

40A:9-117b
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 21

NJSA: 40A:9-177b (Permits appointment and transfer of certain special law enforcement officers and county park police officers by certain sheriffs and counties)

BILL NO: A3166 (Substituted for S2129)

SPONSOR(S) Wilson and others

DATE INTRODUCED: June 28, 2012

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 17, 2012

SENATE: December 20, 2012

DATE OF APPROVAL: January 25, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)

A3166

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes
COMMITTEE STATEMENT:	
	ASSEMBLY: Yes
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

S2129

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes
COMMITTEE STATEMENT:	
	ASSEMBLY: No
	SENATE: Yes
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2013, CHAPTER 21, *approved January 25, 2013*
Assembly, No. 3166 (*First Reprint*)

1 AN ACT permitting ¹[sheriffs to appoint certain special law
2 enforcement officers and supplementing Title 40A of the New
3 Jersey Statutes] the appointment and transfer of certain law
4 enforcement officers, amending and supplementing P.L.1985,
5 c.439, and amending P.L.1987, c.271¹.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. ¹[New section]¹ a. For the purposes of P.L.1985, c.439
11 (C.40A:14-146.8 et seq.) ¹[regarding the appointment of Class Two
12 special law enforcement officers]¹, a county sheriff ¹of a county
13 that has established a county police department or force¹ shall be
14 entitled to act as a local unit, as defined in that act ¹, and appoint
15 Class Two special law enforcement officers for the purposes set
16 forth in subsection b. of this section¹.

17 b. Class Two special law enforcement officers appointed
18 pursuant to subsection a. of this section ¹[shall] may¹ be authorized
19 to perform ¹[court-related] court security¹ duties ¹for the Superior
20 Court when deemed appropriate by the Assignment Judge of the
21 county. Class Two officers appointed pursuant to this section shall
22 be subject to the same requirements, rules, and regulations
23 established by the Assignment Judge of the county for sheriff's
24 officers performing court security within the Superior Court's
25 facilities in that county. The particular court security duty
26 assignments of Class Two officers appointed pursuant to this
27 section shall be determined by the sheriff with the approval of the
28 Assignment Judge of the county. The utilization of Class Two
29 officers appointed pursuant to this section, and the court security
30 assignments they are authorized to perform, shall be incorporated
31 into the local court security plan as approved by the Assignment
32 Judge of the county. The provisions of this subsection shall not be
33 construed to alter or abrogate in any manner either the sheriff's
34 responsibilities or the authority of the Assignment Judge under
35 subsection d. of N.J.S.2B-6-1¹.
36

37 ¹2. Section 2 of P.L.1985, c. 439 (C.40A:14-146.9) is amended
38 to read as follows:

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted December 13, 2012.

- 1 2. As used in this act:
- 2 a. "Commission" means the Police Training Commission
3 established 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 sudden, unexpected or unforeseeable
6 event requiring the immediate use or deployment of law
7 enforcement personnel as shall be determined by the chief of police,
8 or in the absence of the chief, other chief law enforcement officer or
9 the mayor or the mayor's designee or, in the case of a county, the
10 county executive or freeholder director or designee, as appropriate,
11 to whom the authority of designating an "emergency" has been
12 prescribed by local ordinance or resolution, as appropriate.
13 Vacations, shortages in police personnel caused by vacancies
14 unfilled by the appointing authority for more than 60 days, or any
15 other condition which could reasonably have been anticipated or
16 foreseen shall not constitute an "emergency" for the purposes of this
17 act; but an "emergency" may continue for the purposes of this act
18 when a vacancy remains unfilled for more than 60 days and when,
19 on application of the appointing authority, the county prosecutor
20 grants an extension for one or more additional 60 day periods upon
21 a showing by the appointing authority of a diligent, good faith effort
22 to fill the vacancy;
- 23 c. "Local unit" means any municipality or county having
24 established a regular police force pursuant to law;
- 25 d. "Population" means the population of the resort municipality
26 shown in the last federal decennial census;
- 27 e. "Public entity" means the State and any county, municipality,
28 district, public authority, public agency and any other political
29 subdivision or public body in the State;
- 30 f. "Resort municipality" means a municipality which, because of
31 its recreational or entertainment characteristics or facilities or its
32 close proximity to such characteristics or facilities, experiences a
33 substantial increase during the seasonal period in the number of
34 persons visiting or temporarily residing there;
- 35 g. "Seasonal period" means any one period of four consecutive
36 months during the calendar year, except with regard to a resort
37 municipality bordering on the Atlantic ocean, in which case,
38 "seasonal period" means one period of six consecutive months
39 during the calendar year;
- 40 h. "Special law enforcement officer" means any person
41 appointed pursuant to this act to temporarily or intermittently
42 perform duties similar to those performed regularly by members of
43 a police force of a local unit, or to provide assistance to a police
44 force during unusual or emergency circumstances, or at individual
45 times or during regular seasonal periods in resort municipalities.¹
46 (cf: P.L.1987, c.96, s.1)

1 ¹3. Section 3 of P.L.1985, c. 439 (C.40A:14-146.10) is amended
2 to read as follows:

3 3. a. Any local unit may, as it deems necessary, appoint special
4 law enforcement officers sufficient to perform the duties and
5 responsibilities permitted by local ordinances authorized by N.J.S.
6 40A:14-118 or ordinance or resolution, as appropriate, authorized
7 by N.J.S.40A:14-106 and within the conditions and limitations as
8 may be established pursuant to this act.

