

2A:154-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:154-5

(Federal Law Enforcement officers--  
limited powers of arrest for violations  
of New Jersey law)

LAWS OF: 1983

CHAPTER: 268

Bill No: A13

Sponsor(s): Deverin

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted  
by asterisks

Date of Passage:

Assembly: January 31, 1983

Senate: June 23, 1983

Date of Approval: July 14, 1983

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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268  
7-14-83  
83  
[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 13

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman DEVERIN

AN ACT conferring police powers on federal law enforcement officers in certain circumstances, and supplementing chapter 154 of Title 2A of the New Jersey Statutes.

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

1 1. **\*[Any person]** *\*The following persons\** employed as **\*[a]**  
2 full-time law enforcement **\*[officer]** *\*officers\** by the Federal Gov-  
3 ernment, who **\*[is]** *\*are\** empowered to effect an arrest with or  
4 without warrant for violations of the United States Code and who  
5 **\*[is]** *\*are\** authorized to carry firearms in the performance of  
6 **\*[his]** *\*their\** duties, shall be empowered to act as an officer for  
7 the **\*\*\*[apprehension,]** arrest **\*\*\*[and conviction]**\*\*\* of  
8 offenders against the laws of this State where the person reason-  
9 ably believes that a crime of the first, second or third degree  
10 **\*\*\*[has been]**\*\*\* **\*\*\*is\*\*\*** or is about to be committed or attempted  
11 in his presence **\*[.]** \* : \*

12 *\*Federal Bureau of Investigation special agents;*  
13 *United States Secret Service special agents;*  
14 *Immigration and Naturalization Service special agents, investi-*  
15 *gators and patrol officers;*  
16 *United States Marshals Service deputies;*  
17 *Drug Enforcement Administration special agents;*  
18 **\*\*\*[Federal Protective Officers;]**\*\*\*  
19 **\*\*United States Postal Inspectors;\*\***  
20 *United States Customs Service special agents, inspectors and*  
21 *patrol officers;*

**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 December 13, 1982.

\*\*—Assembly amendment adopted January 27, 1983.

\*\*\*—Senate committee amendments adopted May 23, 1983.

22 \*\*\*[*United States park police;*  
23 *Federal parole officers;*\*\*\*  
24 *United States General Services Administration special agents;*  
25 *United States Department of Agriculture special agents;*  
26 *Bureau of Alcohol, Tobacco and Firearms special agents;*  
27 *Internal Revenue Service special agents and inspectors.\**  
1 2. This act shall take effect immediately.

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## ASSEMBLY, No. 13

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblyman DEVERIN

AN ACT conferring police powers on federal law enforcement officers in certain circumstances, and supplementing chapter 154 of Title 2A of the New Jersey Statutes.

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

1 1. Any person employed as a full-time law enforcement officer  
2 by the Federal Government, who is empowered to effect an arrest  
3 with or without warrant for violations of the United States Code  
4 and who is authorized to carry firearms in the performance of his  
5 duties, shall be empowered to act as an officer for the apprehension,  
6 arrest and conviction of offenders against the laws of this State  
7 where the person reasonably believes that a crime of the first,  
8 second or third degree has been or is about to be committed or  
9 attempted in his presence.

1 2. This act shall take effect immediately.

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### STATEMENT

The purpose of this bill is to allow a federal law enforcement officer to arrest a person who is committing a major violation of New Jersey law in the presence of the officer. This authorization will protect federal officers who make these arrests and will help supplement and complement New Jersey law enforcement agencies, at no cost to the public.

In certain circumstances the bill will also prevent duplication of effort between federal and local agencies, in arrests and reports.

It is not uncommon for federal officers in the course of their duties to detect violations of State law occurring in their presence. Currently, the law requires that an officer choose between making a citizen's arrest at considerable legal risk to himself, and not making an arrest which could possibly save lives and property. This bill would alleviate this situation, and enable trained federal agents

to act as State law enforcement officers for the purpose of stopping crimes in the process of happening.

Among those included under this act would be agents of the:

1. U. S. Immigration and Naturalization Service.
  2. Federal Bureau of Investigation.
  3. Drug Enforcement Administration.
  4. Internal Revenue Service.
  5. U. S. Customs Service.
  6. U. S. Secret Service.
  7. Alcohol, Tobacco and Firearms Bureau.
  8. U. S. Marshals Office.
  9. U. S. Postal Service.
  10. Federal Bureau of Prisons.
  11. Federal Protective Service.
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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 13**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 1982

This bill would allow a federal law enforcement officer to arrest a person committing a major violation of our State law in his presence. This authorization would protect federal officers who make these arrests and help supplement and complement New Jersey law enforcement agencies, at no cost to the public. In addition, in certain circumstances the bill would also prevent duplication of effort between federal and local agencies, in arrests and reports. Laws of this nature are in operation in many other states.

As amended, federal law enforcement officers who would be authorized to act are:

- Federal Bureau of Investigation special agents;
- United States Secret Service special agents;
- Immigration and Naturalization Service special agents, investigators and patrol officers;
- United States Marshals Service deputies;
- Drug Enforcement Administration special agents;
- Federal Protective Officers;
- United States Customs Service special agents, inspectors and patrol officers;
- United States park police;
- Federal parole officers;
- United States General Services Administration special agents;
- United States Department of Agriculture special agents;
- Bureau of Alcohol Tobacco and Firearms special agents;
- Internal Revenue Service special agents and inspectors.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 13**

**STATE OF NEW JERSEY**

DATED: MAY 19, 1983

Currently, an arrest by a federal law enforcement officer for violation of a New Jersey criminal statute is considered a "citizen's arrest". Therefore, the federal officer does not act with the same limitations on civil liability that a state law enforcement officer has in effectuating an arrest. In order to address this situation, Assembly Bill No. 13, as passed by the Assembly, would have authorized federal law enforcement personnel who have federal arrest powers and who are permitted to carry firearms while on duty to act, in certain circumstances, as officers for the apprehension, arrest and conviction of violators of New Jersey's criminal laws. Those circumstances when a federal law enforcement officer could have exercised police powers in New Jersey being when a crime of the first, second or third degree has been or is about to be committed or attempted in his presence.

The following federal officers would have been covered by the provisions of Assembly Bill No. 13: FBI agents; secret service agents; Immigration and Naturalization officers; U. S. Marshals Service deputies; Drug Enforcement Administration agents; Federal Protective officers; Postal Inspectors; Customs Service officers; U. S. Park Police; federal parole officers; U. S. General Services Administration agents; Department of Agriculture agents; Bureau of Alcohol, Tobacco and Firearms agents and IRS officers.

After consultation with the Attorney General and the United States Attorney, the committee adopted amendments to clarify that Assembly Bill No. 13 is intended to provide legal protection to federal law enforcement officers acting in emergency situations and is not intended to authorize federal officers to act independently of State and local law enforcement agencies in enforcing New Jersey's criminal laws. The committee amendments make clear that the power granted to a federal officer by Assembly Bill No. 13 is the power to arrest for a serious violation of New Jersey's criminal laws which is or which is about to be committed in the presence of the federal officer.

These amendments also delete the following categories of federal law enforcement officers from the provisions of Assembly Bill No. 13: federal protective officers; U. S. park police and federal parole officers. It was felt that the duties of these officers do not require the authorization to make arrests for violations of New Jersey criminal statutes.

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