

2C: 39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:39-6; 40A:14-7.1 (Arson investigation units - permits)

LAWS 1981 CHAPTER 409

Bill No. 53333

Sponsor(s) Caufield, Orechio and Graves

Date Introduced June 25, 1981

Committee: Assembly --

Senate County and Municipal Government

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 4, 1982

Senate Dec. 3, 1981

Date of approval Jan. 7, 1982

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del>
Committee Statement: Assembly	<del>Yes</del>	No
Senate	Yes	<del>No</del>
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	Yes	<del>XX</del>
Hearings	<del>XX</del>	No

974.90 New Jersey. Arson Task Force.  
C929 Development of a New Jersey Strategy for Arson Control. Trenton, 1979.  
1979C

6/22/81

PP NOV 1982

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SENATE, No. 3333

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1981

By Senators CAUFIELD, ORECHIO and GRAVES

Referred to Committee on County and Municipal Government

AN ACT authorizing the creation of arson investigation units in certain fire departments, supplementing chapter 14 of Title 40A of the New Jersey Statutes, and amending N. J. S. 2C:39-6.

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

1 1. (New section) a. The governing body of any municipality  
2 which has established a paid or part-paid fire department or force  
3 may, by ordinance, create an arson investigation unit within the  
4 fire department or force and provide for the maintenance, regula-  
5 tion and control thereof. The arson investigation unit shall be  
6 responsible for conducting investigations of arson, suspicious fires  
7 or explosions within the municipality.

8 b. Only paid members of a paid or part-paid fire department or  
9 force may be assigned to an arson investigation unit created pursu-  
10 ant to this section. Before any member shall be assigned to an  
11 arson investigation unit, he shall have successfully completed a  
12 basic training course for police officers at a school approved by the  
13 Police Training Commission and an arson investigation training  
14 course approved by the Department of Law and Public Safety.

15 c. Any member of a fire department or force who is assigned to  
16 an arson investigation unit pursuant to this section shall attend  
17 and successfully complete in-service training programs as required  
18 by the Division of Criminal Justice.

19 d. Any member of a fire department or force who is assigned  
20 full-time to an arson investigative unit pursuant to this section shall  
21 have the same powers and authority of police officers within the  
22 municipality while engaged in the actual performance of arson  
23 investigation duties.

1 2. 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:

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

3 (1) Members of the Armed Forces of the United States or of  
4 the National Guard while actually on duty, or while traveling  
5 between places of duty and carrying authorized weapons in the  
6 manner 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 perform-  
9 ance 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]\*** *\*investigator\** em-  
14 ployed by the Division of Criminal Justice of the Department of  
15 Law and Public Safety, investigator employed by the State Com-  
16 mission of Investigation, inspectors and investigators of the  
17 Division of Alcoholic Beverage Control in the Department of Law  
18 and Public Safety, State park ranger or State conservation officer;

19 (5) A prison or jail warden *\*of any penal institution in this*  
20 *State\** or his deputies, **\*[a correction officer or keeper of any penal**  
21 **institution in this State]\*** or an employee of the Department of  
22 Corrections engaged in the interstate transportation of convicted  
23 offenders, while in the performance of his duties, and when required  
24 to possess such a weapon by his superior officer\*, *or a correction*  
24A *officer or keeper of a penal institution in this State at all times*  
24B *while in the State of New Jersey provided he annually passes an*  
24C *examination by the superintendent testing his proficiency in the*  
24D *handling of firearms\**;

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

32 (7) A regularly employed member, including a detective, of the  
33 police department of any county or municipality, or of any State,  
34 interstate, municipal or county park police force or boulevard police  
35 force, at all times while in the State of New Jersey, or a special  
36 policeman or airport security officer appointed by the governing  
37 body of any county or municipality or by the commission, board  
38 or other body having control of a county park or airport or boule-  
39 vard police force, while engaged in the actual performance of his  
40 official duties and when specifically authorized by the governing  
41 body to carry weapons**[.]**; *or*

42 (8) A paid member of a paid or part-paid fire department or  
 43 force of any municipality who is assigned full-time to an arson in-  
 44 vestigation unit created pursuant to section 1 of \***[this amendatory**  
 45 **and supplementary act]**\* \*P. L. . . . ., c. . . . (C. . . . .), (now  
 45A pending before the Legislature as Senate Bill No. 3333 of 1981)\*,  
 45B while engaged in the actual performance of arson investigation  
 46 duties and when specifically authorized by the governing body to  
 47 carry weapons.

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

49 (1) A law enforcement officer employed by a governmental  
 50 agency outside of the State of New Jersey while actually engaged  
 51 in his official duties, provided, however, that he has first notified  
 52 the superintendent or the chief law enforcement officer of the  
 53 municipality or the prosecutor of the county in which he is engaged;  
 54 or

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

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

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

70 (2) A State deputy conservation officer or a full-time employee  
 71 of the Division of Parks and Forestry having the power of arrest  
 72 and authorized to carry weapons, while in the actual performance  
 73 of his official duties;

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

78 (4) A court attendant serving as such under appointment by  
 79 the sheriff of the county or by the judge \***[or magistrate]**\* of any  
 80 \*municipal court or other\* court of this State; while in the actual  
 81 performance of his official duties;

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

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

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

91 (8) An employee of a public utilities corporation actually en-  
92 gaged in the transportation of explosives.