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

- 11 (1) Is a resident of this State during the term of appointment;
- 12 (2) Is able to read, write and speak the English language well and
13 intelligently and has a high school diploma or its equivalent;
- 14 (3) Is sound in body and of good health;
- 15 (4) Is of good moral character;
- 16 (5) Has not been convicted of any offense involving dishonesty
17 or which would make him unfit to perform the duties of his office;
- 18 (6) Has successfully undergone the same psychological testing
19 that is required of all full-time police officers in the municipality or
20 county or, with regard to a special law enforcement officer hired for
21 a seasonal period by a resort municipality which requires
22 psychological testing of its full-time police officers, has
23 successfully undergone a program of psychological testing
24 approved by the commission.

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

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

37 e. Before any special law enforcement officer is appointed
38 pursuant to this act, the chief of police, or, in the absence of the
39 chief, other chief law enforcement officer of the local unit shall
40 ascertain the eligibility and qualifications of the applicant and
41 report these determinations in writing to the appointing authority.

42 f. Any person who at any time prior to his appointment had
43 served as a duly qualified, fully-trained, full-time officer in any
44 municipality or county of this State and who was separated from
45 that prior service in good standing, shall be eligible to serve as a
46 special law enforcement officer consistent with guidelines
47 promulgated by the commission. The training requirements set
48 forth in section 4 of this act may be waived by the commission with

1 regard to any person eligible to be appointed as a special law
2 enforcement officer pursuant to the provisions of this subsection.¹

3 (cf: P.L.1985, c.439, s.3)

4

5 ¹4. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended
6 to read as follows:

7 4. a. No person may commence his duties as a special law
8 enforcement officer unless he has successfully completed a training
9 course approved by the commission and no special law enforcement
10 officer may be issued a firearm unless he has successfully
11 completed the basic firearms course approved by the commission
12 for permanent, regularly appointed police and annual requalification
13 examinations as required by subsection b. of section 7 of this act.
14 There shall be two classifications for special police officers. The
15 commission shall prescribe by rule or regulation the training
16 standards to be established for each classification. Training may be
17 in a commission approved academy or in any other training
18 program which the commission may determine appropriate. The
19 classifications shall be based upon the duties to be performed by the
20 special law enforcement officer as follows:

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

30 (2) Class Two. Officers of this class shall be authorized to
31 exercise full powers and duties similar to those of a permanent,
32 regularly appointed full-time police officer. The use of a firearm by
33 an officer of this class may be authorized only after the officer has
34 been fully certified as successfully completing training as
35 prescribed by the commission.

36 b. The commission may, in its discretion, except from the
37 requirements of this section any person who demonstrates to the
38 commission's satisfaction that he has successfully completed a
39 police training course conducted by any federal, state or other
40 public or private agency, the requirements of which are
41 substantially equivalent to the requirements of this act.

42 c. The commission shall certify officers who have satisfactorily
43 completed training programs and issue appropriate certificates to
44 those officers. The certificate shall clearly state the category of
45 certification for which the officer has been certified by the
46 commission.

47 d. All special law enforcement officers appointed and in service
48 on the effective date of this act may continue in service if within 24

1 months of the effective date of this act they will have completed all
2 training and certification requirements of this act.¹

3 (cf: P.L.1985, c.439, s.4)

4

5 ¹5. Section 8 of P.L.1985, c.439 (C.40A:14-146.15) is amended
6 to read:

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

17 (cf: P.L.1985, c.439, s.8)

18

19 ¹6. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended
20 to read as follows:

21 9. a. Except as provided in subsection c. of this section, no
22 special law enforcement officer may be employed for more than 20
23 hours per week by the local unit except that special law
24 enforcement officers may be employed by the local unit for those
25 hours as the governing body may determine necessary in
26 accordance with the limits prescribed below:

27 (1) In resort municipalities not to exceed 48 hours per week
28 during any seasonal period.

29 (2) In all municipalities or counties without limitation as to hours
30 during periods of emergency.

31 (3) In all municipalities or counties in addition to not more than
32 20 hours per week including duties assigned pursuant to the
33 provisions of section 7 of this act a special law enforcement officer
34 may be assigned for not more than 20 hours per week to provide
35 public safety and law enforcement services to a public entity.

36 (4) In municipalities or counties, as provided in subsection b. of
37 section 7 of this act, for hours to be determined at the discretion of
38 the director of the municipal or county police force.

39 b. Notwithstanding any provision of this act to the contrary,
40 special law enforcement officers may be employed only to assist the
41 local law enforcement unit but may not be employed to replace or
42 substitute for full-time, regular police officers or in any way
43 diminish the number of full-time officers employed by the local
44 unit.

