

40A: 14-146

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-146

(Special police--weapons-
off duty-change requirements)

LAWS OF: 1985

CHAPTER: 45

Bill No: S589

Sponsor(s): Lipman and Graves

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage
denoted by asterisks

Date of Passage: Assembly: Jan. 3, 1985

Senate: Dec. 6, 1984

Date of Approval: February 13, 1985

Following statements are attached if available:

Sponsor statement: Yes (See below)

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Attached: Senate amendments (adopted 7-30-84), Senate amendments (adopted 6-28-84),
Senate amendments (adopted 4-30-84) and Senate amendments adopted
10-18-84 with statements

45 213-85 85

[FIFTH OFFICIAL COPY REPRINT]

SENATE, No. 589

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators LIPMAN and GRAVES

AN ACT concerning training requirements to carry weapons off duty by certain special ***[policemen]*** **police officers** and amending N. J. S. 40A:14-146.

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

1 1. N. J. S. 40A:14-146 is amended to read as follows:

2 40A:14-146. The governing body of any municipality, whenever
3 they shall deem it necessary, may appoint special ***[policemen]***
4 **police officers** for terms not exceeding one year and revoke such
5 appointments without cause or hearing. They shall not be mem-
6 bers of the police force, and their powers and duties shall cease at
7 the expiration of the terms for which they were appointed or upon
8 revocation of their appointments. They may be furnished with
9 badges upon the deposit of sums to be fixed by the governing body,
10 which may be refunded on the return of the badges. A fee to be
11 fixed by the governing body may be charged for issuing to any
12 such special ***[policeman]*** **police officer** a certificate of appoint-
13 ment.

14 No person shall be appointed as a special ***[policeman]*** **police*
15 *officer** unless he:

16 (1) Is a citizen of the United States;

17 (2) Is able to read, write and speak the English language well
18 and intelligently and possesses a high school diploma or its equi-
19 valent, or has at least three years experience as a special ***[police-**
20 **man]*** **police officer**, or has at at least three years combined ex-
21 perience as a special ***[policeman]*** **police officer** and violations
22 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 printed in italics *thus* is new matter.

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

*—Senate committee amendments adopted February 23, 1984.

**—Senate amendments adopted April 30, 1984.

***—Senate amendments adopted June 28, 1984.

****—Senate amendments adopted July 30, 1984.

*****—Senate amendments adopted October 18, 1984.

- 23 (3) Is sound in body and mind and of good health;
 24 (4) Is of good moral character; and
 25 (5) Has not been convicted of any criminal offense involving
 26 moral turpitude.

27 No person who is appointed a special ***[policeman]*** *police*
 28 *officer** under this section shall be permitted to carry a firearm
 29 unless he ***[or she]*** is capable of obtaining a passing grade in a
 30 course of study on firearms, powers of arrest, and criminal law
 31 and procedure, given by the appointing authority under the super-
 32 vision and control of the local police department.

33 Any person who at any time prior to his appointment had served
 34 as a duly qualified, fully trained, full-time police officer in any
 35 municipality of this State, shall be eligible to serve as a special
 36 ***[policeman]*** *police officer** pursuant to this act.

37 No such special ***[policeman]*** *police officer** shall carry a re-
 38 volver or other similar weapon when off duty; provided, however,
 39 that if any such special ***[policeman]*** *police officer** appointed
 40 by the governing body of any municipality having a population in
 41 excess of 300,000, according to the 1980 federal census who is a
 42 resident of the municipality and is employed as a special ***[police-**
 43 **man]*** *police officer** at least 35 hours per week, or less at the
 44 discretion of the *******[director of the municipal police force]*******
 45 ******chief of police****** and mayor, shall, at the direction of the
 46 *******[director of the municipal police force]******* ******chief of*
 47 *police******, have taken and successfully completed a firearms
 48 training course administered by the Police Training Commission,
 49 pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.) and **[has]**
 50 ***[will have]*** *has** successfully completed within **[three years of**
 51 **the effective date of this act]** ***[a period of time, established by**
 52 **the director in his discretion, all other training courses required**
 53 **of the permanent police officers in that municipality]*** *three years*
 54 *of the effective date of this *****1984 amendatory**** act *****or*
 55 *three years of the date of appointment of the special police officer,*
 56 *whichever is later******, *******[140]******* ******280****** *hours of train-*
 57 *ing in arrest, search and seizure, criminal law, and the use of deadly*
 58 *force, and shall annually qualify in the use of a revolver or similar*
 59 *weapon**, said special ***[policeman]*** *police officer** shall be per-
 60 mitted to carry a revolver or other similar weapon when off duty
 60A within the municipality where he is employed. Specific authoriza-
 60B tion shall be in the form of a permit *which shall not be unreason-*
 60C *ably withheld**, which is subject to renewal annually and may be
 60D revoked at any time by the *******[director]******* ******chief******.

