

40A: 14-146.8 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-146.8 et al "Special Law Enforcement Officers Act"

LAWS OF: 1985 CHAPTER: 439

BILL NO: A2512

Sponsor(s): Herman and others

Date Introduced: September 13, 1984

Committee: Assembly: Judiciary
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: October 22, 1984
Senate: September 12, 1985

Date of Approval: January 13, 1986

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 11-18-85 (with statement), Senate amendments, adopted 6-27-85 (with statement) and Assembly amendments, adopted 10-18-85 (with statement).

Committee statement: Assembly No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:
"State tightening rules on hiring special cops," Atlantic City Press, 11-19-85.
"Special cops targeted--new laws limit use of part-time officers," Trenton Times 5-11-86.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2512

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 13, 1984

By Assemblymen HERMAN, BOCCHINI, Assemblywoman PERUN,
Assemblymen THOMPSON, KERN and SHUSTED

AN ACT concerning the appointment of special law enforcement officers, supplementing chapter 14 of Title 40A of the New Jersey Statutes, P. L. 1962, c. 120 (C. 40:37-95.40 et seq.), amending N. J. S. 2C:39-6 and repealing 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. (New section) This act shall be known and may be cited as the
2 "Special Law Enforcement Officers Act."

1 2. (New section) As used in this act:

2 a. "Commission" means the Police Training Commission estab-
3 lished in the Department of Law and Public Safety pursuant to
4 section 5 of P. L. 1961, c. 56 (C. 52:17B-70);

5 b. "Emergency" means any *****[unusual conditions caused by any**
6 **circumstance including shortages in the personnel of the police force**
7 **caused by vacancies, sickness or injury, where the safety of the**
8 **public is endangered, as shall be determined by the chief of police,**
9 **or in the absence of the chief, other chief law enforcement officer**
10 *****[and]*** *or* any other person to whom the authority of designat-**
11 **ing an "emergency" has been prescribed by local ordinance]*****
11A ****sudden, unexpected or unforeseeable event requiring the immedi-*
11B *ate use or deployment of law enforcement personnel as shall be*
11C *determined by the chief of police, or in the absence of the chief,*
11D *other chief law enforcement officer or the mayor or the mayor's*
11E *designee to whom the authority of designating an "emergency" has*
11F *been prescribed by local ordinance. Vacations, shortages in police*

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 October 11, 1984.

**—Assembly amendments adopted October 18, 1984.

***—Senate committee amendments adopted February 25, 1985.

****—Senate amendments adopted June 27, 1985.

*****—Assembly amendments adopted November 18, 1985.

11G *personnel caused by vacancies unfilled by the appointing authority*
 11H *for more than 60 days, or any other condition which could reason-*
 11I *ably have been anticipated or foreseen shall not constitute an emer-*
 11J *gency for the purposes of this act; but an "emergency" may con-*
 11K *tinue for the purposes of this act when a vacancy remains unfilled*
 11L *for more than 60 days and when, on application of the appointing*
 11M *authority, the county prosecutor grants an extension for one or*
 11N *more additional 60 day period upon a showing by the appointing*
 11O *authority of a diligent, good faith effort to fill the vacancy***;*

12 c. "Local unit" means any municipality ***[or county]*** hav-
 13 ing established a regular police force pursuant to law;

14 d. "Population" means the population of the resort municipality
 15 shown in the last federal decennial census;

15A ***e. "Public entity" means the State and any county, munici-
 15B *pality, district, public authority, public agency and any other po-*
 15C *litical subdivision or public body in the State;****

16 ***[e.]*** ***f.*** "Resort municipality" means a municipality
 17 which, because of its recreational or entertainment characteristics
 18 or facilities or its close proximity to such characteristics, or facili-
 19 ties, experiences a substantial increase during the seasonal period
 20 in the number of persons visiting or temporarily residing there;

21 ***[f.]*** ***g.*** "Seasonal period" means any one period of
 22 four consecutive months during the calendar year ***except with
 23 regard to a resort municipality bordering on the Atlantic ocean in
 24 which case, "seasonal period" means one period of six consecutive
 25 months during the calendar year***;

26 ***[g.]*** ***h.*** "Special law enforcement officer" means any
 27 person appointed pursuant to this act to temporarily or intermit-
 28 tently perform duties similar to those performed regularly by
 29 members of a police force of a local unit, or to provide assistance
 30 to a police force during unusual or emergency circumstances, or
 31 at individual times or during regular seasonal periods in resort
 32 municipalities.

1 3. (New section) a. Any local unit may, as it deems necessary,
 2 appoint special law enforcement officers sufficient to perform the
 3 duties and responsibilities permitted by local ordinances authorized
 4 by N. J. S. 40A:14-118 and within the conditions and limitations
 5 as may be established pursuant to this act.