45 c. Each municipality or county may designate one special law
46 enforcement officer to whom the limitations on hours employed set

1 forth in subsection a. of this section shall not be applicable.¹
2 (cf: P.L.1985, c.439, s.9)

3

4 ^{17.} Section 10 of P.L.1985, c.439 (C.40A:14-146.17) is
5 amended to read as follows:

6 10. The local governing body shall by ordinance or resolution,
7 as appropriate, establish limitations upon the number and categories
8 of special law enforcement officers which may be employed by the
9 local unit in accordance with the certification and other
10 requirements provided for in this act. In communities other than
11 resort municipalities, the number of Class Two special law
12 enforcement officers shall not exceed 25% of the total number of
13 regular police officers, except that no municipality shall be required
14 to reduce the number of Class Two special law enforcement officers
15 or the equivalent thereof in the employ of the municipality as of
16 March 1, 1985. Notwithstanding the provisions of this section, each
17 local unit may appoint two Class Two special law enforcement
18 officers.¹

19 (cf: P.L.1985, c.439, s.10)

20

21 ^{18.} Section 11 of P.L.1985, c.439 (C.40:14-146.18) is amended
22 to read as follows:

23 11. **【Municipalities】** A local unit may provide by **【local】**
24 ordinance or resolution, as appropriate, that certain or all special
25 law enforcement officers shall be residents of the municipality or
26 county in which they are employed.¹

27 (cf: P.L.1985, c.439, s.11)

28

29 ^{19.} Section 1 of P.L.1987, c.271 (C.40:37-11.6) is amended to
30 read as follows:

31 1. a. **【When】** (1) Except as otherwise provided in paragraph (2)
32 of this subsection, when the governing body of a county abolishes a
33 county park commission, the governing body may, in its discretion,
34 abolish any county park police force which had been established by
35 that county park commission. Upon the abolition of a county park
36 police force, the governing body of the county shall authorize the
37 county sheriff to assign and supervise an appropriate number of
38 sheriff's officers to perform security duties for the county parks,
39 provided that the appropriate number of officers assigned to
40 perform security duties for county parks shall include all of the
41 former county park police officers who were transferred and given
42 appointments as sheriff's officers pursuant to subsection b. of this
43 section. In assigning the appropriate number of officers to perform
44 security duties in county parks, the sheriff shall determine the
45 appropriate table of organization, the number of officers to be
46 assigned above the number of former county park police officers,

1 the rank of the officers and any other rules and regulations the
2 sheriff shall deem appropriate.

3 The sheriff shall not assign a county park police officer who was
4 transferred and given an appointment as a sheriff's officer pursuant
5 to subsection b. of this section to duties other than security duties in
6 county parks without the consent of that officer. Any officer
7 assigned by the sheriff to perform park security duties shall
8 maintain all the powers of a sheriff's officer as provided by law and,
9 in addition, shall acquire the power to preserve order in the county
10 parks, to secure and enforce the rules and regulations established
11 for the county parks, and to protect life and property in the county
12 parks. A county park police officer who was transferred and given
13 an appointment as a sheriff's officer shall retain all of the police
14 power and authority that the officer had as a county park police
15 officer prior to the appointment as a sheriff's officer, including any
16 authority to bear and use a firearm.

17 (2) In the case of a county which has established a county police
18 force, the governing body of that county may authorize the chief
19 law enforcement officer of that force rather than the sheriff to
20 assign and supervise former county park police officers in the same
21 manner as other officers of the county police force are assigned and
22 supervised.

23 The chief law enforcement officer of the county police force may
24 assign a county park police officer who was transferred and given
25 an appointment as a county police officer pursuant to subsection b.
26 of this section to duties other than security duties in county parks.
27 Any officer assigned by the chief law enforcement officer of the
28 county police force to perform park security duties shall maintain
29 all the powers of a county police officer, as provided by law and, in
30 addition, shall acquire the power to preserve order in the county
31 parks, to secure and enforce the rules and regulations established
32 for the county parks, and to protect life and property in the county
33 parks. A county park police officer who was transferred and given
34 an appointment as a county police officer shall retain all of the
35 police power and authority that the officer had as a county park
36 police officer, including any authority to bear and use a firearm.

37 b. (1) Notwithstanding the provisions of any other law to the
38 contrary, when a county park police force is abolished, any county
39 park police officer who was appointed and in service on or before
40 the date on which the force is abolished shall be transferred to the
41 county sheriff's department and shall receive an immediate
42 appointment as a sheriff's officer, except as otherwise may be
43 provided pursuant to paragraph (2) of this subsection. Such a new
44 sheriff's officer shall acquire all of the civil service rights and
45 benefits which correspond to his new rank within the sheriff's
46 department and shall receive the compensation and other monetary
47 benefits corresponding to that rank. A county park police officer
48 who receives an appointment as a sheriff's officer and who has not

1 yet been certified by the Police Training Commission within the
2 Department of Law and Public Safety as having satisfactorily
3 completed a police training program shall meet all the training
4 requirements for a sheriff's officer within six months of the date of
5 appointment.

6 Upon appointment as a sheriff's officer pursuant to this
7 subsection, a county park police officer with the rank of chief may
8 be demoted no more than one rank. A county park police officer
9 with the rank of captain may be demoted to the rank of lieutenant,
10 an officer with the rank of lieutenant may be demoted to the rank of
11 sergeant, and any other officer shall not be demoted to a rank lower
12 than a sergeant upon appointment as a sheriff's officer.

