

40A:14-146

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-146 (Police officers - hire former officers as special police)

LAWS OF: 1983 CHAPTER: 55

Bill No.: S979

Sponsor(s): Dumont

Date Introduced: Feb. 8, 1982

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage Yes // Substituted for A1299 (not attached since identical to original S979). Amendments denoted by asterisks.

according to Governor's recommendations:

Date of Passage: Assembly: Oct. 18, 1982 Re-enacted 1-27-83

Senate: June 21, 1982 Re-enacted 12-20-82

Date of Approval: Feb. 4, 1983

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

Following were printed:

Reports: /// No

Hearings: /// No

Sponsor's statement:

This bill authorizes the appointment of former duly qualified fully trained, full-time municipal police officers as special policement (sic) to serve as part-time municipal police officers.

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SENATE, No. 979

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senator DUMONT

Referred to Committee on County and Municipal Government

AN ACT concerning the appointment of special policemen and their powers and duties in certain cases, and amending N. J. S. 40A:14-146.

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

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

2 40A:14-146. The governing body of any municipality, whenever
3 they shall deem it necessary, may appoint special policemen for
4 terms not exceeding 1 year and revoke such appointments without
5 cause or hearing. They shall not be members of the police force,
6 and their powers and duties shall cease at the expiration of the
7 terms for which they were appointed or upon revocation of their
8 appointments. They may be furnished with badges upon the de-
9 posit of sums to be fixed by the governing body, which may be re-
10 funded on the return of the badges. A fee to be fixed by the gov-
11 erning body may be charged for issuing to any such special police-
12 man a certificate of appointment.

13 No person shall be appointed as a special policeman unless he:

- 14 (1) Is a citizen of the United States;
15 (2) Is able to read, write and speak the English language well
16 and intelligently;
17 (3) Is sound in body and of good health;
18 (4) Is of good moral character; and
19 (5) Has not been convicted of any criminal offense involving
20 moral turpitude.

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 December 6, 1982.

21 Any ***[special policeman]*** **person** who at any time prior to his
22 appointment had served as a duly qualified, fully trained, full-time
23 police officer in any municipality of this State, shall be eligible to
24 serve, ***[on a part-time basis, as a police officer under the jurisdic-**
25 **tion of the police chief of the municipality in which he is appointed**
26 **and while serving as such police officer, shall have the same powers**
27 **and duties as any regular member of the police force of the munici-**
27A **pality.]*** **as a special policeman pursuant to this act.**

28 No such special policeman shall carry a revolver or other similar
29 weapon when off duty.

30 Every such special policeman shall have his fingerprints taken
31 and they shall be filed with the Division of State Police and the
32 Federal Bureau of Investigation. He shall be under the supervi-
33 sion and direction of the chief of police of the municipality wherein
34 he is appointed and shall perform his duties only in such munici-
35 pality unless in fresh pursuit of any person pursuant to chapter
36 156 **[(uniform act on intrastate fresh pursuit)]** of Title 2A of the
37 New Jersey Statutes. He shall comply with the rules and regu-
38 lations applicable to the conduct and decorum of the regular police-
39 men of the municipality.

40 Before any such appointment is made the chief of police of the
41 municipality shall ascertain the eligibility and qualifications of
42 the applicant and make a report thereon to the governing body.

1 2. This act shall take effect immediately.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 979

STATE OF NEW JERSEY

DATED: SEPTEMBER 8, 1982

Senate Bill No. 979 amends N. J. S. 40A:14-146 in order to provide that a special policeman, who previously served as a fully-trained, full-time municipal police officer, shall be eligible to serve on a part-time basis as a police officer in a municipality and, as a part-time police officer, shall have the same powers and duties as any regular police officer.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 979

STATE OF NEW JERSEY

DATED: JUNE 14, 1982

Senate Bill No. 979 provides that a special policeman, who previously served as a fully-trained, full-time municipal police officer, shall be eligible to serve on a part-time basis as a police officer of the municipality in which he serves, and as a part-time police officer have the same powers and duties as any regular police officer.

This bill, as Senate Bill No. 783, was reported favorably by this committee in the 1980-1981 session. It passed the Senate by a vote of 24-1, but did not reach a vote in the General Assembly.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 6, 1982

SENATE BILL NO. 979

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 979 with my recommendations for reconsideration.

This bill authorizes the appointment of former duly qualified, fully trained, full-time municipal police officers as special policemen to serve as part-time municipal police officers having the same powers and duties as regular officers.

The bill, as written, permits circumvention of the Civil Service appointment process for the position of part-time police officers. The bill also, as written, adversely impacts the pension system by seemingly allowing these special policemen to be part of the current retirement system and subject to current full-time police officer benefits.

Accordingly, I herewith return Senate Bill No. 979 and recommend that it be amended as follows:

Page 2, Section 1, Line 21: Delete "special policeman" and insert "person"

Page 2, Section 1, Lines 23-27: After "serve," delete in its entirety and insert "as a special policeman pursuant to this act."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel to the Governor