

40A:14-106 — 40A:14-107

LEGISLATIVE HISTORY CHECKLIST

(County police departments--expand duties--
enforce general regulations concerning
health, safety and welfare)

NJSA 40A:14-106 - 40A:14-107

LAWS 1981

CHAPTER 126

Bill No. S515

Sponsor(s) Gregoria

Date Introduced Pre-filed

Committee: Assembly County Government

Senate County and Municipal Government

Amended during passage Yes

~~No~~ Amendments during passage
denoted by asterisks

Date of Passage: Assembly Jan. 26, 1981

Senate Feb. 25, 1980

Date of approval April 27, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill clarifies the police powers of county police to enforce regulations concerning the general health, safety and welfare of the public.

6/22/81

1001

4-27-81

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 515

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator GREGORIO

AN ACT concerning county police departments, and amending N. J. S. 40A:14-106 *N. J. S. 40A:14-107* and P. L. 1978, c. 69, supplementing chapter 14 of Title 40A of the New Jersey Statutes ***[** and repealing N. J. S. 40A:14-107**]**.*

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

1 1. N. J. S. 40A:14-106 is amended to read as follows:

2 40A:14-106. The governing body of any county, adopting rules
3 for the regulation of traffic upon the county highways and roads
4 and for the enforcement of laws pertaining thereto, by ordinance
5 or resolution, *as appropriate*, may create and establish a county
6 police department and force and provide for its maintenance,
7 regulation and control. Except as otherwise provided by law, the
8 **[said board]** *governing body* may appoint a chief of the depart-
9 ment and such other members, officers and personnel as shall be
10 deemed necessary, determine their terms of office, fix their com-
11 pensation and prescribe their powers, functions and duties. The
12 **[said board]** *governing body* shall adopt and promulgate rules and
13 regulations for the government of the department and force and
14 for the discipline of its members.

1 2. Section 2 of P. L. 1978, c. 69 ****[(C. 40:14-106.1)]**** ****(C.**
2 **40A:14-106.1)**** is amended to read as follows:

3 2. The **[governing body of any first class county according to**
4 **the 1970 Federal census may, by ordinance or resolution, provide**
5 **that the]** **governing body of any first or second class county ac-*
6 *cording to the 1970 Federal census may, by ordinance or resolution,*
7 *as appropriate, provide that the** county police department and
8 force shall have general authority, without limitation, to exercise

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

9 police powers and duties as generally provided by law for police
 10 officers and law enforcement officers***[.]*** ***[**provided, however,
 11 that no such grant of general authority shall apply to officers
 12 appointed pursuant to R. S. 40:37-154 as county park policemen.
 13 All county police departments shall provide the same training for
 14 their officers as is provided for regular municipal police officers,
 15 and no county police officer shall operate under a grant of general
 16 authority unless and until he has received such training**]** ***[and**
 17 *shall enforce within the territorial limits of the county all rules*
 18 *and regulations of the governing body of the county respecting the*
 19 *general health, safety and welfare of the public.]**

1 3. (New section) All county police departments **granted general*
 2 *authority** shall provide the same training for their officers as is
 3 provided for regular municipal police officers*, *and no county*
 4 *police officer shall operate under a grant of general authority unless*
 5 *and until he has received such training*.*

1 4. (New section) Except as specifically provided, nothing con-
 2 tained in N. J. S. 40A:14-106 through N. J. S. 40A:14-117 shall
 3 apply to any county park police department or system, or the
 4 officers thereof, established pursuant to R. S. 40:37-154, R. S.
 5 40:37-202, P. L. 1976, c. 90 (C. 40:32-2.6 et seq.), P. L. 1962, c. 120
 6 (C. 40:37-95.40 et seq.), P. L. 1960, c. 135 (C. 40:37-261 et seq.), or
 7 any other law**; *but nothing contained in this act shall be construed*
 8 *to limit the power of the governing body of any county which has*
 9 *adopted the "Optional County Charter Law" (P. L. 1972, c. 154;*
 10 *C. 40:41A-1 et seq.) to reorganize its structure, pursuant to section*
 11 *30 of P. L. 1972, c. 154 (C. 40:41A-30), including, but not limited*
 12 *to, the conversion of any county park police system previously*
 13 *established into a county police department under N. J. S.*
 14 *40A:14-106 through N. J. S. 40A:14-117. No member of a county*
 15 *park police system which has been converted into a county police*
 16 *department pursuant to this law shall operate under a grant of*
 17 *general authority unless and until he has received the training*
 18 *required of regular municipal police officers**.*