13 (2) Notwithstanding the provisions of any other law to the
14 contrary, when a county park police force is abolished in a county
15 which has established a county police force and the governing body
16 of that county has authorized the chief law enforcement officer of
17 that force rather than the sheriff to assign and supervise former
18 county park police officers, those county park police officers who
19 were appointed and in service on or before the date on which the
20 force is abolished shall be transferred to the county police force and
21 shall receive an immediate appointment as a county police officer.
22 All such county police officers shall acquire all the civil service
23 rights and benefits which correspond to their new rank within the
24 county police force and shall receive the compensation and other
25 monetary benefits corresponding to that rank. A county park police
26 officer who receives an appointment as a county police officer and
27 who has not yet been certified by the Police Training Commission
28 within the Department of Law and Public Safety as having
29 satisfactorily completed a police training program shall meet all the
30 training requirements for a county police officer within six months
31 of the date of appointment.

32 Upon appointment as a county police officer pursuant to this
33 paragraph, a county park police officer with the rank of chief may
34 be demoted no more than one rank. A county park police officer
35 with the rank of captain may be demoted to the rank of lieutenant,
36 an officer with the rank of lieutenant may be demoted to the rank of
37 sergeant, and any other officer shall not be demoted to a rank lower
38 than a sergeant upon appointment as a county police officer.

39 c. The provisions of this section shall be controlling over any
40 provision of current law which is inconsistent with the provisions of
41 this section in situations where a county park police force has been
42 abolished and the county sheriff or the chief law enforcement
43 officer of the county police force has been authorized to provide
44 security for county parks. It is the purpose of this act that a county
45 park police officer shall be appointed as a sheriff's officer or county
46 police officer, as the case may be, without any loss of seniority
47 rights, or impairment of tenure or retirement system rights.

1 d. Upon the enactment of this section into law, a county park
2 police officer with the rank of chief shall be given the option of
3 becoming a sheriff's officer or county police officer, as the case
4 may be, pursuant to the provisions of this section or of retiring from
5 service. If the chief elects retirement, he shall not be demoted but
6 shall retain the rank of chief and shall be given terminal leave for a
7 period of one month for each five year period of past service as a
8 county park police officer. During the terminal leave, the chief
9 shall continue to receive full compensation and shall be entitled to
10 all benefits, including any increases in compensation or benefits,
11 that he may have been entitled to if he had remained on active
12 duty.¹

13 (cf: P.L.1987, c.271, s.1)

14

15 **【¹2.】** 10.¹ This act shall take effect immediately.

16

17

18

19

20 _____
21 Permits appointment and transfer of certain special law
22 enforcement officers and county park police officers by certain
sheriffs and counties.

ASSEMBLY, No. 3166

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 28, 2012

Sponsored by:

**Assemblyman GILBERT "WHIP" L. WILSON
District 5 (Camden and Gloucester)**

Co-Sponsored by:

Assemblywoman Quijano

SYNOPSIS

Permits sheriff to appoint Class Two special law enforcement officers for court-related duties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2012)

A3166 WILSON

2

1 AN ACT permitting sheriffs to appoint certain special law
2 enforcement officers and supplementing Title 40A of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. For the purposes of P.L.1985, c.439 (C.40A:14-146.8 et
9 seq.) regarding the appointment of Class Two special law
10 enforcement officers, a county sheriff shall be entitled to act as a
11 local unit, as defined in that act.

12 b. Class Two special law enforcement officers appointed
13 pursuant to subsection a. of this section shall be authorized to
14 perform court-related duties.

15
16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill would permit sheriffs to hire certain special law
22 enforcement officers to perform court-related duties.

23 Under current law, only municipalities are authorized to hire
24 special law enforcement officers to provide supplementary police
25 services, particularly during unusual or emergency circumstances.

26 This bill would extend that appointing authority to include
27 sheriffs, so that a sheriff could appoint a Class Two officer to
28 perform court-related duties.

29 Municipalities are authorized to appoint two different types of
30 special law enforcement officers. Class One officers are authorized
31 to perform routine traffic detail, spectator control and similar duties.
32 They also may be empowered to issue summons for disorderly
33 persons offenses. Class One officers are not authorized to carry a
34 firearm while on duty.

35 Class Two officers are empowered to exercise full police powers
36 and perform the duties of a permanent, regularly appointed full-time
37 police officer. They are authorized to carry a firearm.

38 This bill permits sheriffs to appoint only Class Two special law
39 enforcement officers.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3166

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2012

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3166.

As amended and reported by the committee, this bill permits a sheriff in a county that has established a county police department or force to hire certain special law enforcement officers to perform court security duties. The amended bill also permits county police departments and forces to hire special law enforcement officers.

Under current law, only municipalities are authorized to hire special law enforcement officers. These officers are hired to provide supplementary police services, normally to meet unusual or emergency situations. The law provides that municipalities are allowed to appoint two different types of special law enforcement officers. Class One officers are authorized to perform routine traffic detail, spectator control and similar duties. They also may be empowered to issue summonses for disorderly persons offenses, but are not authorized to carry a firearm while on duty. Class Two officers are empowered to exercise full police powers and perform the duties of a permanent, regularly appointed full-time police officer. They are authorized to carry a firearm.

As amended and reported by the committee, this bill would extend that appointing authority to include: 1) the sheriff of a county that has established a county police force, but only to the extent that they may appoint Class Two officers to perform court-security duties; and 2) county police departments and forces, which are afforded the authority to appoint both Class One and Class Two specials. The amendatory language does not impose any limitations or restrictions on the types of law enforcement duties a special may be assigned to perform as a member of a county police force.