61 The permit shall be on the person of the special ***[policeman]***
 62 **police officer** whenever a revolver or other similar weapon is
 63 carried off duty. **[No such permit shall be issued until the special**
 64 **police officer has successfully completed all training courses re-**
 65 **quired under this section.]** **No permit shall be issued until the*
 66 *special police officer has successfully completed all training courses*
 67 *required under this section. Any training courses completed by a*
 68 *special police officer under the direction of the ****[chief of]*****
 69 ********[**municipal** police ****director**]******* ****chief of*****
 70 *police***** in a school and a curriculum approved by the Police*
 71 *Training Commission, pursuant to P.L. 1961, c. 56 (C. 52:17B-66*
 72 *et seq.), shall be credited towards the *******[140]******* ****280*****
 73 *hours of training required to be completed by this section. Any*
 73A *training required by this section shall commence within 90 days*
 73B *of the effective date of this amendatory act.**

74 Every such special ***[policeman]*** **police officer** shall have his
 75 fingerprints taken and they shall be filed with the Division of State
 76 Police and the federal Bureau of Investigation. He shall be under
 77 the supervision and direction of the ****[chief of]**** ****chief of**
 78 *police *******[or, in a municipality having a population in excess of***
 79 *300,000 according to the 1980 federal census, the*** police ****direc-***
 80 *tor** ****,**]******* of the municipality wherein he is appointed*
 81 and shall perform his duties only in such municipality unless in
 82 fresh pursuit of any person pursuant to chapter 156 of Title 2A
 83 of the New Jersey Statutes. He shall comply with the rules and
 84 regulations applicable to the conduct and decorum of the regular
 85 ***[policemen]*** **police officers** of the municipality.

86 Before any such appointment is made the ****[chief of]**** ****chief**
 87 *of police *******[or, in a municipality having a population in excess***
 88 *of 300,000 according to the 1980 federal census, the*** police*
 89 *****director** ****,**]******* of the municipality shall ascertain the***
 90 *eligibility, character, integrity, psychological fitness and qualifi-*
 91 *cations of the applicant for the position and make a report thereon*
 92 *to the governing body.*

1 2. This act shall take effect immediately.

65 decorum of the regular policemen of the municipality.

66 Before any such appointment is made the chief of police of the
67 municipality shall ascertain the eligibility, character, integrity,
68 psychological fitness and qualifications of the applicant for the
69 position and make a report thereon to the governing body.

1 2. This act shall take effect immediately.

STATEMENT

Under present law certain special policemen are permitted to carry weapons off duty in the municipality where employed. They are required to have both the firearms training course administered by the Police Training Commission and the training required of the municipal police prior to the issuance of the permit to carry off duty. This bill removes the requirement that the local police training be completed prior to the issuance of the permit, and allows the director of police to establish the time period for meeting that requirement.

5589 (1985)

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 589

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1984

Under current law, a special police officer in a municipality having a population in excess of 300,000 who is a resident of the municipality and is employed as a special police officer at least 35 hours per week is permitted to carry a weapon while off duty in the municipality where he is employed if he has a permit to do so. In order to qualify for the permit, these special police officers are required to have completed the firearms training course administered by the Police Training Commission and, within three years of the effective date of the law that gave them permission to carry their weapons while off duty, (i.e., by October 26, 1985), to have completed the same training required of other municipal police.

Senate Bill No. 589, as amended by the Senate Law, Public Safety and Defense Committee, amends N. J. S. 40A:14-146 to approximately cut in half the amount of training that special police officers must complete before they can qualify for a permit to carry their weapons while off duty. Instead of requiring them to complete all of the training required by other municipal police (approximately 280 hours), the bill, as amended, would require them to complete 140 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and would require them to qualify annually in the use of a revolver or similar weapon. This training would still have to be completed within three years of the effective date of the law that gave them permission to carry their weapons while off duty.