6 b. No person may be appointed as a special law enforcement
 7 officer unless the person:

8 (1) Is a resident of this State during the term of appoint-
 9 ment;

10 (2) Is able to read, write and speak the English language

11 well and intelligently and has a high school diploma or its
12 equivalent;

13 (3) Is sound in body and of good health;

14 (4) Is of good moral character;

15 (5) Has not been convicted of any offense involving dis-
16 honesty or which would make him unfit to perform the duties
17 of his office;

18 (6) Has successfully undergone the same psychological test-
19 ing that is required of all full-time police officers in the munici-
20 pality ***or with regard to a special law enforcement officer
20A hired for a seasonal period by a resort municipality which re-
20B quires psychological testing of its full-time police officers, has
20C successfully undergone a program of psychological testing
20D approved by the commission***.

21 c. Every applicant for the position of special law enforcement
22 officer appointed pursuant to this act shall have fingerprints taken,
23 which fingerprints shall be filed with the Division of State Police
24 and the Federal Bureau of Investigation.

25 d. No person shall be appointed to serve as a special law enforce-
26 ment officer in more than one local unit at the same time, nor shall
27 any permanent, regularly appointed full-time police officer of any
28 local unit be appointed as a special law enforcement officer in any
29 local unit. No public official with responsibility for setting law
30 enforcement policy or exercising authority over the budget of the
31 local unit or supervision of the police department of a local unit
32 shall be appointed as a special law enforcement officer.

33 e. Before any special law enforcement officer is appointed pur-
34 suant to this act, the chief of police, or, in the absence of the chief,
35 other chief law enforcement officer of the local unit shall ascertain
36 the eligibility and qualifications of the applicant and report these
37 determinations in writing to the appointing authority.

38 ***f. Any person who at any time prior to his appointment had
39 served as a dully qualified, fully-trained, full-time officer in any
40 municipality of this State and who was separated from that prior
41 service in good standing, shall be eligible to serve as a special law
42 enforcement officer consistent with guidelines promulgated by the
43 commission. The training requirements set forth in section 4 of
44 this act may be waived by the commission with regard to any person
45 eligible to be appointed as a special law enforcement officer pur-
46 suant to the provisions of this subsection.***

1 4. (New section) a. No person may commence his duties as a
2 special law enforcement officer unless he has successfully completed
3 a training course approved by the commission and no special law

4 enforcement officer may be issued a firearm unless he has success-
5 fully completed the basic firearms course approved by the com-
6 mission for permanent, regularly appointed police and annual
7 requalification examinations as required by subsection b. of section
8 7 of this act. There shall be two classifications for special police
9 officers. The commission shall prescribe by rule or regulation the
10 training standards to be established for each classification. Train-
11 ing may be in a commission approved academy or in any other
12 training program which the commission may determine appropriate.
13 The classifications shall be based upon the duties to be performed
14 by the special law enforcement officer as follows:

15 (1) Class One. Officers of this class shall be authorized to
16 perform routine traffic detail, spectator control and similar
17 duties. If authorized by ordinance, Class One officers shall have
18 the power to issue summonses for disorderly persons and petty
19 disorderly persons offenses, violations of municipal ordinances
20 and violations of Title 39 of the Revised Statutes. The use of a
21 firearm by an officer of this class shall be strictly prohibited
22 and no Class One officer shall be assigned any duties which may
23 require the carrying or use of a firearm.

24 (2) Class Two. Officers of this class shall be authorized to
25 exercise full powers and duties similar to those of a permanent,
26 regularly appointed full-time police officer. The use of a firearm
27 by an officer of this class may be authorized only after the
28 officer has been fully certified as successfully completing train-
29 ing as prescribed by the commission.

30 b. The commission may, in its discretion, except from the require-
31 ments of this section any person who demonstrates to the commis-
32 sion's satisfaction that he has successfully completed a police
33 training course conducted by any federal, state or other public or
34 private agency, the requirements of which are substantially equiv-
35 alent to the requirements of this act.

36 c. The commission shall certify officers who have satisfactorily
37 completed training programs and issue appropriate certificates to
38 those officers. The certificate shall clearly state the category of
39 certification for which the officer has been certified by the commis-
40 sion.

41 d. All special law enforcement officers appointed and in service
42 on the effective date of this act may continue in service if within
43 24 months of the effective date of this act they will have completed
44 all training and certification requirements of this act.

1 5. (New section) Every special law enforcement officer prior to the
2 commencement of his duties shall be furnished with a uniform

3 which shall identify the officer's function. The uniform shall in-
4 clude, but not be limited to, a hat and appropriate badges which
5 shall bear an identification number or name tag and the name of the
6 local unit in which the officer is employed. The uniform shall also
7 include an insignia issued by the commission which clearly in-
8 dicates the officer's status as a special law enforcement officer and
9 the type of certification issued pursuant to section 4 of this act.
10 ***[Six]*** *Within six* months following the effective date of this
11 act the commission shall issue the insignia. All special law enforce-
12 ment officers prior to the commencement of duties shall be in uni-
13 form properly displaying the appropriate insignia. Nothing in this
14 section shall preclude the designation on an insignia to read either
15 "special police" or "special law enforcement officer."

1 6. (New section) The local unit may charge a reasonable fee as
2 may be fixed by the governing body for equipment and uniforms
3 supplied pursuant to this act, but may not charge a fee for the costs
4 of training or issuing a certificate of appointment. The local unit
5 shall not be required to compensate a special law enforcement
6 officer for time spent in training.