The bill also revises the law governing the transfer and appointment of members of a county park police force if it were to be abolished.

Under current law, whenever a county park police force is abolished, the members of that force are transferred and given appointments in the county sheriff's office as sheriff's officers.

The committee amended that section of law to provide that in those counties that have established county police forces, the governing body of the county may transfer the officers of the abolished county park police force to the county police force, rather than to the county sheriff's department. The transferred officers would be given appointments as county police officers.

While the transfers are to be accomplished without any loss of seniority rights, or impairment of tenure or retirement system rights and the transferred officers are to be compensated according to the sheriff's rank and compensation schedule, the current law does permit the demoting of the superior officers of an abolished park police force, but by no more than one rank. Officers demoted under this provision could experience a loss in pay. These provisions also would apply to county park police officers transferred to a county police force. The amendatory language does not impose any restrictions or limitations on the types of law enforcement duties a transferred officer may be assigned to perform upon his or her appointment to a county police force.

SENATE, No. 2129

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 28, 2012

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Permits sheriff to appoint Class Two special law enforcement officers for court-related duties.

CURRENT VERSION OF TEXT

As introduced.



S2129 NORCROSS

2

1 AN ACT permitting sheriffs to appoint certain special law
2 enforcement officers and supplementing Title 40A of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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31 to perform routine traffic detail, spectator control and similar duties.
32 They also may be empowered to issue summons for disorderly
33 persons offenses. Class One officers are not authorized to carry a
34 firearm while on duty.

35 Class Two officers are empowered to exercise full police powers
36 and perform the duties of a permanent, regularly appointed full-time
37 police officer. They are authorized to carry a firearm.

38 This bill permits sheriffs to appoint only Class Two special law
39 enforcement officers.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2129

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2012

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2129.

As amended and reported by the committee, this bill permits county sheriffs to hire certain special law enforcement officers to perform court-related duties. The bill also permits county police departments and forces to hire special law enforcement officers.

Under current law, only municipalities are authorized to hire special law enforcement officers to provide supplementary police services, particularly during unusual or emergency circumstances. Municipalities are authorized to appoint two different types of special law enforcement officers. Class One officers are authorized to perform routine traffic detail, spectator control and similar duties. They also may be empowered to issue summons for disorderly persons offenses, but are not authorized to carry a firearm while on duty. Class Two officers are empowered to exercise full police powers and perform the duties of a permanent, regularly appointed full-time police officer. In addition, they are authorized to carry a firearm.

As amended and reported by the committee, this bill would extend that appointing authority to include: 1) county sheriffs, so that a sheriff could appoint only Class Two officers to perform court-related duties; and 2) county police departments and forces, so that they could appoint Class One or Class Two officers.

As introduced, this bill permitted county sheriffs to appoint Class Two officers to perform court-related duties. The committee amended the bill to permit county police department and forces to appoint Class One or Class Two officers.

SENATE SUBSTITUTE FOR
SENATE, No. 2129

STATE OF NEW JERSEY
215th LEGISLATURE

ADOPTED DECEMBER 20, 2012

Sponsored by:

Senator DONALD NORCROSS
District 5 (Camden and Gloucester)

SYNOPSIS

Permits appointment and transfer of certain special law enforcement officers and county park police officers by certain sheriffs and counties.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate.



1 AN ACT permitting the appointment and transfer of certain law
2 enforcement officers, amending and supplementing P.L.1985,
3 c.439, and amending P.L.1987, c.271.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. For the purposes of P.L.1985, c.439
9 (C.40A:14-146.8 et seq.), a county sheriff of a county that has
10 established a county police department or force shall be entitled to
11 act as a local unit, as defined in that act, and appoint Class Two
12 special law enforcement officers for the purposes set forth in
13 subsection b. of this section.

14 b. Class Two special law enforcement officers appointed
15 pursuant to subsection a. of this section may be authorized to
16 perform court security duties for the Superior Court when deemed
17 appropriate by the Assignment Judge of the county. Class Two
18 officers appointed pursuant to this section shall be subject to the
19 same requirements, rules, and regulations established by the
20 Assignment Judge of the county for sheriff's officers performing
21 court security within the Superior Court's facilities in that county.
22 The particular court security duty assignments of Class Two
23 officers appointed pursuant to this section shall be determined by
24 the sheriff with the approval of the Assignment Judge of the county.
25 The utilization of Class Two officers appointed pursuant to this
26 section, and the court security assignments they are authorized to
27 perform, shall be incorporated into the local court security plan as
28 approved by the Assignment Judge of the county. The provisions of
29 this subsection shall not be construed to alter or abrogate in any
30 manner either the sheriff's responsibilities or the authority of the
31 Assignment Judge under subsection d. of N.J.S.2B-6-1.

32
33 2. Section 2 of P.L.1985, c. 439 (C.40A:14-146.9) is amended
34 to read as follows:

35 2. As used in this act:

36 a. "Commission" means the Police Training Commission
37 established in the Department of Law and Public Safety pursuant to
38 section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

39 b. "Emergency" means any sudden, unexpected or
40 unforeseeable event requiring the immediate use or deployment of
41 law enforcement personnel as shall be determined by the chief of
42 police, or in the absence of the chief, other chief law enforcement
43 officer or the mayor or the mayor's designee or, in the case of a
44 county, the county executive or freeholder director or designee, as

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 underlined thus is new matter.

