufficient to cover both the increase in the State's annual normal contribution and the funding of the additional accrued liability. Given the recent decline in the value of pension system investment assets, however, this situation is not expected to continue for more than about two years, at which point the increased costs would have to be funded through regular appropriation.

SENATE, No. 950

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Grants to probation officers certain powers of enforcement and authority to carry firearms subject to Supreme Court rule; appropriates \$3 million to Judiciary.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2000)

1 AN ACT concerning probation officers, supplementing chapter 168 of
2 Title 2A of the New Jersey Statutes and P.L.1944, c.255, amending
3 N.J.S.2C:39-6 and making an appropriation.

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

7
8 1. (New section) A probation officer, duly appointed pursuant to
9 the provisions of N.J.S.2A:168-5, shall be authorized to carry a
10 firearm provided the carrying is in accordance with the authority
11 provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such
12 rules as are adopted by the Supreme Court regarding the carrying of
13 a firearm by a probation officer. The officer shall undergo a course
14 of training on the performance of the officer's duties which training
15 shall be subject to and in accordance with rules adopted by the
16 Supreme Court; and shall have the authority to arrest, detain and
17 transport probationers and enforce the criminal laws of this State
18 during the performance of the officer's duties subject to and in
19 accordance with such conditions and guidelines as set forth in rules
20 adopted by the Supreme Court.

21

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

23 2C:39-6. a. Provided a person complies with the requirements of
24 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

35 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
36 assistant prosecutor, prosecutor's detective or investigator, deputy
37 attorney general or State investigator employed by the Division of
38 Criminal Justice of the Department of Law and Public Safety,
39 investigator employed by the State Commission of Investigation,
40 inspector of the Alcoholic Beverage Control Enforcement Bureau of
41 the Division of State Police in the Department of Law and Public
42 Safety authorized to carry such weapons by the Superintendent of
43 State Police, State park ranger, or State conservation officer;

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

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

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

19 (b) A special law enforcement officer authorized to carry a weapon
20 as provided in subsection b. of section 7 of P.L.1985, c.439
21 (C.40A:14-146.14);

22 (c) An airport security officer or a special law enforcement officer
23 appointed by the governing body of any county or municipality, except
24 as provided in subsection b. of this section, or by the commission,
25 board or other body having control of a county park or airport or
26 boulevard police force, while engaged in the actual performance of his
27 official duties and when specifically authorized by the governing body
28 to carry weapons;

29 (8) A full-time, paid member of a paid or part-paid fire department
30 or force of any municipality who is assigned full-time or part-time to
31 an arson investigation unit created pursuant to section 1 of P.L.1981,
32 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
33 county prosecutor's office, while either engaged in the actual
34 performance of arson investigation duties or while actually on call to
35 perform arson investigation duties and when specifically authorized by
36 the governing body or the county prosecutor, as the case may be, to
37 carry weapons. Prior to being permitted to carry a firearm, such a
38 member shall take and successfully complete a firearms training course
39 administered by the Police Training Commission pursuant to P.L.1961,
40 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
41 revolver or similar weapon prior to being permitted to carry a firearm;

42 (9) A juvenile corrections officer in the employment of the Juvenile
43 Justice Commission established pursuant to section 2 of P.L.1995,
44 c.284 (C.52:17B-170) subject to the regulations promulgated by the
45 commission.

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

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

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

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

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

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

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

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

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

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

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

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

41 (9) A railway policeman, except a transit police officer of the New
42 Jersey Transit Police Department, at all times while in the State of
43 New Jersey, provided that he has passed an approved police academy
44 training program consisting of at least 280 hours. The training
45 program shall include, but need not be limited to, the handling of
46 firearms, community relations, and juvenile relations;

1 (10) A campus police officer appointed under P.L.1970, c.211
2 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
3 firearm, a campus police officer shall take and successfully complete
4 a firearms training course administered by the Police Training
5 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
6 shall annually qualify in the use of a revolver or similar weapon prior
7 to being permitted to carry a firearm;

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

13 (12) A transit police officer of the New Jersey Transit Police
14 Department, at all times while in the State of New Jersey, provided the
15 officer has satisfied the training requirements of the Police Training
16 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
17 (C.27:25-15.1);

18 (13) A parole officer employed by the Bureau of Parole in the
19 Department of Corrections at all times. Prior to being permitted to
20 carry a firearm, a parole officer shall take and successfully complete
21 a basic course for regular police officer training administered by the
22 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
23 et seq.), and shall annually qualify in the use of a revolver or similar
24 weapon prior to being permitted to carry a firearm;

25 (14) A Human Services police officer at all times while in the State
26 of New Jersey, as authorized by the Commissioner of Human Services;

27 (15) A person or employee of any person who, pursuant to and as
28 required by a contract with a governmental entity, supervises or
29 transports persons charged with or convicted of an offense; or

30 (16) A housing authority police officer appointed under P.L.1997,
31 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
32 Jersey; or

33 (17) A probation officer while in the actual performance of the
34 officer's official duties. Prior to being permitted to carry a firearm, a
35 probation officer shall take and successfully complete a firearms
36 training course administered by the Police Training Commission,
37 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
38 qualify in the use of a revolver or similar weapon prior to being
39 permitted to carry a firearm.

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

1 superintendent.

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

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

13 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
14 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
15 or fired by one eligible to possess an antique cannon, for purposes of
16 exhibition or demonstration at an authorized target range or in the
17 manner as has been approved in writing by the chief law enforcement
18 officer of the municipality in which the exhibition or demonstration is
19 held, or if not held on property under the control of a particular
20 municipality, the superintendent, provided that performer has given at
21 least 30 days' notice to the superintendent.

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

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

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

46 (1) A member of any rifle or pistol club organized in accordance

1 with the rules prescribed by the National Board for the Promotion of
2 Rifle Practice, in going to or from a place of target practice, carrying
3 such firearms as are necessary for said target practice, provided that
4 the club has filed a copy of its charter with the superintendent and
5 annually submits a list of its members to the superintendent and
6 provided further that the firearms are carried in the manner specified
7 in subsection g. of this section;

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

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

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

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

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

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

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

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

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

17 Any device used pursuant to this act shall be selected from a list of
18 products, which consist of active and inert ingredients, permitted by
19 the Commissioner of Health and Senior Services.

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

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

35 Such exempt person shall not possess or carry a firearm until the
36 person has satisfactorily completed a firearms training course and shall
37 annually qualify in the use of a revolver or similar weapon. For
38 purposes of this subsection, a "firearms training course" means a
39 course of instruction in the safe use, maintenance and storage of
40 firearms which is approved by the Police Training Commission. The
41 commission shall approve a firearms training course if the
42 requirements of the course are substantially equivalent to the
43 requirements for firearms training provided by police training courses
44 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
45 A person who is specified in paragraph (1), (2), (3) or (6) of
46 subsection a. of this section shall be exempt from the requirements of

1 this subsection.