The committee also amended the bill to require that the permits allowing special police officers to carry their weapons while off duty not be unreasonably withheld, to require that any training completed by a special police officer in a curriculum approved by the Police Training Commission be credited towards the 140 hours of training required by the bill, and to require that any training required by the bill be commenced within 90 days of the bill's effective date.

Finally, the committee amended the bill to replace the term "special policeman" with the term "special police officer" in recognition of the fact that women can be special police.

ADOPTED

JUL 30 1984

XIV-8/nm
7/30/84

OK
ZM

Senate Amendments
(Proposed by Senator Lipman, 7/30/84)

to

Senate Bill No. 589 (3rd OCR)

(Sponsored by Senator Lipman)

Amend:

Page	Sec.	Line	
2	1	53	After "this" insert "1984 amendatory"; after "act" insert "or three years of the date of appointment of the special police officer, whichever is later"; omit "140" insert "280"
3	1	71	Omit "140" insert "280"

STATEMENT

These amendments increase the number of hours of training to that minimally required by the Police Training Commission and also clarify the time in which the special police officer must complete that training in order to qualify to carry a weapon off duty.

Printer's Note:

On page 2, sec. 1, line 52, after "date" correct "of"

of shall be under the supervision of the chief of police instead of the municipal police director

ADOPTED
JUN 28 1984

ALV JS
6/28/84

JA

Senate Amendments
(Proposed by Sen. Lipman, 6/28/84)
to

Senate Bill No. 589 (2nd OCR)

Amend: (Sponsored by Senator Lipman)

Page	Sec.	Line	
3	1	77	After "of]" insert "chief of police or, in a municipality having a population in excess of 300,000 according to the 1980 federal census, the"
3	1	78	After "tor" insert ", "
3	1	84	After "of]" insert "chief of police or, in a municipality having a population in excess of 300,000 according to the 1980 federal census, the"
3	1	85	After "director" insert ", "

STATEMENT

These amendments clarify the authority of the chief of police over special police in most municipalities versus that authority held by the police director in certain municipalities.

or shall be under the supervision of the chief of police instead of the municipal police director.

ADOPTED
APR 30 1984

1-01
4/26/84

Senate Amendments
proposed by Senator Lipman
to

Senate Bill No. 589 OCR
sponsored by
Senator Lipman

Amend:

Page	Sec.	Line
3	1	68
3	1	77
3	1	84

Omit "chief of" insert "municipal"
After "police" insert "director"

Omit "chief of"
After "police" insert "director"

Omit "chief of"
After "police" insert "director"

STATEMENT

It was the intention of the Senate Law, Public Safety and Defense Committee, in reporting S 589, that the municipal police director and not the chief of police, should supervise special police officers.

Several references to the police chief as the supervisor of special police officers inadvertently were retained in the bill.

The purpose of these amendments is to correct these references to the chief of police and to replace them with references to the municipal police director.

ADU
OCT 18 1964

Senate amendments
Senate

589 4th OCR

Bill No. _____

sponsored by Senator Lipman

Amend:

Page	Sec.	Line	
2	1	44	After "discretion of the" , Omit "director of the municipal police force"; insert "chief of police" <i>e</i>
2	1	45	After "direction of the" Omit "director of the municipal police force"; insert "chief of police" <i>e</i>
2	1	60	After "at any time by the" , Omit "director"; insert "chief" <i>e</i>
3	1	69	Omit "municipal police director"; insert "chief of police" <i>e</i>
3	1	78	After "police" omit "or, in a municipality having a population in excess of 300,000" <i>e</i>
3	1	79	Omit entire line ^{79 in its entirety} <i>e</i>
3	1	80	Omit ", " <i>e</i>
3	1	87	After "of police" omit "or, in a municipality having a population in excess of" <i>e</i>
3	1	88	Omit entire line ^{88 in its entirety} <i>e</i>
3	1	89	Omit "director," <i>e</i>

STATEMENT

These amendments provide that the training and direction of special police officers in municipalities having a population in excess of ^{300,000} shall be under the supervision of the chief of police instead of the municipal police director.