1 appropriate, to whom the authority of designating an "emergency"
2 has been prescribed by local ordinance or resolution, as appropriate.
3 Vacations, shortages in police personnel caused by vacancies
4 unfilled by the appointing authority for more than 60 days, or any
5 other condition which could reasonably have been anticipated or
6 foreseen shall not constitute an "emergency" for the purposes of this
7 act; but an "emergency" may continue for the purposes of this act
8 when a vacancy remains unfilled for more than 60 days and when,
9 on application of the appointing authority, the county prosecutor
10 grants an extension for one or more additional 60 day periods upon
11 a showing by the appointing authority of a diligent, good faith effort
12 to fill the vacancy;

13 c. "Local unit" means any municipality or county having
14 established a regular police force pursuant to law;

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

17 e. "Public entity" means the State and any county, municipality,
18 district, public authority, public agency and any other political
19 subdivision or public body in the State;

20 f. "Resort municipality" means a municipality which, because
21 of its recreational or entertainment characteristics or facilities or its
22 close proximity to such characteristics or facilities, experiences a
23 substantial increase during the seasonal period in the number of
24 persons visiting or temporarily residing there;

25 g. "Seasonal period" means any one period of four consecutive
26 months during the calendar year, except with regard to a resort
27 municipality bordering on the Atlantic ocean, in which case,
28 "seasonal period" means one period of six consecutive months
29 during the calendar year;

30 h. "Special law enforcement officer" means any person
31 appointed pursuant to this act to temporarily or intermittently
32 perform duties similar to those performed regularly by members of
33 a police force of a local unit, or to provide assistance to a police
34 force during unusual or emergency circumstances, or at individual
35 times or during regular seasonal periods in resort municipalities.

36 (cf: P.L.1987, c.96, s.1)

37

38 3. Section 3 of P.L.1985, c. 439 (C.40A:14-146.10) is amended
39 to read as follows:

40 3. a. Any local unit may, as it deems necessary, appoint
41 special law enforcement officers sufficient to perform the duties and
42 responsibilities permitted by local ordinances authorized by N.J.S.
43 40A:14-118 or ordinance or resolution, as appropriate, authorized
44 by N.J.S.40A:14-106 and within the conditions and limitations as
45 may be established pursuant to this act.

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

- 1 (1) Is a resident of this State during the term of appointment;
- 2 (2) Is able to read, write and speak the English language well
3 and intelligently and has a high school diploma or its equivalent;
- 4 (3) Is sound in body and of good health;
- 5 (4) Is of good moral character;
- 6 (5) Has not been convicted of any offense involving dishonesty
7 or which would make him unfit to perform the duties of his office;
- 8 (6) Has successfully undergone the same psychological testing
9 that is required of all full-time police officers in the municipality or
10 county or, with regard to a special law enforcement officer hired for
11 a seasonal period by a resort municipality which requires
12 psychological testing of its full-time police officers, has
13 successfully undergone a program of psychological testing
14 approved by the commission.

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

19 d. No person shall be appointed to serve as a special law
20 enforcement officer in more than one local unit at the same time,
21 nor shall any permanent, regularly appointed full-time police officer
22 of any local unit be appointed as a special law enforcement officer
23 in any local unit. No public official with responsibility for setting
24 law enforcement policy or exercising authority over the budget of
25 the local unit or supervision of the police department of a local unit
26 shall be appointed as a special law enforcement officer.

27 e. Before any special law enforcement officer is appointed
28 pursuant to this act, the chief of police, or, in the absence of the
29 chief, other chief law enforcement officer of the local unit shall
30 ascertain the eligibility and qualifications of the applicant and
31 report these determinations in writing to the appointing authority.

32 f. Any person who at any time prior to his appointment had
33 served as a duly qualified, fully-trained, full-time officer in any
34 municipality or county of this State and who was separated from
35 that prior service in good standing, shall be eligible to serve as a
36 special law enforcement officer consistent with guidelines
37 promulgated by the commission. The training requirements set
38 forth in section 4 of this act may be waived by the commission with
39 regard to any person eligible to be appointed as a special law
40 enforcement officer pursuant to the provisions of this subsection.

41 (cf: P.L.1985, c.439, s.3)

42

43 4. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended
44 to read as follows:

45 4. a. No person may commence his duties as a special law
46 enforcement officer unless he has successfully completed a training
47 course approved by the commission and no special law enforcement

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

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

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

27 b. The commission may, in its discretion, except from the
28 requirements of this section any person who demonstrates to the
29 commission's satisfaction that he has successfully completed a
30 police training course conducted by any federal, state or other
31 public or private agency, the requirements of which are
32 substantially equivalent to the requirements of this act.

33 c. The commission shall certify officers who have satisfactorily
34 completed training programs and issue appropriate certificates to
35 those officers. The certificate shall clearly state the category of
36 certification for which the officer has been certified by the
37 commission.