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

8 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
9 prevent a law enforcement officer who retired in good standing,
10 including a retirement because of a disability pursuant to section 6 of
11 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
12 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
13 substantially similar statute governing the disability retirement of
14 federal law enforcement officers, provided the officer was a regularly
15 employed, full-time law enforcement officer for an aggregate of five
16 or more years prior to his disability retirement and further provided
17 that the disability which constituted the basis for the officer's
18 retirement did not involve a certification that the officer was mentally
19 incapacitated for the performance of his usual law enforcement duties
20 and any other available duty in the department which his employer was
21 willing to assign to him or does not subject that retired officer to any
22 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
23 would disqualify the retired officer from possessing or carrying a
24 firearm, who semi-annually qualifies in the use of the handgun he is
25 permitted to carry in accordance with the requirements and procedures
26 established by the Attorney General pursuant to subsection j. of this
27 section and pays the actual costs associated with those semi-annual
28 qualifications, who is less than 70 years of age, and who was regularly
29 employed as a full-time member of the State Police; a full-time
30 member of an interstate police force; a full-time member of a county
31 or municipal police department in this State; a full-time member of a
32 State law enforcement agency; a full-time sheriff, undersheriff or
33 sheriff's officer of a county of this State; a full-time State or county
34 corrections officer; a full-time county park police officer; a full-time
35 county prosecutor's detective or investigator; or a full-time federal law
36 enforcement officer from carrying a handgun in the same manner as
37 law enforcement officers exempted under paragraph (7) of subsection
38 a. of this section under the conditions provided herein:

39 (1) The retired law enforcement officer, within six months after
40 retirement, shall make application in writing to the Superintendent of
41 State Police for approval to carry a handgun for one year. An
42 application for annual renewal shall be submitted in the same manner.

43 (2) Upon receipt of the written application of the retired law
44 enforcement officer, the superintendent shall request a verification of
45 service from the chief law enforcement officer of the organization in
46 which the retired officer was last regularly employed as a full-time law

1 enforcement officer prior to retiring. The verification of service shall
2 include:

- 3 (a) The name and address of the retired officer;
4 (b) The date that the retired officer was hired and the date that the
5 officer retired;
6 (c) A list of all handguns known to be registered to that officer;
7 (d) A statement that, to the reasonable knowledge of the chief law
8 enforcement officer, the retired officer is not subject to any of the
9 restrictions set forth in subsection c. of N.J.S.2C:58-3; and
10 (e) A statement that the officer retired in good standing.

11 (3) If the superintendent approves a retired officer's application or
12 reapplication to carry a handgun pursuant to the provisions of this
13 subsection, the superintendent shall notify in writing the chief law
14 enforcement officer of the municipality wherein that retired officer
15 resides. In the event the retired officer resides in a municipality which
16 has no chief law enforcement officer or law enforcement agency, the
17 superintendent shall maintain a record of the approval.

18 (4) The superintendent shall issue to an approved retired officer an
19 identification card permitting the retired officer to carry a handgun
20 pursuant to this subsection. This identification card shall be valid for
21 one year from the date of issuance and shall be valid throughout the
22 State. The identification card shall not be transferable to any other
23 person. The identification card shall be carried at all times on the
24 person of the retired officer while the retired officer is carrying a
25 handgun. The retired officer shall produce the identification card for
26 review on the demand of any law enforcement officer or authority.

27 (5) Any person aggrieved by the denial of the superintendent of
28 approval for a permit to carry a handgun pursuant to this subsection
29 may request a hearing in the Superior Court of New Jersey in the
30 county in which he resides by filing a written request for such a
31 hearing within 30 days of the denial. Copies of the request shall be
32 served upon the superintendent and the county prosecutor. The
33 hearing shall be held within 30 days of the filing of the request, and no
34 formal pleading or filing fee shall be required. Appeals from the
35 determination of such a hearing shall be in accordance with law and
36 the rules governing the courts of this State.

37 (6) A judge of the Superior Court may revoke a retired officer's
38 privilege to carry a handgun pursuant to this subsection for good cause
39 shown on the application of any interested person. A person who
40 becomes subject to any of the disabilities set forth in subsection c. of
41 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
42 identification card issued under paragraph (4) of this subsection to the
43 chief law enforcement officer of the municipality wherein he resides or
44 the superintendent, and shall be permanently disqualified to carry a
45 handgun under this subsection.

46 (7) The superintendent may charge a reasonable application fee to

1 retired officers to offset any costs associated with administering the
2 application process set forth in this subsection.

3 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
4 prevent duly authorized personnel of the New Jersey Division of Fish,
5 Game and Wildlife, while in the actual performance of duties, from
6 possessing, transporting or using any device that projects, releases or
7 emits any substance specified as being non-injurious to wildlife by the
8 Director of the Division of Animal Health in the Department of
9 Agriculture, and which may immobilize wildlife and produces only
10 temporary physical discomfort through being vaporized or otherwise
11 dispensed in the air for the purpose of repelling bear or other animal
12 attacks or for the aversive conditioning of wildlife.

13 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
14 construed to prevent duly authorized personnel of the New Jersey
15 Division of Fish, Game and Wildlife, while in the actual performance
16 of duties, from possessing, transporting or using hand held pistol-like
17 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
18 purpose of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife; from possessing, transporting or using rifles,
20 pistols or similar devices for the sole purpose of chemically
21 immobilizing wild or non-domestic animals; or, provided the duly
22 authorized person complies with the requirements of subsection j. of
23 this section, from possessing, transporting or using rifles or shotguns,
24 upon completion of a Police Training Commission approved training
25 course, in order to dispatch injured or dangerous animals or for
26 non-lethal use for the purpose of frightening, hazing or aversive
27 conditioning of nuisance or depredating wildlife.

28 (cf: P.L.1997, c.393, s.1)

29

30 3. Notwithstanding any other provision of law to the contrary,
31 probation officers duly appointed pursuant to the provisions of
32 N.J.S.2A:168-5 shall not be eligible for membership in the Police and
33 Firemen's Retirement System of New Jersey, established pursuant to
34 P.L.1944, c.255 (C.43:16A-1 et seq.)

35

36 4. There is appropriated \$3,000,000 from the General Fund to the
37 Judiciary to implement the provisions of this act.

38

39 5. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill authorizes probation officers to carry firearms in the actual
45 performance of their official duties subject to rules that may be
46 adopted by the Supreme Court. This authorization to carry a firearm

S950 SINGER, BUCCO

12

1 would be subject to the successful completion of a firearms training
2 course and annual qualification in the use of the firearm.

