

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-6; 18A:6-4.5 (Campus police--carrying weapons off duty)

LAWS OF: 1985 **CHAPTER:** 376

BILL NO: A778

Sponsor(s): Naples

Date Introduced: Pre-filed

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:** April 1, 1985 Re-enacted 9-9-85
Senate: May 2, 1985 Re-enacted 11-18-85

Date of Approval: November 26, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments, adopted 12-28-85 (with statement)

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

11-26-85

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 778

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman NAPLES

AN ACT concerning the possession of weapons by certain persons
 [and],* amending N. J. S. 2C:39-6 *and P. L. 1970, c. 211*.

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

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

2 2C:39-6. Exemptions. a. *****[Section]***** **N.J.S.** 2C:39-5
 2A does not apply to:

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

7 (2) Federal law enforcement officers, and any other federal offi-
 8 cers and employees required to carry firearms in the performance
 9 of their official duties;

10 (3) Members of the State Police*****[, a motor vehicle inspec-**
 10A **tor]*****;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
 12 assistant prosecutor, prosecutor's detective or investigator, deputy
 13 attorney general or State investigator employed by the Division
 14 of Criminal Justice of the Department of Law and Public Safety,
 15 investigator employed by the State Commission of Investigation,
 16 inspectors *****[and investigators]***** of the *****[Division of]*****
 17 Alcoholic Beverage Control ****Enforcement Bureau of the Division*
 18 *of State Police**** in the Department of Law and Public Safety

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

Matter printed in italics *thus* is new matter.

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

*—Assembly committee amendments adopted March 15, 1984.

**—Senate committee amendments adopted December 13, 1984.

***—Senate amendments adopted February 28, 1985.

****—Assembly amendments adopted in accordance with Governor's recom-
 mendations August 28, 1985.

18A ****authorized to carry such weapons by the Superintendent of State*
 18B *Police****, State park ranger, or State conservation officer;

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

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

35 (7) A regularly employed member, including a detective, of the
 36 police department of any county or municipality, or of any State,
 37 interstate, municipal or county park police force or boulevard
 38 police force, at all times while in the State of New Jersey, or any
 39 special policeman authorized to carry a revolver or other similar
 40 weapons while off duty within the municipality where he is em-
 41 ployed, as provided in N. J. S. 40A:14-146, or a special policeman
 42 or airport security officer appointed by the governing body of any
 43 county or municipality, except as provided in this paragraph, or
 44 by the commission, board or other body having control of a county
 45 park or airport or boulevard police force, while engaged in the
 46 actual performance of his official duties and when specifically
 47 authorized by the governing body to carry weapons; **[or]**
 47A ****or****

48 ****[(8) A paid member of a paid or part-paid fire department or*
 49 *force of any municipality who is assigned full-time to an arson*
 50 *investigation unit created pursuant to section 1 of P. L. 1981, c. 409*
 51 *(C. 40A:14-7.1), while engaged in the actual performance of arson*
 52 *investigation duties and when specifically authorized by the govern-*
 53 *ing body to carry weapons]*** **[.]* **[*; or***

53A **(9) A campus police officer appointed under P. L. 1970, c. 211*
 53B *(C. 18A:6-4.2 et seq.), at all times while in the State of New Jersey*
 53C *provided that the officer receives the approval of the governing*
 53D *body of the institution which appointed and commissioned the*
 53E *officer.*]***

53F *** (8) A full time, paid member of a paid or part-paid fire de-
 53G partment or force of any municipality who is assigned full-time or
 53H part-time to an arson investigation unit created pursuant to sec-
 53I tion 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson
 53J investigation unit in the county prosecutor's office, while either en-
 53K gaged in the actual performance of arson investigation duties or
 53L while actually on call to perform arson investigation duties and
 53M when specifically authorized by the governing body or the county
 53N prosecutor, as the case may be, to carry weapons. Prior to being
 53O permitted to carry a firearm, such a member shall take and suc-
 53P cessfully complete a firearms training course administered by the
 53Q Police Training Commission pursuant to P. L. 1961, c. 56 (C.
 53R 52:17B-66 et seq.), and shall annually qualify in the use of a re-
 53S volver or similar weapon prior to being permitted to carry a fire-
 53T arm.***

54 b. Subsections a., b. and c. of ***[section]*** ***N.J.S.***
 54A 2C:39-5 do not apply to:

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

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

67 c. Subsections b. and c. of ***[section]*** ***N.J.S.*** 2C:39-5
 67A do not apply to:

68 (1) A special agent of the Division of Taxation who has passed
 69 an examination in an approved police training program testing
 70 proficiency in the handling of any firearm which he may be required
 71 to carry ***[or a railway policeman]***, while in the actual perfor-
 72 mance of his official duties and while going to or from his place of
 73 duty, ***[a campus police officer appointed pursuant to P. L. 1970,**
 74 **c. 211 (C. 18A:6-4.2 et seq.), while going to and from his place of**
 75 **duty and while in the course of an official investigation within the**
 76 **State,]*** or any other police officer, while in the actual performance
 77 of his official duties;

78 (2) A State deputy conservation officer or a full-time employee
 79 of the Division of Parks and Forestry having the power of arrest

80 and authorized to carry weapons, while in the actual performance
81 of his official duties;

82 (3) A full-time member of the marine patrol force or a special
83 marine patrolman authorized to carry *****[such a]*** *****the*****
84 weapon by the Commissioner of Environmental Protection, while
85 in the actual performance of his official duties;**

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

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

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

97 (7) An officer of the Society for the Prevention of Cruelty to
98 Animals, while in the actual performance of his duties; ***[or]***

99 (8) An employee of a public utilities corporation actually en-
100 gaged in the transportation of explosives **[.] * ;*[or]***

100A **(9) A railway policeman, at all times while in the State of New*
100B *Jersey, provided that he has passed an approved police academy*
100C *training program consisting of at least 280 hours. The training*
100D *program shall include, but need not be limited to, the handling of*
100E *firearms, community relations, and juvenile relations**[.]** **;*
100F *or***

100G *** (10) A campus police officer appointed under P. L. 1970, c. 211*
100H *(C. 18A:6-4.2 et seq.), ****[at all times while in the State of New*
100I *Jersey provided that the officer receives the approval of the*
100J *governing body of the institution which appointed and commis-*
100K *sioned the officer]**** ********while going to and from his place of*
100L *duty and while in the course of performing official duties or while*
100M *in the course of an official investigation within the State. Prior to*
100N *being permitted to carry a firearm, a campus police officer shall*
100O *take and successfully complete a firearms training course admin-*
100P *istered by the Police Training Commission pursuant to P. L. 1961,*
100Q *c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use*
100R *of a revolver or similar weapon prior to being permitted to carry*
100S *a firearm****.***

101 d. **(1)* Subsections c. and d. of ***[section]*** **N.J.S.***
102 *2C:39-5 do not apply to antique firearms, provided that such an-*
103 *tique firearms are unloaded or are being fired for the purposes of*
104 *exhibition or demonstration at an authorized target range or in*
105 *such other manner as has been approved in writing by the chief law*
106 *enforcement officer of the municipality in which the exhibition or*
106A *demonstration is held*, or if not held on property***[.]*** under*
106B *the control of a particular municipality, the superintendent*.*

106C **(2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of*
106D *N. J. S. 2C:39-5 do not apply to an antique cannon that is capable*
106E *being fired but that is unloaded and immobile, provided that the*
106F *antique cannon is possessed by (a) a scholastic institution, a*
106G *museum, a municipality, a county or the State, or (b) a person who*
106H *obtained a firearms purchaser identification card as specified in*
106I *N. J. S. 2C:58-3.*

106J *(3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.*
106K *2C:39-5 do not apply to an unloaded antique cannon that is being*
106L *transported by one eligible to possess it, in compliance with regula-*
106M *tions the superintendent may promulgate, between its permanent*
106N *location and place of purchase or repair.*

106O *(4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.*
106P *2C:39-5 do not apply to antique cannons that are being loaded or*
106Q *fired by one eligible to possess an antique cannon, for purposes of*
106R *exhibition or demonstration at an authorized target range or in the*
106S *manner as has been approved in writing by the chief law enforce-*
106T *ment officer of the municipality in which the exhibition or demon-*
106U *stration is held, or if not held on property under the control of a*
106V *particular municipality, the superintendent, provided that per-*
106W *former has given at least 30 days' notice ***[of such]*** to the*
106X *superintendent.*