1 7. (New section) a. Special law enforcement officers may be
2 appointed for terms not to exceed one year, and the appointments
3 may be revoked by the local unit for cause after adequate hearing,
4 unless the appointment is for four months or less, in which event
5 the appointment may be revoked without cause or hearing. Nothing
6 herein shall be construed to require reappointment upon the expira-
7 tion of the term. The special law enforcement officers so appointed
8 shall not be members of the police force of the local unit, and their
9 powers and duties as determined pursuant to this act shall cease at
10 the expiration of the term for which appointed.

11 b. No special law enforcement officer may carry a firearm except
12 while engaged in the actual performance of the officer's official duties
13 and when specifically authorized by the chief of police, or, in the
14 absence of the chief, other chief law enforcement officer of the local
15 unit to carry a firearm and provided that the officer has satis-
16 factorily completed the basic firearms course required by the com-
17 mission for regular police officers and annual requalification exam-
18 inations as required for permanent, regularly appointed full-time
19 officers in the local unit. A special law enforcement officer shall be
20 deemed to be on duty only while he is performing the public safety
21 functions on behalf of the local unit pursuant to this act and when
22 he is receiving compensation, if any, from the local unit at the rates
23 or stipends as shall be established by ordinance. A special law
24 enforcement officer shall not be deemed to be on duty for purposes

25 of this act while performing private security duties for private
 26 employers which duties are not assigned by the chief of police, or,
 27 in the absence of the chief, other chief law enforcement officer ****[of**
 28 the local unit, or while receiving compensation for those duties from
 28A a private employer.]** *****[**Those duties assigned by the chief**
 28B *of police, or, in the absence of the chief, other chief law enforce-*
 28C *ment officer, shall be in accordance with an agreement between the*
 28D *municipality and the private employer which establishes the scope*
 28E *of public duties assigned and the manner of payment for those*
 28F *public duties, in which event a special law enforcement officer shall*
 29G *be deemed to be on duty pursuant for the purposes of this act.**]***
 29 ****of the local unit, or while receiving compensation for those du-*
 29A *ties from a private employer. A special law enforcement officer*
 29B *may, however, be assigned by the chief of police or, in the absence*
 29C *of the chief, other chief law enforcement officer, to perform public*
 29D *safety functions for a private entity if the chief of police or other*
 29E *chief law enforcement officer supervises the performance of the pub-*
 29F *lic safety functions. If the chief of police or other chief law enforce-*
 29G *ment officer assigns the public safety duties and supervises the per-*
 29H *formance of those duties, then, notwithstanding that the local unit*
 29I *is reimbursed for the cost of assigning a special law enforcement*
 29J *officer at a private entity, the special law enforcement officer shall*
 29K *be deemed to be on duty.*****

30 Any firearm utilized by a special law enforcement officer shall be
 31 returned at the end of the officer's work day to the officer in charge
 32 of the stationhouse, unless the firearm is owned by the special law
 33 enforcement officer and was acquired in compliance with a condition
 34 of employment established by the local unit. Any special law en-
 35 forcement officer first appointed after the effective date of this act
 36 shall only use a firearm supplied by the local unit.

37 *****[It is provided, however, that special law enforcement officers**
 38 who are appointed by the governing body of any municipality having
 39 a population in excess of 300,000 according to the 1980 federal cen-
 40 sus, who are residents of that municipality employed as special law
 41 enforcement officers at least 35 hours per week, or less at the
 42 direction of the director of the municipal police force, who have
 43 successfully completed the basic firearms training courses required
 44 by the commission for regular police and who have successfully
 45 completed within three years of the effective date of this act all
 46 other training courses required of the permanent police officers in
 47 that municipality, may be permitted to carry a revolver or other
 48 similar weapon when off duty within the municipality where em-
 49 ployed. Specific authorization shall be in the form of a permit which
 50 is subject to renewal annually and may be revoked at any time by the

51 director. The permit shall be on the person of the special law en-
 52 forcement officer whenever a revolver or other similar weapon is
 53 carried off duty. No permit shall be issued until the special law
 54 enforcement officer has successfully completed all training courses
 54A required under this section.*** **No such special police officer
 54B shall carry a revolver or other similar weapon when off duty; but
 54C if any such special police officer appointed by the governing body
 54D of any municipality having a population in excess of 300,000, ac-
 54E cording to the 1980 federal census, who is a resident of the munici-
 54F pality and is employed as a special police officer at least 35 hours
 54G per week, or less at the discretion of the chief of police and mayor,
 54H shall, at the direction of the chief of police, have taken and suc-
 54I cessfully completed a firearms training course administered by the
 54J Police Training Commission, pursuant to P. L. 1961, c. 56 (C.
 54K 52:17B-66 et seq.) and has successfully completed within three years
 54L of the effective date of P. L. 1985, c. 45 or three years of the date
 55 of appointment of the special police officer, whichever is later, 280
 55A hours of training in arrest, search and seizure, criminal law, and
 55B the use of deadly force, and shall annually qualify in the use of a
 55C revolver or similar weapon, said special police officer shall be per-
 55D mitted to carry a revolver or other similar weapon when off duty
 55E within the municipality where he is employed. Specific authoriza-
 55F tion shall be in the form of a permit which shall not be unreason-
 55G ably withheld, which is subject to renewal annually and may be re-
 55H voked at any time by the chief of police. The permit shall be on
 55I the person of the special police officer whenever a revolver or other
 55J similar weapon is carried off duty. No permit shall be issued until
 55K the special police officer has successfully completed all training
 55L courses required under this section. Any training courses com-
 55M pleted by a special police officer under the direction of the chief of
 55N police in a school and a curriculum approved by the Police Train-
 55O ing Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.),
 55P shall be credited towards the 280 hours of training required to be
 55Q completed by this section. Any training required by this section
 55R shall commence within 90 days of the effective date of P. L. 1985,
 55S c. 45 or within 90 days of the date of the appointment of the special
 55T police officer, whichever is later.***

