

40A:14-146.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-146.2, 40A:14-146.2a, 40A:14-146.3(Housing police--2nd class cities-police powers)

LAWS OF: 1985

CHAPTER: 52

Bill No: S1306

Sponsor(s): Hirkala

Date Introduced: February 23, 1985

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments denoted by asterisks according to Governor's recommendations

Date of Passage: Assembly: Oct. 11, 1984 Re-enacted 2-19-85

Senate: May 21, 1984 Re-enacted 1-31-85

Date of Approval: February 21, 1985

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: ~~No~~ Yes.

Following were printed:

Reports: No

Hearings: No

Sponsor's Statement:

The purpose of this act is to permit housing police in the City of Passaic who have successfully completed a police training course or program approved by the Police Training Commission, to exercise all police powers including the power to apprehend offenders.

SENATE, No. 1306

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senator HIRKALA

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning housing police ***[in certain cities of the second class with a population of more than 50,000 but less than 75,000 inhabitants]***, **amending the title of P. L. 1975, c. 189, amending the body of said act,** and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1 ***[1. Notwithstanding any provision of law to the contrary, any**
2 **person holding position or employment as a housing guard, housing**
3 **patrolman or housing police officer in any city of the second class**
4 **with a population of more than 50,000 but less than 75,000 inhab-**
5 **itants in any county of the second class who has successfully**
6 **completed a police training course or program approved by the**
7 **Police Training Commission, shall have all the powers conferred by**
8 **law on police officers in the enforcement of the laws of this State or**
9 **municipal ordinances, including the power to apprehend offen-**
10 **ders.]***

1 ***1. Section 1 of P. L. 1975, c. 189 (C. 40A:14-146.2) is amended**
2 **to read as follows:**

3 1. Notwithstanding any provision of law to the contrary relating
4 to the qualification required for appointment to any municipal
5 police force, any person holding position or employment as a
6 housing guard or housing patrolman on the effective date of this
7 act in any city of the second class with a population of more than
8 140,000 inhabitants *according to the 1970 federal census* in any

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 amendments adopted in accordance with Governor's recommendations January 24, 1985.**

9 county of the second class or in any city of the second class with
 10 a population of more than 52,000 but less than 55,000 inhabitants
 11 according to the 1980 federal census in a county of the second class
 12 on the effective date of this 1984 amendatory and supplementary
 13 act who was appointed to such position of employment after ex-
 14 amination in accordance with the provisions of Title 11 (Civil
 15 Service) of the Revised Statutes, may be appointed by any such
 16 city under the title of housing police officer and shall be certified
 17 as such by the Civil Service Commission without further examina-
 18 tion. Such person shall, from the effective date of this act, hold
 19 his position or employment subject to and in accordance with the
 20 provisions of Title 11 (Civil Service) of the Revised Statutes.

1 2. (New section) Any person appointed to the position of hous-
 2 ing guard or housing patrolman after the effective date of this
 3 1984 amendatory and supplementary act shall be appointed to that
 4 position of employment after examination in accordance with the
 5 provisions of Title 11 of the Revised Statutes and shall hold that
 6 position of employment subject to and in accordance with the pro-
 7 visions of Title 11 of the Revised Statutes. In addition, these per-
 8 sons shall be citizens of the United States, sound in body and in
 9 good health, able to read, write and speak English, of good moral
 10 character and free of any conviction of an offense involving moral
 11 turpitude.

1 3. Section 2 of P. L. 1975, c. 189 (C. 40A:14-146.3) is amended
 2 to read as follows:

3 2. **【**Any such housing police officer, who has successfully com-
 4 pleted a police training course or program approved by the Police
 5 Training Commission,**】** a. Any officer appointed pursuant to sec-
 6 tion 1 of P. L. 1975, c. 189 (C. 40A:14-146.2) in any city of the
 7 second class with a population of more than 140,000 inhabitants
 8 according to the 1970 federal census or in any city of the second
 9 class with a population of more than 52,000 but less than 55,000
 10 inhabitants according to the 1980 federal census in a county of the
 11 second class or b. any person appointed pursuant to section 2 of
 12 P. L., c. (C.) (now as Senate Bill No. 1306
 13 of 1984) in any city of the second class with a population of more
 14 than 140,000 inhabitants according to the 1970 federal census in a
 15 county of the second class or in any city of the second class with a
 16 population of more than 52,000 but less than 55,000 inhabitants
 17 according to the 1980 federal census in a county of the second class
 18 who shall have successfully completed the minimum number of
 19 hours required for full time police officers to complete the police
 20 training course or program approved by the Police Training Com-

21 *mission in arrest, search and seizure, criminal law, the use of deadly*
22 *force, and any other course required by the Police Training Com-*
23 *mission and who shall annually qualify in the use of a revolver or*
24 *similar weapon, shall have all the powers conferred by law on*
25 *police officers in the enforcement of the laws of this State or mu-*
26 *nicipal ordinances, including the power to apprehend offenders.*

1 4. The title of P. L. 1975, c. 189 is amended to read as follows:

2 An act concerning housing police [in certain cities of the second
3 class with a population of more than 140,000 inhabitants].*

1 *~~[2.]~~* *5.* This act shall take effect immediately.