106Y *(5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.*
106Z *2C:39-5 do not apply to the transportation of unloaded antique*
107 *cannons directly to or from exhibitions or demonstrations autho-*
108 *rized under paragraph (4) of subsection d. of this section, provided*
109 *that the transportation is in compliance with safety regulations the*
110 *superintendent may promulgate. Nor do those subsections apply to*
111 *transportation directly to or from exhibitions or demonstrations*
112 *authorized under the law of another jurisdiction, provided that the*
113 *superintendent has been given 30 days' notice ***[of such]*** and*
114 *that the transportation is in compliance with safety regulations*
115 *the superintendent may promulgate.**

116 e. Nothing in subsections b., c. and d. of *****[section]*****
 117 *****N.J.S.***** 2C:39-5 shall be construed to prevent a person keep-
 118 ing or carrying about his place of business, residence, premises or
 119 other land owned or possessed by him, any firearm, or from carry-
 120 ing the same, in the manner specified in subsection g of this section,
 121 from any place of purchase to his residence or place of business,
 122 between his dwelling and his place of business, between one place of
 123 business or residence and another when moving, or between his
 124 dwelling or place of business and place where such firearms are re-
 125 paired, for the purpose of repair. For the purposes of this section,
 126 a place of business shall be deemed to be a fixed location.

127 f. Nothing in subsections b., c. and d. of *****[section]*****
 128 *****N.J.S.***** 2C:39-5 shall be construed to prevent:

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

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

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

144 (a) Directly to or from any place for the purpose of hunting or
 145 fishing, provided *****[such]***** *****the***** person has in his pos-
 146 session a valid hunting or fishing license; or

147 (b) Directly to or from any target range, or other authorized
 148 place for the purpose of practice, match, target, trap or skeet shoot-
 149 ing exhibitions, provided in all cases that during the course of
 150 *****[such]***** *****the***** travel all firearms are carried in the man-
 151 ner specified in subsection g. of this section and the person has
 152 complied with all the provisions and requirements of Title 23 of
 153 the Revised Statutes and any amendments thereto and all rules
 154 and regulations promulgated thereunder; or

155 (c) In the case of a firearm, directly to or from any exhibition
 156 or display of firearms which is sponsored by any law enforcement
 157 agency, any rifle or pistol club, or any firearms collectors club,
 158 for the purpose of displaying *****[of]***** the firearms to the public

159 or to the members of ~~***[such]***~~ ~~***the***~~ organization or club,
 160 provided, however, that not less than 30 days prior to ~~***[such]***~~
 161 ~~***the***~~ exhibition or display, notice of ~~***[such]***~~ ~~***the***~~
 161A exhibition or display shall be given to the Superintendent of the
 162 State Police by the sponsoring organization or club, and the spon-
 163 sor has complied with such reasonable safety regulations as the
 164 superintendent may promulgate. Any firearms transported pur-
 165 suant to this section shall be transported in the manner specified
 166 in subsection g. of this section;

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

171 g. All weapons being transported under ~~*[subsections]*~~
 172 ~~***[*subsection* b. (2), e. or f. (1) or (3)]***~~ ~~***paragraph (2)~~
 173 ~~of subsection b., of subsection e., or paragraphs (1) or (3) of sub-~~
 174 ~~section f.***~~ of this section shall be carried unloaded and contained
 175 in a closed and fastened case, gunbox, securely tied package, or
 176 locked in the trunk of the automobile in which it is being trans-
 176A ported, and in the course of travel shall include only such devia-
 176B tions as are reasonably necessary under the circumstances.

177 h. Nothing in subsection d. of ~~***[section]***~~ ~~***N.J.S.***~~
 178 ~~2C:39-5~~ shall be construed to prevent any employee of a public
 179 utility, as defined in R. S. 48:2-13, doing business in this State or
 180 any United States Postal Service employee, while in the actual
 181 performance of duties which specifically require regular and fre-
 182 quent visits to private premises, from possessing, carrying or using
 183 any device which projects, releases or emits any substance specified
 184 as being noninjurious to canines or other animals by the Commis-
 185 sioner of Health and which immobilizes only on a temporary basis
 186 and produces only temporary physical discomfort through being
 187 vaporized or other wise dispensed in the air for the sole purpose
 188 of repelling canine or other animal attacks.