56 c. A special law enforcement officer shall be under the super-
 57 vision and direction of the chief of police or, in the absence of the
 58 chief, other chief law enforcement officer of the local unit wherein
 59 the officer is appointed, and shall perform his duties only in the
 60 local unit unless in fresh pursuit of any person pursuant to chapter
 61 156 of Title 2A of the New Jersey Statutes.

62 d. The officer shall comply with the rules and regulations
 63 applicable to the conduct and decorum of the permanent, regularly
 64 appointed police officers of the local unit, as well as any rules and
 65 regulations applicable to the conduct and decorum of special law
 66 enforcement officers.

1 8. (New section) The chief of police, or, in the absence of the
 2 chief, other chief law enforcement officer of the local unit wherein
 3 the officer is appointed, may authorize special law enforcement
 4 officers when on duty to exercise the same powers and authority as
 5 permanent, regularly appointed police officers of the local unit,
 6 including, but not limited to, the carrying of firearms and the
 7 power of arrest, subject to rules and regulations, not inconsistent
 8 with the certification requirements of this act, as may be established
 9 by local ordinance adopted by the appropriate authority of the local
 10 unit in which they are employed.

1 9. (New section) a. ****[No]**** *****Except as provided in*
 2 *subsection c. of this section, no***** special law enforcement officer
 3 may be employed for more than 20 hours per week by the local unit
 4 except that special law enforcement officers may be employed by the
 5 local unit for those hours as the governing body may determine
 5A necessary in accordance with the limits prescribed below:

6 (1) In resort municipalities not to exceed *****[40]*****
 7 *****48**** hours per week during any seasonal period.

8 (2) In all municipalities without limitation as to hours during
 9 periods of emergency.

10 (3) In all municipalities **in addition to not more than 20*
 11 *hours per week ***including duties assigned pursuant to the*
 12 *provisions of section 7 of this act*** a* special law enforce-*
 13 *ment *[officers]* *officer* may be *[employed by another pub-*
 13A *lic agency if this employment shall not exceed 20 hours per*
 13B *week which is in addition to their general duties]* *assigned*
 13C *for not more than 20 hours per week to provide public safety*
 13D *and law enforcement services to a public ***[agency]*****
 13E ****entity***.*

14 (4) In municipalities, as provided in subsection b. of section
 15 7 of this act, for hours to be determined at the direction of the
 16 director of the municipal police force.

17 b. Notwithstanding any provision of this act to the contrary,
 18 special law enforcement officers may be employed only to assist the
 19 local law enforcement unit but may not be employed to replace or
 20 substitute for full-time, regular police officers or in any way
 21 diminish the number of full-time officers employed by the local unit.

22 *****c. Each municipality may designate one special law enforce-*

23 *ment officer to whom the limitations on hours employed set forth in*
 24 *subsection a. of this section shall not be applicable.*****

1 10. (New section) The local governing body shall by ordinance
 2 establish limitations upon the number and categories of special law
 3 enforcement officers which may be employed by the local unit in
 4 accordance with the certification and other requirements provided
 5 for in this act. In communities other than resort municipalities,
 6 the number of Class Two special law enforcement officers shall not
 7 exceed 25% of the total number of regular police officers except
 8 that no municipality shall be required to reduce the number of Class
 9 Two special law enforcement officers or the equivalent thereof in
 10 the employ of the municipality as of ***[the effective date of this
 11 act]*** ****March 1, 1985**** ***[except that a local unit shall not
 12 be required to revoke the appointment of any special law enforce-
 13 ment officer performing duties equivalent to those of Class Two
 14 special law enforcement officer on the effective date of this act, and
 15 who otherwise meets the training requirements of this act, solely
 16 to meet the 25% limitation]***. Notwithstanding the provisions
 17 of this section, each local unit may appoint two Class Two special
 18 law enforcement officers*.

1 11. (New section) Municipalities may provide by local ordinance
 2 that certain or all special law enforcement officers shall be residents
 3 of the municipality in which they are employed.