1 5. ***[N. J. S. 40A:14-107 is repealed.]*** *N. J. S. 40A:14-107 is
 2 amended to read as follows:

3 40A:14-107. The members and officers of a county police depart-
 4 ment and force, in addition to any and all other powers prescribed
 5 by law, shall have the power to enforce:

6 (1) All rules and regulations made and promulgated by the
 7 **[board of chosen freeholders]** *governing body* of the county govern-
 8 ing the use of by the public, and the welfare of the public on, county
 9 highways and roads;

10 (2) All provisions of chapter 171 (Sunday observances) of Title
11 2A of the New Jersey Statutes;

12 (3) All provisions of Title 39 (Motor Vehicles and Traffic
13 Regulation) of the Revised Statutes; **and**

14 (4) All provisions of **Subtitle 10 (Crimes) of Title 2A** Title
15 2C of the New Jersey Statutes; *and*

16 (5) *All rules and regulations made and promulgated by the*
17 *governing body of the county respecting the general health, safety*
18 *and welfare of the public within the territorial limits of the county.*

19 The said members and officers have authority to arrest for the
20 commission of any crime anywhere in the county of their appoint-
21 ment; they shall also have full authority to arrest for any crimes
22 committed in their presence which are committed anywhere within
23 the territorial limits of the State of New Jersey.*

1 6. This act shall take effect immediately.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 515

STATE OF NEW JERSEY

DATED: APRIL 17, 1980

The purpose of Senate Bill No. 515 is to clarify the power of county police departments to enforce rules and regulations of the county governing body pertaining to the general health, safety and welfare of the public within the territorial limits of the county.

In line with this objective, the bill:

1. Extends the provisions of P. L. 1978, c. 69 (N. J. S. 40A:4-106.1), granting general authority to exercise police powers, to second class county police departments;

2. Provides that the granting of general authority to county police officers under N. J. S. 40A:14-106.1 remain optional to the county governing body;

3. Clarifies the provisions of N. J. S. 40A:14-106 as they apply to counties operating under the "Optional County Charter Law";

4. Requires that all county police officers granted general authority receive the same training as is required of regular municipal police officers; and,

5. Clarifies that subchapter c. (County Police) of chapter 14 of Title 40A applies only to county police departments and not to county park police departments or systems, unless specifically provided therein.

The Assembly Committee amended the bill to clarify that the powers of counties operating under the "Optional County Charter Law" to reorganize their general structure includes the power to convert county park police departments into county police departments.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 515

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 17, 1980

As the sponsor states, the purpose of Senate Bill No. 515 is to clarify the power of county police departments to enforce rules and regulations of the county governing body pertaining to the general health, safety and welfare of the public within the territorial limits of the county.

The committee amendments, approved by the sponsor, would:

1. Recognize the fact that Union county has recently established a county police department by extending the provisions of P. L. 1978, c. 69 (N. J. S. A. 40A:14-106.1) granting general authority to exercise police powers, to second class county police departments, as well as to those established in first class counties;
2. Assure that the granting of general authority to county police officers under N. J. S. A. 40A:14-106.1 shall remain optional to the county governing body;
3. Amend N. J. S. 40A:14-107 to accomplish the bill's purposes, rather than repealing that section;
4. Clarify the provisions of 40A:14-106 as they apply to counties operating under the "Optional County Charter Law;"
5. Require that all county police officers granted general authority receive the same training as is provided for regular municipal police officers.

In addition, it is noted that the bill clarifies that subchapter c. (County Police) of chapter 14 of Title 40A applies only to county police departments, and not county park police departments or systems, unless specifically provided therein. The restriction currently contained in N. J. S. A. 40A:14-106.1, to be removed under the bill, is incomplete and seems to imply that other provisions of that subchapter are intended to apply to county park police systems.