3 The bill also requires probation officers to undergo a course of
4 training subject to rules adopted by the Supreme Court.

5 Finally, the bill makes probation officers ineligible for membership
6 in the Police and Firemen's Retirement System of New Jersey, and
7 appropriates \$3 million from the General Fund to the Judiciary for the
8 costs of the bill's implementation.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 950

STATE OF NEW JERSEY

DATED: MAY 11, 2000

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 950.

This bill authorizes probation officers to carry firearms in the actual performance of their official duties subject to rules that may be adopted by the Supreme Court. This authorization to carry a firearm would be subject to the successful completion of a firearms training course and annual qualification in the use of the firearm. The bill also grants probation officers the authority to arrest, detain and transport probationers and to enforce the criminal laws of this State during the performance of the officers' duties subject to rules of the Supreme Court.

The bill also requires probation officers to undergo a course of training subject to rules adopted by the Supreme Court.

Finally, the bill makes probation officers ineligible for membership in the Police and Firemen's Retirement System of New Jersey, and appropriates \$3 million from the General Fund to the Judiciary for the costs of the bill's implementation.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 950

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED NOVEMBER 29, 2001

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Grants to certain probation officers in new unit certain powers of enforcement and authority to carry firearms subject to Supreme Court rule.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



1 **AN ACT** concerning probation officers, supplementing Title 2B of the
2 New Jersey Statutes, amending N.J.S.2C:39-6.

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

6
7 1. (New section) The Legislature finds and declares that:

8 a. The enforcement of probation sentences is crucial to the public
9 safety;

10 b. Despite a drop in the overall crime rate, the number of
11 dangerous and repeat offenders who are serving probation sentences
12 has continued to rise in New Jersey;

13 c. The number of probationers who have violated the conditions
14 of probation and have a warrant issued for their arrest has reached
15 15,000;

16 d. Probation officers working in the New Jersey state courts are
17 not currently permitted to enforce these warrants;

18 e. Probation officers in other states are permitted to act as law
19 enforcement officers.

20

21 2. (New section) a. There shall be established within the
22 Administrative Office of the Courts a "Probation Officer Community
23 Safety Unit." The "Probation Officer Community Safety Unit" shall
24 consist of no less than 200 probation officers, duly appointed pursuant
25 to the provisions of N.J.S.2A:168-5, who shall be authorized to carry
26 a firearm provided the carrying is in accordance with the authority
27 provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such
28 rules as are adopted by the Supreme Court regarding the carrying of
29 a firearm by a probation officer. The probation officer shall undergo
30 a course of law enforcement training as administered by the Police
31 Training Commission which training shall be subject to and in
32 accordance with rules adopted by the Supreme Court. A probation
33 officer in the "Probation Officer Community Safety Unit" shall have
34 the authority to arrest, detain and transport probationers and enforce
35 the criminal laws of this State in accordance with such conditions and
36 guidelines as set forth in rules adopted by the Supreme Court and shall
37 be empowered to enforce warrants for the apprehension and arrest of
38 probationers who violate the conditions of their probation sentence.

39 b. A "Probation Officer Community Safety Unit" shall be assigned
40 to every county and consist of no less than 5 probation officers.

41 c. Prior to being permitted to carry a firearm, a probation officer
42 assigned to the "Probation Officer Community Safety Unit" shall take
43 and successfully complete a firearms training course administered by

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 the Police Training Commission, pursuant to P.L.1961, c.56
2 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
3 revolver or similar weapon prior to being permitted to carry a firearm.
4

5 3. (New section) Any probation officer, duly appointed pursuant
6 to the provisions of N.J.S.2A:168-5, including probation officers
7 assigned to the "Probation Officer Community Safety Unit" established
8 pursuant to section 2 of P.L. , c. (C.) (now pending before the
9 Legislature as section 2 of this bill), shall undergo a basic course of
10 self-defense training administered by the Police Training Commission
11 which training shall be subject to and in accordance with rules adopted
12 by the Supreme Court.
13

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

15 2C:39-6. a. Provided a person complies with the requirements of
16 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

27 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
28 assistant prosecutor, prosecutor's detective or investigator, deputy
29 attorney general or State investigator employed by the Division of
30 Criminal Justice of the Department of Law and Public Safety,
31 investigator employed by the State Commission of Investigation,
32 inspector of the Alcoholic Beverage Control Enforcement Bureau of
33 the Division of State Police in the Department of Law and Public
34 Safety authorized to carry such weapons by the Superintendent of
35 State Police, State park ranger, or State conservation officer;

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

44 (6) A civilian employee of the United States Government under
45 the supervision of the commanding officer of any post, camp, station,
46 base or other military or naval installation located in this State who is

1 required, in the performance of his official duties, to carry firearms,
2 and who is authorized to carry such firearms by said commanding
3 officer, while in the actual performance of his official duties;

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

8 (b) A special law enforcement officer authorized to carry a
9 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
10 (C.40A:14-146.14);

11 (c) An airport security officer or a special law enforcement officer
12 appointed by the governing body of any county or municipality, except
13 as provided in subsection b. of this section, or by the commission,
14 board or other body having control of a county park or airport or
15 boulevard police force, while engaged in the actual performance of his
16 official duties and when specifically authorized by the governing body
17 to carry weapons;

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

31 (9) A juvenile corrections officer in the employment of the
32 Juvenile Justice Commission established pursuant to section 2 of
33 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
34 promulgated by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

30 (9) A railway policeman, except a transit police officer of the New
31 Jersey Transit Police Department, at all times while in the State of
32 New Jersey, provided that he has passed an approved police academy
33 training program consisting of at least 280 hours. The training
34 program shall include, but need not be limited to, the handling of
35 firearms, community relations, and juvenile relations;

36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
38 firearm, a campus police officer shall take and successfully complete
39 a firearms training course administered by the Police Training
40 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
41 shall annually qualify in the use of a revolver or similar weapon prior
42 to being permitted to carry a firearm;

43 (11) A person who has not been convicted of a crime under the
44 laws of this State or under the laws of another state or the United
45 States, and who is employed as a full-time security guard for a nuclear
46 power plant under the license of the Nuclear Regulatory Commission,

1 while in the actual performance of his official duties;

2 (12) A transit police officer of the New Jersey Transit Police
3 Department, at all times while in the State of New Jersey, provided the
4 officer has satisfied the training requirements of the Police Training
5 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
6 (C.27:25-15.1);

7 (13) A parole officer employed by the Bureau of Parole in the
8 Department of Corrections at all times. Prior to being permitted to
9 carry a firearm, a parole officer shall take and successfully complete
10 a basic course for regular police officer training administered by the
11 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
12 et seq.), and shall annually qualify in the use of a revolver or similar
13 weapon prior to being permitted to carry a firearm;

14 (14) A Human Services police officer at all times while in the
15 State of New Jersey, as authorized by the Commissioner of Human
16 Services;

17 (15) A person or employee of any person who, pursuant to and as
18 required by a contract with a governmental entity, supervises or
19 transports persons charged with or convicted of an offense; [or]

20 (16) A housing authority police officer appointed under P.L.1997,
21 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
22 Jersey; or

23 (17) A probation officer assigned to the "Probation Officer
24 Community Safety Unit" created by section 2 of P.L. , c. (C.)
25 (now pending as section 2 of this bill) while in the actual performance
26 of the probation officer's official duties. Prior to being permitted to
27 carry a firearm, a probation officer shall take and successfully
28 complete a basic course for regular police officer training administered
29 by the Police Training Commission, pursuant to P.L.1961, c.56
30 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
31 revolver or similar weapon prior to being permitted to carry a firearm.