1 12. (New section) For purposes of P. L., c. . . . (C.
 2) (now pending before the Legislature as this bill), re-
 3 garding the appointment of special law enforcement officers, county
 4 park commissions shall be entitled to act as a local unit as defined
 5 in that act.

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

2 2C:39-6. Exemptions. a. Section 2C:39-5 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
 8 officers and employees required to carry firearms in the performance
 9 of their official duties;
- 10 (3) Members of the State Police[, a motor vehicle inspector];
- 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 of
 14 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 Alcoholic Beverage
17 Control in the Department of Law and Public Safety, State park
18 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 weapon by his superior officer, or a correction officer or
24 keeper of a penal institution in this State at all times while in the
25 State of New Jersey, provided he annually passes an examination
26 approved by the superintendent testing his proficiency in the han-
27 dling of firearms;

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

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

38 (b) **[any]** A special **[policeman]** *law enforcement officer* au-
39 thorized to carry a **[revolver]** *weapon* **[or other similar weapons**
40 **while off duty within the municipality where he is employed,]** as
41 provided in **subsection b. of section 7 of** **[N. J. S. 40A:14-146,]**
42 *P. L., c. . . . (C.), now pending before the*
42A *Legislature as this bill* **[or]**;

43 (c) **[a special policeman or]** *An airport security officer or a*
44 *special law enforcement officer* appointed by the governing body of
45 any county or municipality, except as provided in ***[this para-**
46 **graph]*** **subsection b. of this section**, or by the commission, board
47 or other body having control of a county park or airport or boule-
48 vard police force, while engaged in the actual performance of his
49 official duties and when specifically authorized by the governing
49A body to carry weapons; or

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

56 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

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

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

68 c. Subsections b. and c. of section 2C:39-5 do not apply to:

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

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

81 (3) A full-time member of the marine patrol force or a special
82 marine patrolman authorized to carry such a weapon by the Com-
83 missioner of Environmental Protection, while in the actual per-
84 formance of his official duties;

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

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

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

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

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

100 (9) A railway policeman, at all times while in the State of New
101 Jersey, provided that he has passed an approved police academy
102 training program consisting of at least 280 hours. The training
103 program shall include, but need not be limited to, the handling of
104 firearms, community relations, and juvenile relations.

105 d. (1) Subsections c. and d. of section 2C:39-5 do not apply to
106 antique firearms, provided that such antique firearms are unloaded
107 or are being fired for the purposes of exhibition or demonstration
108 at an authorized target range or in such other manner as has been
109 approved in writing by the chief law enforcement officer of the
110 municipality in which the exhibition or demonstration is held, or if
111 not held on property under the control of a particular municipality,
112 the superintendent.

113 (2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
114 2C:39-5 do not apply to an antique cannon that is capable of being
115 fired but that is unloaded and immobile, provided that the antique
116 cannon is possessed by (a) a scholastic institution, a museum, a
117 municipality, a county or the State, or (b) a person who obtained a
118 firearms purchaser identification card as specified in N. J. S.
119 2C:58-3.

120 (3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
121 2C:39-5 do not apply to an unloaded antique cannon that is being
122 transported by one eligible to possess it, in compliance with regula-
123 tions the superintendent may promulgate, between its permanent
124 location and place of purchaser or repair.

125 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
126 2C:39-5 do not apply to antique cannons that are being loaded or
127 fired by one eligible to possess an antique cannon, for purposes of
128 exhibition or demonstration at an authorized target range or in the
129 manner as has been approved in writing by the chief law enforce-
130 ment officer of the municipality in which the exhibition or demon-
131 stration is held, or if not held on property under the control of a
132 particular municipality, the superintendent, provided that per-
133 former has given at least 30 days' notice of such to the superin-
134 tendent.

135 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
136 2C:39-5 do not apply to the transportation of unloaded antique
137 cannons directly to or from exhibitions or demonstrations autho-
138 rized under paragraph (4) of subsection d. of this section, provided
139 that the transportation is in compliance with safety regulations the
140 superintendent may promulgate. Nor do those subsections apply to
141 transportation directly to or from exhibitions or demonstrations
142 authorized under the law of another jurisdiction, provided that the

143 superintendent has been given 30 days notice of such and that the
144 transportation is in compliance with safety regulations the super-
145 intendent may promulgate.

146 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall
147 be construed to prevent a person keeping or carrying about his
148 place of business, residence, premises or other land owned or
149 possessed by him, any firearm, or from carrying the same, in the
150 manner specified in subsection g. of this section, from any place of
151 purchase to his residence or place of business, between his dwelling
152 and his place of business, between one place of business or residence
153 and another when moving, or between his dwelling or place of
154 business and place where such firearms are repaired, for the purpose
155 of repair. For the purposes of this section, a place of business shall
156 be deemed to be a fixed location.