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

42 (cf: P.L.1985, c.439, s.4)

43
44 5. Section 8 of P.L.1985, c.439 (C.40A:14-146.15) is amended
45 to read:

46 8. The chief of police, or, in the absence of the chief, other
47 chief law enforcement officer of the local unit wherein the officer is

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

9 (cf: P.L.1985, c.439, s.8)

10
11 6. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended
12 to read as follows:

13 9. a. Except as provided in subsection c. of this section, no
14 special law enforcement officer may be employed for more than 20
15 hours per week by the local unit except that special law
16 enforcement officers may be employed by the local unit for those
17 hours as the governing body may determine necessary in
18 accordance with the limits prescribed below:

19 (1) In resort municipalities not to exceed 48 hours per week
20 during any seasonal period.

21 (2) In all municipalities or counties without limitation as to
22 hours during periods of emergency.

23 (3) In all municipalities or counties in addition to not more than
24 20 hours per week including duties assigned pursuant to the
25 provisions of section 7 of this act a special law enforcement officer
26 may be assigned for not more than 20 hours per week to provide
27 public safety and law enforcement services to a public entity.

28 (4) In municipalities or counties, as provided in subsection b. of
29 section 7 of this act, for hours to be determined at the discretion of
30 the director of the municipal or county police force.

31 b. Notwithstanding any provision of this act to the contrary,
32 special law enforcement officers may be employed only to assist the
33 local law enforcement unit but may not be employed to replace or
34 substitute for full-time, regular police officers or in any way
35 diminish the number of full-time officers employed by the local
36 unit.

37 c. Each municipality or county may designate one special law
38 enforcement officer to whom the limitations on hours employed set
39 forth in subsection a. of this section shall not be applicable.

40 (cf: P.L.1985, c.439, s.9)

41
42 7. Section 10 of P.L.1985, c.439 (C.40A:14-146.17) is
43 amended to read as follows:

44 10. The local governing body shall by ordinance or resolution,
45 as appropriate, establish limitations upon the number and categories
46 of special law enforcement officers which may be employed by the
47 local unit in accordance with the certification and other

1 requirements provided for in this act. In communities other than
2 resort municipalities, the number of Class Two special law
3 enforcement officers shall not exceed 25% of the total number of
4 regular police officers, except that no municipality shall be required
5 to reduce the number of Class Two special law enforcement officers
6 or the equivalent thereof in the employ of the municipality as of
7 March 1, 1985. Notwithstanding the provisions of this section, each
8 local unit may appoint two Class Two special law enforcement
9 officers.

10 (cf: P.L.1985, c.439, s.10)

11

12 8. Section 11 of P.L.1985, c.439 (C.40:14-146.18) is amended
13 to read as follows:

14 11. **【Municipalities】** A local unit may provide by **【local】**
15 ordinance or resolution, as appropriate, that certain or all special
16 law enforcement officers shall be residents of the municipality or
17 county in which they are employed.

18 (cf: P.L.1985, c.439, s.11)

19

20 9. Section 1 of P.L.1987, c.271 (C.40:37-11.6) is amended to
21 read as follows:

22 1. a. **【When】** (1) Except as otherwise provided in paragraph
23 (2) of this subsection, when the governing body of a county
24 abolishes a county park commission, the governing body may, in its
25 discretion, abolish any county park police force which had been
26 established by that county park commission. Upon the abolition of
27 a county park police force, the governing body of the county shall
28 authorize the county sheriff to assign and supervise an appropriate
29 number of sheriff's officers to perform security duties for the county
30 parks, provided that the appropriate number of officers assigned to
31 perform security duties for county parks shall include all of the
32 former county park police officers who were transferred and given
33 appointments as sheriff's officers pursuant to subsection b. of this
34 section. In assigning the appropriate number of officers to perform
35 security duties in county parks, the sheriff shall determine the
36 appropriate table of organization, the number of officers to be
37 assigned above the number of former county park police officers,
38 the rank of the officers and any other rules and regulations the
39 sheriff shall deem appropriate.

40 The sheriff shall not assign a county park police officer who was
41 transferred and given an appointment as a sheriff's officer pursuant
42 to subsection b. of this section to duties other than security duties in
43 county parks without the consent of that officer. Any officer
44 assigned by the sheriff to perform park security duties shall
45 maintain all the powers of a sheriff's officer as provided by law and,
46 in addition, shall acquire the power to preserve order in the county
47 parks, to secure and enforce the rules and regulations established

1 for the county parks, and to protect life and property in the county
2 parks. A county park police officer who was transferred and given
3 an appointment as a sheriff's officer shall retain all of the police
4 power and authority that the officer had as a county park police
5 officer prior to the appointment as a sheriff's officer, including any
6 authority to bear and use a firearm.

7 (2) In the case of a county which has established a county police
8 force, the governing body of that county may authorize the chief
9 law enforcement officer of that force rather than the sheriff to
10 assign and supervise former county park police officers in the same
11 manner as other officers of the county police force are assigned and
12 supervised.

13 The chief law enforcement officer of the county police force may
14 assign a county park police officer who was transferred and given
15 an appointment as a county police officer pursuant to subsection b.
16 of this section to duties other than security duties in county parks.
17 Any officer assigned by the chief law enforcement officer of the
18 county police force to perform park security duties shall maintain
19 all the powers of a county police officer, as provided by law and, in
20 addition, shall acquire the power to preserve order in the county
21 parks, to secure and enforce the rules and regulations established
22 for the county parks, and to protect life and property in the county
23 parks. A county park police officer who was transferred and given
24 an appointment as a county police officer shall retain all of the
25 police power and authority that the officer had as a county park
26 police officer, including any authority to bear and use a firearm.