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

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

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

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

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

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

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

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

38 (1) A member of any rifle or pistol club organized in accordance
39 with the rules prescribed by the National Board for the Promotion of
40 Rifle Practice, in going to or from a place of target practice, carrying
41 such firearms as are necessary for said target practice, provided that
42 the club has filed a copy of its charter with the superintendent and
43 annually submits a list of its members to the superintendent and
44 provided further that the firearms are carried in the manner specified
45 in subsection g. of this section;

46 (2) A person carrying a firearm or knife in the woods or fields or

1 upon the waters of this State for the purpose of hunting, target
2 practice or fishing, provided that the firearm or knife is legal and
3 appropriate for hunting or fishing purposes in this State and he has in
4 his possession a valid hunting license, or, with respect to fresh water
5 fishing, a valid fishing license;

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

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

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

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

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

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

39 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
40 prevent any employee of a public utility, as defined in R.S.48:2-13,
41 doing business in this State or any United States Postal Service
42 employee, while in the actual performance of duties which specifically
43 require regular and frequent visits to private premises, from
44 possessing, carrying or using any device which projects, releases or
45 emits any substance specified as being noninjurious to canines or other
46 animals by the Commissioner of Health and Senior Services and which

1 immobilizes only on a temporary basis and produces only temporary
2 physical discomfort through being vaporized or otherwise dispensed
3 in the air for the sole purpose of repelling canine or other animal
4 attacks.

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

9 Any device used pursuant to this act shall be selected from a list of
10 products, which consist of active and inert ingredients, permitted by
11 the Commissioner of Health and Senior Services.

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

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

27 Such exempt person shall not possess or carry a firearm until the
28 person has satisfactorily completed a firearms training course and shall
29 annually qualify in the use of a revolver or similar weapon. For
30 purposes of this subsection, a "firearms training course" means a
31 course of instruction in the safe use, maintenance and storage of
32 firearms which is approved by the Police Training Commission. The
33 commission shall approve a firearms training course if the
34 requirements of the course are substantially equivalent to the
35 requirements for firearms training provided by police training courses
36 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
37 A person who is specified in paragraph (1), (2), (3) or (6) of
38 subsection a. of this section shall be exempt from the requirements of
39 this subsection.

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

46 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to

1 prevent a law enforcement officer who retired in good standing,
2 including a retirement because of a disability pursuant to section 6 of
3 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
4 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
5 substantially similar statute governing the disability retirement of
6 federal law enforcement officers, provided the officer was a regularly
7 employed, full-time law enforcement officer for an aggregate of five
8 or more years prior to his disability retirement and further provided
9 that the disability which constituted the basis for the officer's
10 retirement did not involve a certification that the officer was mentally
11 incapacitated for the performance of his usual law enforcement duties
12 and any other available duty in the department which his employer was
13 willing to assign to him or does not subject that retired officer to any
14 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
15 would disqualify the retired officer from possessing or carrying a
16 firearm, who semi-annually qualifies in the use of the handgun he is
17 permitted to carry in accordance with the requirements and procedures
18 established by the Attorney General pursuant to subsection j. of this
19 section and pays the actual costs associated with those semi-annual
20 qualifications, who is less than 70 years of age, and who was regularly
21 employed as a full-time member of the State Police; a full-time
22 member of an interstate police force; a full-time member of a county
23 or municipal police department in this State; a full-time member of a
24 State law enforcement agency; a full-time sheriff, undersheriff or
25 sheriff's officer of a county of this State; a full-time State or county
26 corrections officer; a full-time county park police officer; a full-time
27 county prosecutor's detective or investigator; or a full-time federal law
28 enforcement officer from carrying a handgun in the same manner as
29 law enforcement officers exempted under paragraph (7) of subsection
30 a. of this section under the conditions provided herein:

31 (1) The retired law enforcement officer, within six months after
32 retirement, shall make application in writing to the Superintendent of
33 State Police for approval to carry a handgun for one year. An
34 application for annual renewal shall be submitted in the same manner.

35 (2) Upon receipt of the written application of the retired law
36 enforcement officer, the superintendent shall request a verification of
37 service from the chief law enforcement officer of the organization in
38 which the retired officer was last regularly employed as a full-time law
39 enforcement officer prior to retiring. The verification of service shall
40 include:

41 (a) The name and address of the retired officer;

42 (b) The date that the retired officer was hired and the date that the
43 officer retired;

44 (c) A list of all handguns known to be registered to that officer;

45 (d) A statement that, to the reasonable knowledge of the chief law
46 enforcement officer, the retired officer is not subject to any of the

1 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

2 (e) A statement that the officer retired in good standing.

3 (3) If the superintendent approves a retired officer's application
4 or reapplication to carry a handgun pursuant to the provisions of this
5 subsection, the superintendent shall notify in writing the chief law
6 enforcement officer of the municipality wherein that retired officer
7 resides. In the event the retired officer resides in a municipality which
8 has no chief law enforcement officer or law enforcement agency, the
9 superintendent shall maintain a record of the approval.

10 (4) The superintendent shall issue to an approved retired officer
11 an identification card permitting the retired officer to carry a handgun
12 pursuant to this subsection. This identification card shall be valid for
13 one year from the date of issuance and shall be valid throughout the
14 State. The identification card shall not be transferable to any other
15 person. The identification card shall be carried at all times on the
16 person of the retired officer while the retired officer is carrying a
17 handgun. The retired officer shall produce the identification card for
18 review on the demand of any law enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which he resides by filing a written request for such a
23 hearing within 30 days of the denial. Copies of the request shall be
24 served upon the superintendent and the county prosecutor. The
25 hearing shall be held within 30 days of the filing of the request, and no
26 formal pleading or filing fee shall be required. Appeals from the
27 determination of such a hearing shall be in accordance with law and
28 the rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good cause
31 shown on the application of any interested person. A person who
32 becomes subject to any of the disabilities set forth in subsection c. of
33 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
34 identification card issued under paragraph (4) of this subsection to the
35 chief law enforcement officer of the municipality wherein he resides or
36 the superintendent, and shall be permanently disqualified to carry a
37 handgun under this subsection.