VETO
11-29-84

SENATE, No. 1306

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senator HIRKALA

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning housing police in certain cities of the second class with a population of more than 50,000 but less than 75,000 inhabitants, and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1 1. Notwithstanding any provision of law to the contrary, any
2 person holding position or employment as a housing guard, housing
3 patrolman or housing police officer in any city of the second class
4 with a population of more than 50,000 but less than 75,000 inhab-
5 itants in any county of the second class who has successfully
6 completed a police training course or program approved by the
7 Police Training Commission, shall have all the powers conferred by
8 law on police officers in the enforcement of the laws of this State or
9 municipal ordinances, including the power to apprehend offenders.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this act is to permit housing police in the city of Passaic who have successfully completed a police training course or program approved by the Police Training Commission, to exercise all police powers, including the power to apprehend offenders.

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1306

STATE OF NEW JERSEY

DATED: AUGUST 6, 1984

Senate Bill No. 1306 permits housing police, in any city of the second class with a population of more than 50,000 but less than 75,000 inhabitants in any county of the second class, who have successfully completed a police training course or program approved by the Police Training Commission to exercise all police powers in enforcing State laws and municipal ordinances, including the power to apprehend offenders.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 1306

STATE OF NEW JERSEY

DATED: APRIL 25, 1984

Senate Bill No. 1306 would permit housing police, in any city of the second class with a population of more than 50,000 but less than 75,000 inhabitants in any county of the second class, who have successfully completed a police training course or program approved by the Police Training Commission to exercise all police powers in enforcing State laws and municipal ordinances, including the power to apprehend offenders.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 29, 1984

SENATE BILL NO. 1306

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 1306, with my objections, for reconsideration.

This bill provides that a housing guard, housing patrolman, or housing police officer in any city of the second class with a population of more than 50,000 but fewer than 75,000 inhabitants in any county of the second class shall have all the powers conferred by law on police officers, including the power to apprehend offenders, if he has successfully completed a police training course or program approved by the Police Training Commission.

This bill seeks to supplement Chapter 14 of Title 40A of the New Jersey Statutes in a manner almost identical to the provisions of N.J.S.A. 40A:14-146.2 and 40A:14-146.3. These statutes grant full police powers to the housing police of any city of the second class with a population of more than 140,000 in any county of the second class. Similarly, Senate Bill No. 1306 confers full police powers upon housing police in cities of the second class with a population of between 50,000 and 75,000 in any county of the second class. Because both statutes and the proposed supplement deal with precisely the same subject matter, the granting of police powers to housing police in cities of the second class in counties of the second class, Senate Bill No. 1306 should properly amend rather than supplement Chapter 14 of Title 40A. In short, a logical and coherent statutory pattern requires that amendments dealing with subject matter identical or similar to that already delineated by statute be precisely related to that existing statute.

The mode of incorporation of this bill into the statutory scheme, as a supplement rather than as an amendment to an existing statute, raises additional inconsistencies and infirmities. Senate Bill No. 1306 does not adopt the Civil Service examination requirement contained in N.J.S. 40A:14-146.2. There is no reason why housing police in one municipality should be required to take the Civil Service examination while identical officers in another municipality need not compete for the position. Housing police should be subject to Civil Service requirements as appointments and promotions are based on merit and

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fitness ascertained where practicable, by comprehensive examinations. This assures equality of selection and promotion for all our citizens who desire employment as a housing police officer.

Additionally, because of the extraordinary duties and privileges reposed within police officers, the qualifications of those deemed fit to be law enforcement officers are strictly regulated by statute. N.J.S. 40A:14-122 requires, at a minimum, that law enforcement officers be citizens of the United States, sound in body and in good health, able to read, write and speak English, of good moral character and free of any conviction of an offense involving moral turpitude. The statute that allows certain special police to carry a weapon off duty, N.J.S. 40A:14-146, and the statute which governs the appointment of temporary police officers, N.J.S. 40A:14-145, detail the same requirements. These same requirements should be specifically imposed by statute upon all who are authorized to exercise police powers; however, this bill contains none of these requirements. Furthermore, those who possess full police powers should have training which at least approximates that actually received by police officers. Senate Bill No. 589, for example, would require special police officers to receive 280 hours of training in arrest, search and seizure, criminal law and the use of deadly force and to have successfully completed a firearms training course administered and approved by the Police Training Commission. A detailing of training requirements acts as an important public safeguard by ensuring that police officers and those authorized to perform police functions have the training to effectively and safely perform the duties with which they are entrusted.