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

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

196 i. Nothing in subsection d. of ~~***N.J.S.***~~ ~~2C:39-5~~ shall be con-
 197 strued to prevent any person who is 18 years of age or older and who
 198 has not been convicted of a felony, from possession for the purpose

199 of personal self-defense of one pocket-sized device which contains
 200 and releases not more than three-quarters of an ounce of chemical
 201 substance nor ordinarily capable of lethal use or of inflicting
 202 serious bodily injury, but rather, is intended to produce temporary
 203 physical discomfort or disability through being vaporized or
 204 otherwise dispensed in the air. Any person in possession of any
 205 device in violation of this subsection shall be deemed and adjudged
 206 to be a disorderly person, and upon conviction thereof, shall be
 207 punished by a fine of not less than \$100.00.

1 *2. Section 4 of P. L. 1970, c. 211 (C. 18A:6-4.5) is amended to
 2 read as follows:

3 4. Every person so appointed and commissioned shall **], while on**
 4 duty, within the limits of the property under the control of the
 5 respective institutions and on contiguous streets and highways, **]**
 6 *****, while going to and from his place of duty and while in actual*
 7 *performance of his official duties within the State,***** possess all
 8 the powers of policemen and constables in criminal cases and
 9 offenses against the law *pursuant to any limitations as may be*
 10 *imposed by the governing body of the institution which appointed*
 11 *and commissioned the person.**

1 * **[2.]** *3.* This act shall take effect immediately.

205 device in violation of this subsection shall be deemed and adjudged
206 to be a disorderly person, and upon conviction thereof, shall be
207 punished by a fine of not less than \$100.00.

1 2. This act shall take effect immediately.

STATEMENT

This bill authorizes campus police to carry weapons at certain times. Campus police are currently permitted to carry handguns or rifles while on duty. This bill amends N. J. S. 2C:39-6 to group campus police with other types of police officers in a conditional exemption from the weapon prohibitions of N. J. S. 2C:39-5. The bill would only permit campus police to carry their weapons to and from their place of duty and while in the course of an official investigation within the State.

A 778 (1985)

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 778
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1984

Assembly Bill No. 778 amends N. J. S. 2C:39-6 in order to include campus police officers with other types of officers in a conditional exemption from the weapon prohibitions of N. J. S. 2C:39-5.

As amended by the Assembly Law, Public Safety and Defense Committee, the bill allows a campus police officer appointed and commissioned according to P. L. 1970, c. 221 (C. 18A:6-4.2 et seq.) to carry weapons at all times while in the State of New Jersey provided that the officer receives the approval of the governing body of the institution which appointed and commissioned the officer. In addition, the amendments remove the territorial limitation on the police powers of a campus police officer as defined in section 4 of P. L. 1970, c. 211 (C. 18A:6-4.5) so that a campus police officer would be able to exercise police powers at all times anywhere in the State subject to any limitation imposed by the governing body of the institution which appointed and commissioned the officer. Technical amendments were also made by the committee to conform the bill to present law.

As originally drafted, the bill would have allowed a campus police officer appointed under P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.) to carry weapons while going to and from the place of duty and while in the course of an official investigation within the State. Campus police officers are currently permitted to carry handguns and rifles only while on duty. In addition, the original draft of the bill did not address the territorial limitation on the police powers of campus police officers. Presently, under section 4 of P. L. 1970, c. 211 (C. 18A:6-4.5), a campus police officer possesses all powers of policemen and constables in criminal cases and offenses against the law while on duty and within the limits of the property under the control of the respective institutions and on contiguous streets and highways.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 778

[OFFICIAL COPY REPRINT]
with Senate committee amendment

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1984

Assembly Bill No. 778 (OCR), as amended by the Senate Law, Public Safety and Defense Committee, permits a campus police officer appointed under P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.) to carry rifles, shotguns, and handguns at all times while in the State of New Jersey, subject to the approval of the governing body of the institution that appointed and commissioned him.

The bill also permits a campus police officer to exercise police powers at all times and in all jurisdictions within the State, subject to any limitation imposed on those powers by the governing body of the institution that appointed and commissioned him.

The committee amended the bill so that campus police officers are permitted to carry only rifles, shotguns and handguns. Prior to being amended, Assembly Bill No. 778 OCR would also have permitted them to carry machine guns.

Under current law, subsection c. (1) of N. J. S. 2C:39-6, a campus police officer is permitted to carry handguns, rifles and shotguns only while on duty.

Under section 4 of P. L. 1970, c. 211 (C. 18A:6-4.5), a campus police officer possesses all the powers of policemen and constables in criminal cases and offenses against the law only while on duty and only within the limits of the property under the control of the institution that appointed and commissioned him and on contiguous streets and highways.