38 (7) The superintendent may charge a reasonable application fee to
39 retired officers to offset any costs associated with administering the
40 application process set forth in this subsection.

41 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
42 to prevent duly authorized personnel of the New Jersey Division of
43 Fish, Game and Wildlife, while in the actual performance of duties,
44 from possessing, transporting or using any device that projects,
45 releases or emits any substance specified as being non-injurious to
46 wildlife by the Director of the Division of Animal Health in the

1 Department of Agriculture, and which may immobilize wildlife and
2 produces only temporary physical discomfort through being vaporized
3 or otherwise dispensed in the air for the purpose of repelling bear or
4 other animal attacks or for the aversive conditioning of wildlife.

5 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
6 construed to prevent duly authorized personnel of the New Jersey
7 Division of Fish, Game and Wildlife, while in the actual performance
8 of duties, from possessing, transporting or using hand held pistol-like
9 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
10 purpose of frightening, hazing or aversive conditioning of nuisance or
11 depredate wildlife; from possessing, transporting or using rifles,
12 pistols or similar devices for the sole purpose of chemically
13 immobilizing wild or non-domestic animals; or, provided the duly
14 authorized person complies with the requirements of subsection j. of
15 this section, from possessing, transporting or using rifles or shotguns,
16 upon completion of a Police Training Commission approved training
17 course, in order to dispatch injured or dangerous animals or for
18 non-lethal use for the purpose of frightening, hazing or aversive
19 conditioning of nuisance or depredate wildlife.

20 (cf: P.L.1997, c.393)

21

22 5. (New section) The Administrative Director of the Courts shall
23 report within 18 months of this act's effective date to the presiding
24 officers of the Senate and General Assembly regarding the
25 effectiveness of the "Probation Officer Community Safety Unit"
26 established pursuant to section 2 of P.L. , c. (C.) (now
27 pending before the Legislature as section 2 of this bill) in tracking and
28 apprehending probationers.

29

30 6. This act shall take effect immediately.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 950**

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Budget and Appropriations Committee reports favorably a Senate committee substitute for Senate Bill No. 950.

This substitute bill establishes within the Administrative Office of the Courts a "Probation Officer Community Safety Unit." The "Probation Officer Community Safety Unit" shall consist of no fewer than 200 probation officers, and these officers will be authorized to carry a firearm, provided that carrying is in accordance with the authority of N.J.S.2C:39-6 and Supreme Court rules.

Before being permitted to carry a firearm, the probation officers assigned to the unit will take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon. These probation officers must undergo a course of law enforcement training as administered by the Police Training Commission, which training shall be subject to and in accordance with rules adopted by the Supreme Court. A probation officer in the "Probation Officer Community Safety Unit" shall have the authority to arrest, detain and transport probationers and enforce the criminal laws of this State in accordance with rules adopted by the Supreme Court and shall be empowered to enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence.

The bill provides that there shall be a "Probation Officer Community Safety Unit" in every county, which shall consist of no fewer than 5 probation officers.

The bill provides that any probation officer, including probation officers assigned to the new unit, shall undergo a basic course of self-defense training administered by the Police Training Commission.

The Administrative Director of the Courts shall report on the effectiveness of the unit within 18 months.

The provisions of the substitute bill are identical to those of Assembly Bill No. 1448 ACS (1R), which the committee also reports this day.

FISCAL IMPACT

Training. For a bill in a prior Legislative session relating to subject matter similar to that of this bill (Assembly Bill No. 2690 of 1997), the Administrative Office of the Courts (AOC) estimated the 1997 training course costs at \$3,100 per officer. The AOC further noted that it would be necessary to withdraw the officers from their posts for 18 weeks for training, and noted that some percentage of the lost work time would need to be replaced through overtime. The AOC also noted staff and overhead costs for program operation (relevant, in that case, to a 600 officer per year training program, and therefore perhaps not reflective of the costs of this program). Because the program is based on a minimum number of officers, and the success of the program and total final numbers of officers to be trained is not known, total costs cannot be estimated.

The bill requires that all probation officers, including probation officers assigned to the new unit, undergo a basic course of self-defense training administered by the Police Training Commission. It is not clear that a separate course of basic self-defense training (apart from the extensive pre- and post-employment training courses) is currently offered, so the cost of this requirement cannot be isolated with the information available.

Pensions. Probation officers acquiring law enforcement duties and the authority to carry firearms under the bill may thereby become eligible to join the Police and Firemen's Retirement System (PFRS). The transfer of qualified probation officers from enrollment in the Public Employees' Retirement System (PERS) to enrollment in the PFRS would result in an increase in the percentage of salary that the State, as employer, contributes toward the officers' pension. Currently, the employer normal contribution rate for members of PERS is about 5% of salary, while that for PFRS members is about of 12% of salary. Thus the employer's normal contribution for the transferred individuals would more than double. The average salary of probation officers presently is about \$55,000. If only 200 officers (the minimum number under the bill) are assigned to the community safety unit and enrolled in the PFRS, the first-year increase in annual pension costs would be \$770,000; if half of the roughly 1,800 probation officers are assigned to the unit and made PFRS members, the annual cost would be about \$3.46 million.

In addition to the normal cost, the establishment in PFRS of credit for the service that transferred officers rendered prior to their transfer would create in PFRS an actuarial accrued liability for that credit that would be only partially offset by the transfer to the latter of assets originally accumulated in PERS for the benefit of those individuals. A reliable estimate of this net increase in accrued liability would require actuarial analysis, but a general idea can be obtained from the difference in the two systems' per capita accrued liability. As of July 1, 2000, the accrued liability of PERS for its 82,431 State employee

members was \$5.081 billion, indicating a per capita liability of roughly \$62,000; the accrued liability of PFRS for its 42,430 members was \$7.738 billion, indicating a per capita liability of about \$182,000. This per capita difference of \$120,000 implies that the total increase in accrued liability that would result from the transfer of 200 officers to PFRS might be around \$24,000,000. If this new liability were funded in equal annual installments over the remaining 30 years of the PFRS's amortization schedule, the cost would be \$800,000 per year.

"Surplus assets" are currently sufficient to cover both the increase in the State's annual normal contribution and the funding of the additional accrued liability. Given the recent decline in the value of pension system investment assets, however, this situation is not expected to continue for more than about two years, at which point the increased costs would have to be funded through regular appropriation.