157 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall
158 be construed to prevent:

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

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

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

174 (a) Directly to or from any place for the purpose of hunting or
175 fishing, provided such person has in his possession a valid hunting
176 or fishing license; or

177 (b) Directly to or from any target range, or other authorized
178 place for the purpose of practice, match, target, trap or skeet shoot-
179 ing exhibitions, provided in all cases that during the course of
180 such travel all firearms are carried in the manner specified in sub-
181 section g. of this section and the person has complied with all the
182 provisions and requirements of Title 23 of the Revised Statutes
183 and any amendments thereto and all rules and regulations promul-
184 gated thereunder; or

185 (c) In the case of a firearm, directly to or from any exhibition
186 or display of firearms which is sponsored by any law enforcement
187 agency, any rifle or pistol club, or any firearms collectors club,
188 for the purpose of displaying of the firearms to the public or to the
189 members of such organization or club, provided, however, that not
190 less than 30 days prior to such exhibition or display, notice of such
191 exhibition or display shall be given to the Superintendent of the
192 State Police by the sponsoring organization or club, and the spon-
193 sor has complied with such reasonable safety regulations as the
194 superintendent may promulgate. Any firearms transported pur-
195 suant to this section shall be transported in the manner specified in
196 subsection g. of this section;

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

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

207 h. Nothing in subsection d. of section 2C:39-5 shall be construed
208 to prevent any employee of a public utility, as defined in R. S.
209 48:2-13, doing business in this State or any United States Postal
210 Service employee, while in the actual performance of duties which
211 specifically require regular and frequent visits to private premises,
212 from possessing, carrying or using any device which projects, re-
213 leases or emits any substance specified as being noninjurious to
214 canines or other animals by the Commissioner of Health and which
215 immobilizes only on a temporary basis and produces only tempo-
216 rary physical discomfort through being vaporized or otherwise
217 dispensed in the air for the sole purpose of repelling canine or other
218 animal attacks.

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

223 Any device used pursuant to this act shall be selected from a list
224 of products, which consist of active and inert ingredients, per-
225 mitted by the Commissioner of Health.

226 i. Nothing in subsection d. of 2C:39-5 shall be construed to pre-

227 vent any person who is 18 years of age or older and who has not
 228 been convicted of a felony, from possession for the purpose of
 229 personal self-defense of one pocket-sized device which contains
 230 and releases not more than three-quarters of an ounce of chemical
 231 substance not ordinarily capable of lethal use or of inflicting serious
 232 bodily injury, but rather, is intended to produce temporary physical
 233 discomfort or disability through being vaporized or otherwise
 234 dispensed in the air. Any person in possession of any device in
 235 violation of this subsection shall be deemed and adjudged to be a
 236 disorderly person, and upon conviction thereof, shall be punished
 237 by a fine of not less than \$100.00.

1 14. N. J. S. 40A:14-146 is repealed.

1 15. This act shall take effect *****[on]***** **[October 1,
 2 1985]** ** **[**60 days after enactment**]** ** ** **[**October
 3 1, 1985**]** ***** **immediately*****.

STATEMENT

This bill provides for the regulation of the powers, duties and qualifications of special law enforcement officers. This bill, which is the result of a series of consultations, has been drafted with participation from the New Jersey State League of Municipalities, the New Jersey Special Police Association, the Division of Criminal Justice, the New Jersey State Police Benevolent Association, the Police Training Commission, the New Jersey State Association of Chiefs of Police, the New Jersey Special Police Benevolent Association, the New Jersey State Lodge, Fraternal Order of Police, and the United States Reserve Police Officers Association. It is intended that by the solicitation of the varying views on this topic that this bill, as a joint effort, reflects a product that is acceptable to all parties concerned with special law enforcement officers.

Section 1 of the bill establishes the title; section 2 provides definitions, including the term "special law enforcement officer" to mean any person appointed to temporarily or intermittently perform duties similar to those performed regularly by members of the police force of the local unit or to provide assistance on an emergency, temporary or seasonal basis. Also included is a definition for the term "emergency" in which it is expressly stated that the determination of when an emergency is presented may be made by the chief of police and any other person given this authority by local ordinance.

Section 3 outlines the appointment and qualification requirements of special law enforcement officers. It is specifically noted that an appointment of any officer by a local unit is to be limited to service in one municipality and it is expressly prohibited for any public official to be appointed as a special law enforcement officer if the official has any particular law enforcement or budgetary responsibilities.

Section 4 states that the training of special law enforcement officers is to be prescribed by the Police Training Commission. Two classes of special law enforcement officers are established by defining the duties and limitations on the powers of each class. Class one officers are intended to perform limited duties and are strictly prohibited from carrying or using a firearm. Class two officers are accorded full powers and duties similar to those of a regularly appointed full-time police officer provided that the use of a firearm may only be authorized after successful completion of firearms training. In this section it is also provided that presently appointed special law enforcement officers are to be allowed to remain in

A2512(1985)

service if they complete all training requirements within 24 months of the effective date of this act.

Sections 5 and 6 concern the uniforms that special law enforcement officers are to be furnished. It is specified that the Police Training Commission is to issue an insignia to be worn on the uniform which indicates the status and particular certification of a special law enforcement officer.