03-20-12 28 83

Senate Amendments
(Proposed by Senator

to

Assembly Bill No. 778 (SR) (OCR)
(Sponsored by Assemblyman Naples)

Amend:

Page	Sec.	Line
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STATEMENT

These amendments are of a technical nature, and conform N.J.S. 2C:39-6, as represented in Assembly Bill No. 778 (SR) (OCR), to the version presented in Senate Bill No. 1480 (3rd OCR), which was amended by the Governor in his message of conditional veto received by the Senate on January 31, 1985 and adopted on February 28, 1985. These amendments further incorporate the amendments to N.J.S. 2C:39-6 found in Senate Bill No. 1835 (2nd OCR), also returned by the Governor with recommended amendments.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

August 28, 1985

ASSEMBLY BILL NO. 778 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 778 (2nd OCR) with my objections for reconsideration.

The purpose of this bill is to amend N.J.S.A. 2C:39-6 to allow a campus police officer to carry weapons at all times while in the State of New Jersey, provided that the officer receives the approval of the governing body of the institution which appointed and commissioned the officer. This bill also amends N.J.S.A. 18A:6-4.5 to provide that every campus police officer appointed and commissioned shall possess all the powers of policemen and constables in criminal cases and offenses against the law pursuant to any limitations as may be imposed by the governing body of the institution which appointed and commissioned the officer.

I have long believed that, prior to a person being permitted to carry a firearm, the person must complete a course in firearms training. In fact, I have previously conditionally vetoed several bills to specifically require successful completion of a firearms training course administered by the Police Training Commission before any person may be permitted to carry a revolver or similar weapon and to require that person to annually re-qualify in the use of such weapons. Campus police, when initially appointed, are required to successfully complete a police training course at a school approved and authorized by the Police Training Commission. The addition to this bill of a requirement for annual re-qualification will help ensure that campus police are current in the use of firearms and firearms safety. This will lessen the chance of accidents, increase public safety, and help foster professionalism in these police forces.

In 1970, in an apparent response to campus violence, N.J.S. 18:6-4.2 et seq. was enacted. Pursuant to that act the governing body of any institution of higher education or other institution of learning was authorized to appoint such persons as the governing body of the institution may designate to act as policemen for the institution. The campus police officers were granted peace officer powers which were specifically limited to "on duty, within the limits of the property under the control of the respective institutions and on contiguous streets and highways." With respect to weapons carrying privileges,

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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the act specified that the provisions of the concealed weapon law, N.J.S. 2A:151-41, shall not apply to any policemen appointed pursuant to the provisions of this act. When the Penal Code was enacted in 1978, the Legislature granted to a campus police officer the privilege to carry weapons, "while in the actual performance of his official duties."

The predecessor of this bill, Assembly Bill No. 1836 of the 1982-1983 Legislative Session, was amended in the Assembly Judiciary Committee to delete the language which would have allowed campus police officers to carry weapons at all times and added language to allow campus policemen to carry a firearm while going to or from his place of duty and while in the course of an official investigation within the county in which the campus to which he is assigned is located. They also deleted the language amending N.J.S. 18A:6-4.5 which would have given campus policemen total police powers statewide. I believe the Assembly Judiciary Committee's approach is the correct one; however, I believe that a campus police officer should be able to carry firearms while going to or from his place of duty and while in the course of performing official duties or while in the course of an official investigation anywhere in the State, not just in the county in which the campus is located, and that he should be authorized to exercise police powers statewide while in the actual performance of his official duties.

Campus police generally are not assigned to fixed locations as are most special police and security guards, but must patrol sprawling campuses which often cross municipal boundaries. Many of the crimes which occur on university property are committed by criminals who flee to other jurisdictions. Some officers must even travel across the State from one campus to another while others transport prisoners and evidence throughout the State on a regular basis. Under the circumstances, lifting territorial restrictions on their powers seems quite justified.

Accordingly, I herewith return Assembly Bill No. 778 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 4, Section 1, Lines 100H to 100K: On line 100H after ", " DELETE remainder of line, DELETE lines 100I to 100K in their entirety, on line 100K

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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INSERT "while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. 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."

Page 8, Section 2, After Line 5: INSERT ", while going to and from his place of duty and while in actual performance of his official duties within the State,"

Respectfully,
/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards
Chief Counsel