Title 2B.
Chapter 10A. (New)
Probation
Enforcement
§§1-3 -
C.2B:10A-1
to 2B:10A-3
§5 - T&E

P.L. 2001, CHAPTER 362, *approved January 7, 2002*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 1448

1 **AN ACT** concerning probation officers, supplementing Title 2B of the
2 New Jersey Statutes, amending N.J.S.2C:39-6 ¹[and making an
3 appropriation]¹.

4

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

7

8 1. (New section) The Legislature finds and declares that:

9 a. The enforcement of probation sentences is crucial to the public
10 safety;

11 b. Despite a drop in the overall crime rate, the number of
12 dangerous and repeat offenders who are serving probation sentences
13 has continued to rise in New Jersey;

14 c. The number of probationers who have violated the conditions
15 of probation and have a warrant issued for their arrest has reached
16 15,000;

17 d. Probation officers working in the New Jersey state courts are
18 not currently permitted to enforce these warrants;

19 e. Probation officers in other states are permitted to act as law
20 enforcement officers.

21

22 2. (New section) a. There shall be established within the
23 Administrative Office of the Courts a "Probation Officer Community
24 Safety Unit." The "Probation Officer Community Safety Unit" shall
25 consist of no less than 200 probation officers, duly appointed pursuant
26 to the provisions of N.J.S.2A:168-5, who shall be authorized to carry
27 a firearm provided the carrying is in accordance with the authority
28 provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such
29 rules as are adopted by the Supreme Court regarding the carrying of
30 a firearm by a probation officer. The probation officer shall undergo
31 a course of law enforcement training as administered by the Police
32 Training Commission which training shall be subject to and in
33 accordance with rules adopted by the Supreme Court. A probation

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted June 4, 2001.

1 officer in the "Probation Officer Community Safety Unit" shall have
2 the authority to arrest, detain and transport probationers and enforce
3 the criminal laws of this State in accordance with such conditions and
4 guidelines as set forth in rules adopted by the Supreme Court and shall
5 be empowered to enforce warrants for the apprehension and arrest of
6 probationers who violate the conditions of their probation sentence.

7 b. A "Probation Officer Community Safety Unit" shall be assigned
8 to every county and consist of no less than 5 probation officers.

9 c. Prior to being permitted to carry a firearm, a probation officer
10 assigned to the "Probation Officer Community Safety Unit" shall take
11 and successfully complete a firearms training course administered by
12 the Police Training Commission, pursuant to P.L.1961, c.56
13 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
14 revolver or similar weapon prior to being permitted to carry a firearm.
15

16 3. (New section) Any probation officer, duly appointed pursuant
17 to the provisions of N.J.S.2A:168-5, including probation officers
18 assigned to the "Probation Officer Community Safety Unit established
19 pursuant to section 2 of P.L. , c. (C.) (now pending before the
20 Legislature as section 2 of this bill)," shall undergo a basic course of
21 self-defense training administered by the Police Training Commission
22 which training shall be subject to and in accordance with rules adopted
23 by the Supreme Court.
24

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

26 2C:39-6. a. Provided a person complies with the requirements of
27 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

38 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
39 assistant prosecutor, prosecutor's detective or investigator, deputy
40 attorney general or State investigator employed by the Division of
41 Criminal Justice of the Department of Law and Public Safety,
42 investigator employed by the State Commission of Investigation,
43 inspector of the Alcoholic Beverage Control Enforcement Bureau of
44 the Division of State Police in the Department of Law and Public
45 Safety authorized to carry such weapons by the Superintendent of
46 State Police, State park ranger, or State conservation officer;

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

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

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

19 (b) A special law enforcement officer authorized to carry a
20 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
21 (C.40A:14-146.14);

22 (c) An airport security officer or a special law enforcement officer
23 appointed by the governing body of any county or municipality, except
24 as provided in subsection b. of this section, or by the commission,
25 board or other body having control of a county park or airport or
26 boulevard police force, while engaged in the actual performance of his
27 official duties and when specifically authorized by the governing body
28 to carry weapons;

29 (8) A full-time, paid member of a paid or part-paid fire department
30 or force of any municipality who is assigned full-time or part-time to
31 an arson investigation unit created pursuant to section 1 of P.L.1981,
32 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
33 county prosecutor's office, while either engaged in the actual
34 performance of arson investigation duties or while actually on call to
35 perform arson investigation duties and when specifically authorized by
36 the governing body or the county prosecutor, as the case may be, to
37 carry weapons. Prior to being permitted to carry a firearm, such a
38 member shall take and successfully complete a firearms training course
39 administered by the Police Training Commission pursuant to P.L.1961,
40 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
41 revolver or similar weapon prior to being permitted to carry a firearm;

42 (9) A juvenile corrections officer in the employment of the
43 Juvenile Justice Commission established pursuant to section 2 of
44 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
45 promulgated by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

41 (9) A railway policeman, except a transit police officer of the New
42 Jersey Transit Police Department, at all times while in the State of
43 New Jersey, provided that he has passed an approved police academy
44 training program consisting of at least 280 hours. The training
45 program shall include, but need not be limited to, the handling of
46 firearms, community relations, and juvenile relations;

1 (10) A campus police officer appointed under P.L.1970, c.211
2 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
3 firearm, a campus police officer shall take and successfully complete
4 a firearms training course administered by the Police Training
5 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
6 shall annually qualify in the use of a revolver or similar weapon prior
7 to being permitted to carry a firearm;

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

13 (12) A transit police officer of the New Jersey Transit Police
14 Department, at all times while in the State of New Jersey, provided the
15 officer has satisfied the training requirements of the Police Training
16 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
17 (C.27:25-15.1);

18 (13) A parole officer employed by the Bureau of Parole in the
19 Department of Corrections at all times. Prior to being permitted to
20 carry a firearm, a parole officer shall take and successfully complete
21 a basic course for regular police officer training administered by the
22 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
23 et seq.), and shall annually qualify in the use of a revolver or similar
24 weapon prior to being permitted to carry a firearm;

25 (14) A Human Services police officer at all times while in the
26 State of New Jersey, as authorized by the Commissioner of Human
27 Services;

28 (15) A person or employee of any person who, pursuant to and as
29 required by a contract with a governmental entity, supervises or
30 transports persons charged with or convicted of an offense; [or]

31 (16) A housing authority police officer appointed under P.L.1997,
32 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
33 Jersey; or

34 (17) A probation officer assigned to the "Probation Officer
35 Community Safety Unit" created by section 2 of P.L. , c. (C.)
36 (now pending as section 2 of this bill) while in the actual performance
37 of the probation officer's official duties. Prior to being permitted to
38 carry a firearm, a probation officer shall take and successfully
39 complete a basic course for regular police officer training administered
40 by the Police Training Commission, pursuant to P.L.1961, c.56
41 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
42 revolver or similar weapon prior to being permitted to carry a firearm.