Section 7 provides that the terms of appointment of special law enforcement officers is not to exceed one year. An officer is considered to be on duty when the officer is performing public safety functions on behalf of the local unit. By comparison special law enforcement officers who are performing private security duties for private employers which duties are not assigned or are receiving compensation from the private employer are not deemed to be on duty. A strict limitation to the carrying of firearms by officers is applied, the carrying of firearms by officers is only permitted while the officer is engaged in the actual performance of official duties and when authorized if all training requirements have been met. A particular exception in regard to the use of firearms, however, is made to any municipality with a population exceeding 300,000. This exception applying to Newark allows special law enforcement officers with a certain number of hours of work per week who have completed the basic firearms training course to carry a revolver or similar weapon when off duty within the municipality where employed.

Sections 8 and 9 deal with the authority and powers that may be accorded to a special law enforcement officer. Additionally, hour limitations on the number of hours that an officer may work are specified. Generally, officers may be employed for no more than 20 hours per week, however, in cases of resort municipalities, emergency situations or employment by another public agency the limitation is different. It is further clearly noted that special law enforcement officers are employed only to assist a local law enforcement unit and not to replace or substitute any full-time, regular police officers.

Section 10 allows for local governing bodies to establish limitations on the number and categories of special law enforcement officers who may be employed by a local unit. Other than in resort municipalities, the number of class two officers is not to exceed 25% of the total number of regular police officers, however, no reduction in the number of officers of this class already employed as of the effective date is to be required.

Section 11 allows municipalities to require that certain or all special law enforcement officers be residents of the municipalities in which they are employed.

Section 12 supplements P. L. 1962, c. 120 (C. 40:37-95.40) by providing that county park commissions, for purposes of appointing special law enforcement officers pursuant to this legislation, are entitled to act as a local unit as defined in this legislation.

Section 13 makes technical amendments to N. J. S. 2C:39-6 pertaining to firearms. Section 14 repeals N. J. S. 40A:14-146 and section 15 provides an effective date of October 1, 1985.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2512

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1985

Assembly Bill No. 2512, the "Special Law Enforcement Officers Act", provides for the regulation of the powers, duties and qualifications of special law enforcement officers.

DEFINITIONS:

Under the bill, "special law enforcement officer" is defined as any person appointed to temporarily or intermittently perform duties similar to those performed regularly by members of the police force of a local unit or to provide assistance on an emergency, temporary or seasonal basis.

The committee adopted the following amendments to the definitions section of the bill:

1. Redefine "emergency" to mean sudden, unexpected or unforeseeable events. Vacations and vacancies unfilled for more than 60 days and other conditions which could have been anticipated would not constitute an emergency. However, a municipality could be granted additional 60 day emergency periods by the county prosecutor with regard to a vacancy if the municipality could show a good faith effort to fill the vacancy.

2. Delete "county" from the term "local unit" as county law enforcement agencies do not presently use "specials". In this regard it should also be noted that colleges are not considered local units under the bill and therefore persons serving as campus police for nine months may serve as special police during the remainder of the year.

3. Define "public entity" as used in the bill the same as that term is defined by the Torts Claims Act in order to clarify to which public entities "specials" may be assigned law enforcement duties.

4. Change definition of "seasonal period" for resort municipalities bordering on the Atlantic ocean to one period of six consecutive months during a calendar year.

QUALIFICATIONS :

In order to be appointed as a special police officer; a person must be a New Jersey resident; be fluent in English; a high school graduate; be physically fit; have good moral character; have never been convicted of a criminal offense involving dishonesty and have successfully undergone the same psychological testing required for full-time officers.

No person may serve as a special law enforcement officer for more than one local unit. A regular officer may not be appointed as a special law enforcement officer and no public officials with responsibility for setting law enforcement policy; having responsibility for supervising the police department or exercising authority over a department's budget may be appointed as a special law enforcement officer.

The committee adopted the following amendments dealing with the qualifications for appointment as a special law enforcement officer :

1. Add language indicating that any person who had previously served a full-time, fully trained police officer is eligible to be appointed as a special police officer and additional training for such a person may be waived by the commission. This conforms Assembly Bill No. 2512 with a statute enacted in 1983.

2. Permit "specials" hired by resort municipalities during a seasonal period to undergo a program of psychological testing approved by the Police Training Commission in lieu of the same psychological testing required of regular police officers.

TRAINING AND CLASSIFICATION :

Under the bill, a person could not begin duties as a special police officer until the completion of a training course approved by the Police Training Commission.

The bill establishes two classes of special police officers. Class One officers would be authorized to perform traffic detail, spectator control and other similar duties. By ordinance, Class One officers could also issue summons for nonindictable offenses, ordinance violations and motor vehicle offense. Class One officers would not be permitted to carry firearms while on duty.

Class Two special officers would be authorized to exercise full police powers and assume duties similar to those of regular police officers. Class Two officers would be permitted to carry firearms if they complete a firearms training program.

UNIFORMS AND INSIGNIA :

Special police officers are to be issued uniforms bearing an insignia designating them as "special police" or "special law enforcement officers." The design of the insignia is to be determined by the Police

Training Commission: Special police may be charged a reasonable fee for the uniform and equipment but may not be charged for the costs of training or the issuance of a certificate of appointment.

APPOINTMENT AND WHEN ON DUTY:

Special law enforcement officers are to be appointed for terms of one year.