As indicated in the bill statement, this bill was drafted to only apply to the City of Passaic. Burlington, Camden, Mercer, Middlesex, Morris, Passaic, Somerset, and Union are all counties in the second class. Within those counties the towns of Cherry Hill, Old Bridge, Edison, Clifton, and Union, as well as the city of Passaic all have populations between 50,000 and 75,000. As such, all of these towns would also be included within the provisions of this bill. As such, six towns are affected by this bill; not just one!

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Accordingly, I herewith return Senate Bill No. 1306 for reconsideration and recommend that it be amended as follows:

Page 1, Title, Line 1: Omit "in certain cities of the second"

Page 1, Title, Line 2: Omit in its entirety

Page 1, Title, Line 3: Omit "inhabitants" insert "amending the title of P.L. 1975, c. 189, amending the body of said act,"

Page 1, Section 1, Lines 1 through 9: Omit in their entirety and insert new sections as follows:

"1. Section 1 of P.L. 1975, c. 189 (C. 40A:14-146.2) is amended to read as follows:

1. Notwithstanding any provision of law to the contrary relating to the qualifications required for appointment to any municipal police force, any person holding position or employment as a housing guard or housing patrolman on the effective date of this act in any city of the second class with a population of more than 140,000 inhabitants according to the 1970 federal census in any county of the second class or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants according to the 1980 federal census in a county of the second class on the effective date of this 1984 amendatory and supplementary act who was appointed to such position of employment after examination in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes, may be appointed by any such city under the title of housing police officer and shall be certified as such by the Civil Service Commission without further examination. Such person shall, from the effective date of this act, hold his position or employment subject to and in accordance with the provisions of Title 11 (Civil Service) of the Revised Statutes.
2. (New section) Any person appointed to the position of housing guard or housing patrolman after the effective date of this 1984 amendatory and supplementary act shall be appointed to that position of employment after examination in accordance with the provisions of Title 11 of the Revised Statutes and shall hold that position of employment

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subject to and in accordance with the provisions of Title 11 of the Revised Statutes. In addition, these persons shall be citizens of the United States, sound in body and in good health, able to read write and speak English, of good moral character and free of any conviction of an offense involving moral turpitude.

3. Section 2 of P.L. 1975, c. 189 (C. 40A:14-146.3) is amended to read as follows:

2. [Any such housing police officer, who has successfully completed a police training course or program approved by the Police Training Commission,] a. Any officer appointed pursuant to section 1 of P.L. 1975, c. 189 (C. 40A:14-146.2) in any city of the second class with a population of more than 140,000 inhabitants according to the 1970 federal census or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants according to the 1980 federal census in a county of the second class or b. any person appointed pursuant to section 2 of P.L. , c. (C.)(now as Senate Bill No. 1306 of 1984) in any city of the second class with a population of more than 140,000 inhabitants according to the 1970 federal census in a county of the second class or in any city of the second class with a population of more than 52,000 but less than 55,000 inhabitants according to the 1980 federal census in a county of the second class who shall have successfully completed the minimum number of hours required for full time police officers to complete the police training course or program approved by the Police Training Commission in arrest, search and seizure, criminal law, the use of deadly force, and any other course required by the Police Training Commission and who shall annually qualify in the use of a revolver or similar weapon, shall have all the powers conferred by law on police officers in the enforcement of the laws of this State or municipal ordinances, including the power to apprehend offenders.

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4. The title of P.L. 1975, c. 189 is amended to read as follows:
An Act concerning housing police [in certain cities of the second class
with a population of more than 140,000 inhabitants].

Page 1, Section 2, Line 1: Omit "2." insert "5."

Respectfully,

Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
609-292-8956

TRENTON, N.J. 08625

Release: FRIDAY, FEB. 22, 1985

Governor Thomas H. Kean has signed legislation which authorizes the Child Support Unit in the Department of Human Services to obtain income executions on unemployment insurance benefits to enforce child support orders.

The bill, S-1972, was sponsored by State Senator Donald T. DiFrancesco, R-Union. It brings New Jersey statutes into compliance with Federal law governing child support.

The Governor also signed the following bills:

S-596, sponsored by State Senator S. Thomas Gagliano, R-Monmouth, which directs local school districts to establish policies which would allow military recruiters the same access to school facilities as is provided to educational and occupational recruiters.

S-534, sponsored by State Senator Wayne Dumont, Jr., R-Warren, which provides for the inclusion of budgeted free balances (surplus) and miscellaneous revenue in the calculation of school district budget caps. Under the bill, cap allowances would be computed as they currently are, but would be based on the district's adjusted net current expense budget per pupil after including the surplus and miscellaneous revenue.

S-1306, sponsored by State Senator Joseph Hirkala, D-Passaic, which provides that a housing police officer shall, under certain circumstances, have all the powers conferred by the law on police officers, so long as the housing police officer has completed full training as required by the Police Training Commission, and qualifies annually in the use of a weapon.