43 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
44 antique firearms, provided that such antique firearms are unloaded or
45 are being fired for the purposes of exhibition or demonstration at an
46 authorized target range or in such other manner as has been approved

1 in writing by the chief law enforcement officer of the municipality in
2 which the exhibition or demonstration is held, or if not held on
3 property under the control of a particular municipality, the
4 superintendent.

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

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

16 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
17 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
18 or fired by one eligible to possess an antique cannon, for purposes of
19 exhibition or demonstration at an authorized target range or in the
20 manner as has been approved in writing by the chief law enforcement
21 officer of the municipality in which the exhibition or demonstration is
22 held, or if not held on property under the control of a particular
23 municipality, the superintendent, provided that performer has given at
24 least 30 days' notice to the superintendent.

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

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

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

3 (1) A member of any rifle or pistol club organized in accordance
4 with the rules prescribed by the National Board for the Promotion of
5 Rifle Practice, in going to or from a place of target practice, carrying
6 such firearms as are necessary for said target practice, provided that
7 the club has filed a copy of its charter with the superintendent and
8 annually submits a list of its members to the superintendent and
9 provided further that the firearms are carried in the manner specified
10 in subsection g. of this section;

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

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

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

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

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

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

43 g. All weapons being transported under paragraph (2) of
44 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
45 this section shall be carried unloaded and contained in a closed and
46 fastened case, gunbox, securely tied package, or locked in the trunk of

1 the automobile in which it is being transported, and in the course of
2 travel shall include only such deviations as are reasonably necessary
3 under the circumstances.

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

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

20 Any device used pursuant to this act shall be selected from a list of
21 products, which consist of active and inert ingredients, permitted by
22 the Commissioner of Health and Senior Services.

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

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

38 Such exempt person shall not possess or carry a firearm until the
39 person has satisfactorily completed a firearms training course and shall
40 annually qualify in the use of a revolver or similar weapon. For
41 purposes of this subsection, a "firearms training course" means a
42 course of instruction in the safe use, maintenance and storage of
43 firearms which is approved by the Police Training Commission. The
44 commission shall approve a firearms training course if the
45 requirements of the course are substantially equivalent to the
46 requirements for firearms training provided by police training courses

1 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
2 A person who is specified in paragraph (1), (2), (3) or (6) of
3 subsection a. of this section shall be exempt from the requirements of
4 this subsection.

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

11 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
12 prevent a law enforcement officer who retired in good standing,
13 including a retirement because of a disability pursuant to section 6 of
14 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
15 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
16 substantially similar statute governing the disability retirement of
17 federal law enforcement officers, provided the officer was a regularly
18 employed, full-time law enforcement officer for an aggregate of five
19 or more years prior to his disability retirement and further provided
20 that the disability which constituted the basis for the officer's
21 retirement did not involve a certification that the officer was mentally
22 incapacitated for the performance of his usual law enforcement duties
23 and any other available duty in the department which his employer was
24 willing to assign to him or does not subject that retired officer to any
25 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
26 would disqualify the retired officer from possessing or carrying a
27 firearm, who semi-annually qualifies in the use of the handgun he is
28 permitted to carry in accordance with the requirements and procedures
29 established by the Attorney General pursuant to subsection j. of this
30 section and pays the actual costs associated with those semi-annual
31 qualifications, who is less than 70 years of age, and who was regularly
32 employed as a full-time member of the State Police; a full-time
33 member of an interstate police force; a full-time member of a county
34 or municipal police department in this State; a full-time member of a
35 State law enforcement agency; a full-time sheriff, undersheriff or
36 sheriff's officer of a county of this State; a full-time State or county
37 corrections officer; a full-time county park police officer; a full-time
38 county prosecutor's detective or investigator; or a full-time federal law
39 enforcement officer from carrying a handgun in the same manner as
40 law enforcement officers exempted under paragraph (7) of subsection
41 a. of this section under the conditions provided herein:

42 (1) The retired law enforcement officer, within six months after
43 retirement, shall make application in writing to the Superintendent of
44 State Police for approval to carry a handgun for one year. An
45 application for annual renewal shall be submitted in the same manner.

46 (2) Upon receipt of the written application of the retired law

1 enforcement officer, the superintendent shall request a verification of
2 service from the chief law enforcement officer of the organization in
3 which the retired officer was last regularly employed as a full-time law
4 enforcement officer prior to retiring. The verification of service shall
5 include:

6 (a) The name and address of the retired officer;

7 (b) The date that the retired officer was hired and the date that the
8 officer retired;

9 (c) A list of all handguns known to be registered to that officer;

10 (d) A statement that, to the reasonable knowledge of the chief law
11 enforcement officer, the retired officer is not subject to any of the
12 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

13 (e) A statement that the officer retired in good standing.

14 (3) If the superintendent approves a retired officer's application
15 or reapplication to carry a handgun pursuant to the provisions of this
16 subsection, the superintendent shall notify in writing the chief law
17 enforcement officer of the municipality wherein that retired officer
18 resides. In the event the retired officer resides in a municipality which
19 has no chief law enforcement officer or law enforcement agency, the
20 superintendent shall maintain a record of the approval.

21 (4) The superintendent shall issue to an approved retired officer
22 an identification card permitting the retired officer to carry a handgun
23 pursuant to this subsection. This identification card shall be valid for
24 one year from the date of issuance and shall be valid throughout the
25 State. The identification card shall not be transferable to any other
26 person. The identification card shall be carried at all times on the
27 person of the retired officer while the retired officer is carrying a
28 handgun. The retired officer shall produce the identification card for
29 review on the demand of any law enforcement officer or authority.

30 (5) Any person aggrieved by the denial of the superintendent of
31 approval for a permit to carry a handgun pursuant to this subsection
32 may request a hearing in the Superior Court of New Jersey in the
33 county in which he resides by filing a written request for such a
34 hearing within 30 days of the denial. Copies of the request shall be
35 served upon the superintendent and the county prosecutor. The
36 hearing shall be held within 30 days of the filing of the request, and no
37 formal pleading or filing fee shall be required. Appeals from the
38 determination of such a hearing shall be in accordance with law and
39 the rules governing the courts of this State.

40 (6) A judge of the Superior Court may revoke a retired officer's
41 privilege to carry a handgun pursuant to this subsection for good cause
42 shown on the application of any interested person. A person who
43 becomes subject to any of the disabilities set forth in subsection c. of
44 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
45 identification card issued under paragraph (4) of this subsection to the
46 chief law enforcement officer of the municipality wherein he resides or

1 the superintendent, and shall be permanently disqualified to carry a
2 handgun under this subsection.

3 (7) The superintendent may charge a reasonable application fee to
4 retired officers to offset any costs associated with administering the
5 application process set forth in this subsection.