27 b. (1) Notwithstanding the provisions of any other law to the
28 contrary, when a county park police force is abolished, any county
29 park police officer who was appointed and in service on or before
30 the date on which the force is abolished shall be transferred to the
31 county sheriff's department and shall receive an immediate
32 appointment as a sheriff's officer, except as otherwise may be
33 provided pursuant to paragraph (2) of this subsection. Such a new
34 sheriff's officer shall acquire all of the civil service rights and
35 benefits which correspond to his new rank within the sheriff's
36 department and shall receive the compensation and other monetary
37 benefits corresponding to that rank. A county park police officer
38 who receives an appointment as a sheriff's officer and who has not
39 yet been certified by the Police Training Commission within the
40 Department of Law and Public Safety as having satisfactorily
41 completed a police training program shall meet all the training
42 requirements for a sheriff's officer within six months of the date of
43 appointment.

44 Upon appointment as a sheriff's officer pursuant to this
45 subsection, a county park police officer with the rank of chief may
46 be demoted no more than one rank. A county park police officer
47 with the rank of captain may be demoted to the rank of lieutenant,

1 an officer with the rank of lieutenant may be demoted to the rank of
2 sergeant, and any other officer shall not be demoted to a rank lower
3 than a sergeant upon appointment as a sheriff's officer.

4 (2) Notwithstanding the provisions of any other law to the
5 contrary, when a county park police force is abolished in a county
6 which has established a county police force and the governing body
7 of that county has authorized the chief law enforcement officer of
8 that force rather than the sheriff to assign and supervise former
9 county park police officers, those county park police officers who
10 were appointed and in service on or before the date on which the
11 force is abolished shall be transferred to the county police force and
12 shall receive an immediate appointment as a county police officer.
13 All such county police officers shall acquire all the civil service
14 rights and benefits which correspond to their new rank within the
15 county police force and shall receive the compensation and other
16 monetary benefits corresponding to that rank. A county park police
17 officer who receives an appointment as a county police officer and
18 who has not yet been certified by the Police Training Commission
19 within the Department of Law and Public Safety as having
20 satisfactorily completed a police training program shall meet all the
21 training requirements for a county police officer within six months
22 of the date of appointment.

23 Upon appointment as a county police officer pursuant to this
24 paragraph, a county park police officer with the rank of chief may
25 be demoted no more than one rank. A county park police officer
26 with the rank of captain may be demoted to the rank of lieutenant,
27 an officer with the rank of lieutenant may be demoted to the rank of
28 sergeant, and any other officer shall not be demoted to a rank lower
29 than a sergeant upon appointment as a county police officer.

30 c. The provisions of this section shall be controlling over any
31 provision of current law which is inconsistent with the provisions of
32 this section in situations where a county park police force has been
33 abolished and the county sheriff or the chief law enforcement
34 officer of the county police force has been authorized to provide
35 security for county parks. It is the purpose of this act that a county
36 park police officer shall be appointed as a sheriff's officer or county
37 police officer, as the case may be, without any loss of seniority
38 rights, or impairment of tenure or retirement system rights.

39 d. Upon the enactment of this section into law, a county park
40 police officer with the rank of chief shall be given the option of
41 becoming a sheriff's officer or county police officer, as the case
42 may be, pursuant to the provisions of this section or of retiring from
43 service. If the chief elects retirement, he shall not be demoted but
44 shall retain the rank of chief and shall be given terminal leave for a
45 period of one month for each five year period of past service as a
46 county park police officer. During the terminal leave, the chief
47 shall continue to receive full compensation and shall be entitled to

1 all benefits, including any increases in compensation or benefits,
2 that he may have been entitled to if he had remained on active duty.
3 (cf: P.L.1987, c.271, s.1)

4

5 10. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This Senate Substitute for Senate Bill No. 2129 permits county
11 sheriffs to hire Class Two special law enforcement officers to
12 perform court-related duties. The bill also permits county police
13 departments and forces to appoint Class One or Class Two special
14 law enforcement officers.

15 The substitute also revises the law governing the transfer and
16 appointment of members of a county park police force if it were to
17 be abolished.

18 Under current law, whenever a county park police force is
19 abolished, the members of that force are transferred and given
20 appointments in the county sheriff's office as sheriff's officers.

21 The substitute provides that in those counties that have
22 established county police forces, the governing body of the county
23 may transfer the officers of the abolished county park police force
24 to the county police force, rather than to the county sheriff's
25 department. The transferred officers would be given appointments
26 as county police officers.

27 The substitute does not impose any limitations or restrictions on
28 the types of law enforcement duties a special may be assigned to
29 perform as a member of a county police force.

30 While the transfers are to be accomplished without any loss of
31 seniority rights, or impairment of tenure or retirement system rights
32 and the transferred officers are to be compensated according to the
33 sheriff's rank and compensation schedule, the current law does
34 permit the demoting of the superior officers of an abolished park
35 police force, but by no more than one rank. Officers demoted under
36 this provision could experience a loss in pay. These provisions also
37 would apply to county park police officers transferred to a county
38 police force.