A special officer is not to be considered on duty when performing security duties for private employers except if assigned to those security duties pursuant to an agreement between the municipality and the private employer.

The carrying of firearms by special officers is permitted only while the officer is engaged in the actual performance of his duties and if all training requirements are met. An exception to this rule is to provide for "specials" working in Newark who are permitted to carry a firearm when off duty if they have completed the basic firearms training course.

The committee adopted the following amendments to those sections of Assembly Bill No. 2512 dealing with the appointment of "specials" and their on duty assignments:

1. Adds language clarifying that "specials" are to be considered on duty with regard to performing security duties for private entities only when assigned and supervised by the police chief even if the municipality is reimbursed by the private entity.
2. Insert language from recently enacted P. L. 1985, c. 45 dealing with the requirements for the carrying of weapons off duty by special police officers employed in Newark.

LIMITATIONS ON HOURS AND NUMBER OF SPECIAL OFFICERS:

Generally, special officers may be employed for no more than 20 hours per week. However, exceptions to the 20 hour rule are permitted for resort municipalities during any seasonal period in emergency situations or for employment with another public agency. The third exception is intended to allow public entities such as school boards to make use of special law enforcement officers.

Other than in resort communities, the number of Class Two officers which may be appointed is limited to 25% of the total number of regular police officers except that each local unit may appoint two Class Two specials. This provision does not require terminating the employment of any special officers already employed. Those special officers who are performing the duties of Class Two specials on the effective date would be allowed to continue that service.

The committee adopted the following amendments with regard to limitations on the hours "specials" may work and on the number of "specials" which a municipality may appoint:

1. Clarifies that on duty private security duties are included in the number of hours a special may work.

2. Clarify that the number of "specials" a municipality may appoint is to be determined on the basis of the number appointed as of March 1, 1985.

3. Increase the number of hours a special hired by a resort municipality during a seasonal period may work from 40 to 48 hours.

MISCELLANEOUS :

The bill permits a municipality to require by ordinance, that certain or all specials be residents of the municipality.

A county park commission is to be considered a local unit for the purpose of appointing special law enforcement officers.

The bill repeals N. J. S. 40A :14-146 which presently lists the qualifications for special officers.

By committee amendment, the effective date was changed from 60 days after enactment to October 1, 1985.

Assembly Amendments
proposed by Assemblyman Herman
to (11/18/85)

ADOPTED

NOV 18 1985

Assembly Bill No. 2512 (2nd Senate Reprint)
2ND. OCR)
sponsored by Assemblyman Herman

Amend:

Page	Sec.	Line
15	15	1
15	15	2

Omit "on"

Omit "October 1, 1985"

Insert "immediately"

STATEMENT

This amendment would change the effective date of the "Special Law Enforcement Officers Act" from October 1, 1985 to immediately.

MUN

R-37

ADOPTED
JUN 27 1985

Senate _____ Amendments
proposed by Senator Orechio (6/27/85)
to _____
Assembly _____ Bill No. 2512 ^{SR to the} _{Ind} (OCR)
sponsored by Assemblyman Herman

Amend:

Page	Sec.	Line	
8	9	1	Omit "No" Insert "Except as provided in subsection c. ^{of this section} , no"
8	9	^{After} 21	After line 21 Insert new subsection c. as follows: "c. Each municipality may designate one special law enforcement officer to whom the limitations on hours employed set forth in subsection a. of this section shall not be applicable."

STATEMENT

This amendment would permit a municipality to designate one special law enforcement officer to whom the limitations on hours employed set forth in the bill would not be applicable.

ADOPTED
JUN 27 1985

*OK
Jille*

ADOPTED

OCT 18 1984

to (With Assembly Committee amendments adopted 9/25/84)
Assembly Bill No. 2512

Proposed by Assemblymen Herman and Bocchini
(10/18/84)

Amend:

Page	Sec.	Line	
5	7	27-29	Omit " ^{of} if the local unit, or while receiving compensation for those duties from a private employer" ^{of the "} insert to . Those duties assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer, shall be in accordance with an agreement between the municipality and the private employer which establishes the scope of public duties assigned and the manner of payment for those public duties, in which event a special law enforcement officer shall be deemed to be on duty pursuant to ^{for} the purposes of this act"
5	7	29	
12	15	2	Omit "on October 1, 198 5 " and insert "60 days after enactment"

STATEMENT

These amendments clarify section 7 of this bill concerning the appointment and duties of special law enforcement officers. Section 7 of this bill provides that the terms of appointment of special law enforcement officers is not to exceed one year. An officer is considered to be on duty when the officer is performing public safety functions on behalf of the local unit. By comparison special law

to

Assembly Bill No. 2512

With Assembly Committee amendments
adopted 9/25/84

Amend:

Page	Sec.	Line
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enforcement officers who are performing private security duties for private employers, which duties are assigned in accordance with such agreement between a municipality and a private employer as set forth in section 7b., constitute public duties by special officers. Those not so assigned are therefore prohibited.

These amendments also change the effective date from October 1, 1984 to 60 days after enactment.