6 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
7 to prevent duly authorized personnel of the New Jersey Division of
8 Fish, Game and Wildlife, while in the actual performance of duties,
9 from possessing, transporting or using any device that projects,
10 releases or emits any substance specified as being non-injurious to
11 wildlife by the Director of the Division of Animal Health in the
12 Department of Agriculture, and which may immobilize wildlife and
13 produces only temporary physical discomfort through being vaporized
14 or otherwise dispensed in the air for the purpose of repelling bear or
15 other animal attacks or for the aversive conditioning of wildlife.

16 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
17 construed to prevent duly authorized personnel of the New Jersey
18 Division of Fish, Game and Wildlife, while in the actual performance
19 of duties, from possessing, transporting or using hand held pistol-like
20 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
21 purpose of frightening, hazing or aversive conditioning of nuisance or
22 depredating wildlife; from possessing, transporting or using rifles,
23 pistols or similar devices for the sole purpose of chemically
24 immobilizing wild or non-domestic animals; or, provided the duly
25 authorized person complies with the requirements of subsection j. of
26 this section, from possessing, transporting or using rifles or shotguns,
27 upon completion of a Police Training Commission approved training
28 course, in order to dispatch injured or dangerous animals or for
29 non-lethal use for the purpose of frightening, hazing or aversive
30 conditioning of nuisance or depredating wildlife.

31 (cf: P.L.1997, c.393)

32

33 ¹[5. There is appropriated \$3,000,000 from the General Fund to
34 the Judiciary to implement the provisions of P.L. , c. (C.)
35 (now pending before the Legislature as this bill).]¹

36

37 ¹[6.] 5.¹ (New section) The Administrative Director of the
38 Courts shall report within 18 months of this act's effective date to the
39 presiding officers of the Senate and General Assembly regarding the
40 effectiveness of the "Probation Officer Community Safety Unit"
41 established pursuant to section 2 of P.L. , c. (C.) (now
42 pending before the Legislature as section 2 of this bill) in tracking and
43 apprehending probationers.

44

45 ¹[7.] 6.¹ This act shall take effect immediately.

1

2

3 Grants to certain probation officers in new unit certain powers of
4 enforcement and authority to carry firearms subject to Supreme Court
5 rule.

CHAPTER 362

AN ACT concerning probation officers, supplementing Title 2B of the New Jersey Statutes, amending N.J.S.2C:39-6.

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

C.2B:10A-1 Findings, declarations relative to probation officers.

1. The Legislature finds and declares that:
 - a. The enforcement of probation sentences is crucial to the public safety;
 - b. Despite a drop in the overall crime rate, the number of dangerous and repeat offenders who are serving probation sentences has continued to rise in New Jersey;
 - c. The number of probationers who have violated the conditions of probation and have a warrant issued for their arrest has reached 15,000;
 - d. Probation officers working in the New Jersey State courts are not currently permitted to enforce these warrants;
 - e. Probation officers in other states are permitted to act as law enforcement officers.

C.2B:10A-2 "Probation Officer Community Safety Unit."

2. a. There shall be established within the Administrative Office of the Courts a "Probation Officer Community Safety Unit." The "Probation Officer Community Safety Unit" shall consist of no less than 200 probation officers, duly appointed pursuant to the provisions of N.J.S.2A:168-5, who shall be authorized to carry a firearm provided the carrying is in accordance with the authority provided in paragraph (17) of subsection c. of N.J.S.2C:39-6 and such rules as are adopted by the Supreme Court regarding the carrying of a firearm by a probation officer. The probation officer shall undergo a course of law enforcement training as administered by the Police Training Commission which training shall be subject to and in accordance with rules adopted by the Supreme Court. A probation officer in the "Probation Officer Community Safety Unit" shall have the authority to arrest, detain and transport probationers and enforce the criminal laws of this State in accordance with such conditions and guidelines as set forth in rules adopted by the Supreme Court and shall be empowered to enforce warrants for the apprehension and arrest of probationers who violate the conditions of their probation sentence.
 - b. A "Probation Officer Community Safety Unit" shall be assigned to every county and consist of no less than five probation officers.
 - c. Prior to being permitted to carry a firearm, a probation officer assigned to the "Probation Officer Community Safety Unit" shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

C.2B:10A-3 Self-defense training for probation officers.

3. Any probation officer, duly appointed pursuant to the provisions of N.J.S.2A:168-5, including probation officers assigned to the "Probation Officer Community Safety Unit" established pursuant to section 2 of P.L.2001, c.362 (C.2B:10A-2), shall undergo a basic course of self-defense training administered by the Police Training Commission which training shall be subject to and in accordance with rules adopted by the Supreme Court.

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

Exemptions.

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:

- (1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;
- (2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;
- (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;

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

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to 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 the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

(9) A juvenile corrections officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commission.

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

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

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

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

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may

be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

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

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

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

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

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

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

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

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(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 United States, and who is employed as a full-time security guard for a nuclear power plant under the license of the Nuclear Regulatory Commission, while in the actual performance of his official duties;

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall

annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

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 unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(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 of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of 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 regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of 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 purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

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

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 of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of 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 construed to prevent:

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

(2) A person carrying a firearm or knife in the woods or fields 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 appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

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

(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 place for the purpose of

practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

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

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

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

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

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

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

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

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

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

k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any financial

institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of five or more years prior to his disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of his usual law enforcement duties and any other available duty in the department which his employer was willing to assign to him or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun he is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is less than 70 years of age, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State or county corrections officer; a full-time county park police officer; a full-time county prosecutor's detective or investigator; or a full-time federal law enforcement officer from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer, within six months after retirement, shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner. (2) Upon receipt of the written application of the retired law enforcement officer, the superintendent shall request a verification of service from the chief law enforcement officer of the organization in which the retired officer was last regularly employed as a full-time law enforcement officer prior to retiring. The verification of service shall include:

(a) The name and address of the retired officer;

(b) The date that the retired officer was hired and the date that the officer retired;

(c) A list of all handguns known to be registered to that officer;

(d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

(e) A statement that the officer retired in good standing.

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for one year from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of

New Jersey in the county in which he resides by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of such a hearing shall be in accordance with law and the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein he resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish, Game and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish, Game and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals; or, provided the duly authorized person complies with the requirements of subsection j. of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife.

5. The Administrative Director of the Courts shall report within 18 months of this act's effective date to the presiding officers of the Senate and General Assembly regarding the effectiveness of the "Probation Officer Community Safety Unit" established pursuant to section 2 of P.L.2001, c.362 (C.2B:10A-2) in tracking and apprehending probationers.

6. This act shall take effect immediately.

Approved January 7, 2002.