93 d. Subsections c. and d. of section 2C:39-5 do not apply to  
94 antique firearms, provided that such antique firearms are unloaded  
95 or are being fired for the purposes of exhibition or demonstration  
96 at an authorized target range or in such other manner as has  
97 been approved in writing by the chief law enforcement officer of  
98 the municipality in which the exhibition or demonstration is held.

99 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
100 be construed to prevent a person keeping or carrying about his  
101 place of business, residence, premises or other land owned or  
102 possessed by him, any firearm, or from carrying the same, in the  
103 manner specified in subsection g. of this section, from any place of  
104 purchase to his residence or place of business between his dwellings  
105 and his place of business, between one place of business or resi-  
106 dence and another when moving, or between his dwelling or place  
107 of business and place where such firearms are repaired, for the  
108 purpose of repair. For the purposes of this section, a place of  
109 business shall be deemed to be a fixed location.

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

112 (1) A member of any rifle or pistol club organized in accordance  
113 with the rules prescribed by the National Board for the Promotion  
114 of Rifle Practice, in going to or from a place of target practice,  
115 carrying such firearms as are necessary for said target practice,  
116 provided that the club has filed a copy of its charter with the super-  
117 intendent and annually submits a list of its members to the  
118 superintendent, and provided further that the firearms are carried  
119 in the manner specified in subsection g. of this section;

120 (2) A person carrying a firearm or knife in the woods or fields  
121 or upon the waters of this State for the purpose of hunting, target  
122 practice or fishing, provided that the firearm or knife is legal and  
123 appropriate for hunting or fishing purposes in this State and he

124 has in his possession a valid hunting license, or, with respect to  
125 fresh water fishing, a valid fishing license;

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

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

130 (b) Directly to or from any target range, or other authorized  
131 place for the purpose of practice, match, target, trap or skeet shoot-  
132 ing exhibitions, provided in all cases that during the course of  
133 such travel all firearms are carried in the manner specified in sub-  
134 section g. of this section and the person has complied with all the  
135 provisions and requirements of Title 23 of the Revised Statutes  
136 and any amendments thereto and all rules and regulations promul-  
137 gated thereunder:

138 (c) In the case of a firearm, directly to or from any exhibition  
139 or display of firearms which is sponsored by any law enforcement  
140 agency, any rifle or pistol club, or any firearms collectors club,  
141 for the purpose of displaying of the firearms to the public or to the  
142 members of such organization or club, provided, however, that not  
143 less than 30 days prior to such exhibition or display, notice of such  
144 exhibition or display shall be given to the Superintendent of the  
145 State Police by the sponsoring organization or club, and the spon-  
146 sor has complied with such reasonable safety regulations **\*[or]\***  
147 *\*as\** the superintendent may promulgate. Any firearms transported  
148 pursuant to this section **\*[must]\*** *\*shall\** be transported in the  
149 manner specified in paragraph g. of this section.

150 g. All weapons being transported under subsections (b) (2), e.  
151 or f. (1) or (3) of this section shall be carried unloaded and con-  
152 tained in a closed and fastened case, gunbox, securely tied package,  
153 or locked in the trunk of the automobile in which it is being trans-  
154 ported, and the course of travel shall include only such deviations  
155 as are reasonably necessary under the circumstances.

156-157 *\*h. Nothing in subsection d. of section 2C:39-5 shall be construed*  
158 *to prevent any employee of a public utility, as defined in R. S.*  
159 *48:2-13, doing business in this State or any United States Postal*  
160 *Service employee, while in the actual performance of duties which*  
161 *specifically require regular and frequent visits to private premises,*  
162 *from possessing, carrying or using any device which projects,*  
163 *releases or emits any substance specified as being noninjurious to*  
164 *canines or other animals by the Commissioner of Health and which*  
165 *immobilizes only on a temporary basis and produces only temporary*  
166 *physical discomfort through being vaporized or otherwise dis-*

167 *pensed in the air for the sole purpose of repelling canine or other*  
168 *animal attacks.*

169 *The device shall be used solely to repel only those canine or other*  
170 *animal attacks when the canines or other animals are not restrained*  
171 *in a fashion sufficient to allow the employee to properly perform*  
172 *his duties.*

173 *Any device used pursuant to this act shall be selected from a list*  
174 *of products, which consist of active and inert ingredients, permitted*  
175 *by the Commissioner of Health.\**

1 3. This act shall take effect immediately.

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130 (b) Directly to or from any target range, or other authorized  
 131 place for the purpose of practice, match, target, trap or skeet shoot-  
 132 ing exhibitions, provided in all cases that during the course of  
 133 such travel all firearms are carried in the manner specified in sub-  
 134 section g. of this section and the person has complied with all the  
 135 provisions and requirements of Title 23 of the Revised Statutes  
 136 and any amendments thereto and all rules and regulations promul-  
 137 gated thereunder:

138 (c) In the case of a firearm, directly to or from any exhibition  
 139 or display of firearms which is sponsored by any law enforcement  
 140 agency, any rifle or pistol club, or any firearms collectors club,  
 141 for the purpose of displaying of the firearms to the public or to the  
 142 members of such organization or club, provided, however, that not  
 143 less than 30 days prior to such exhibition or display, notice of such  
 144 exhibition or display shall be given to the Superintendent of the  
 145 State Police by the sponsoring organization or club, and the spon-  
 146 sor has complied with such reasonable safety regulations or the  
 147 superintendent may promulgate. Any firearms transported pur-  
 148 suant to this section must be transported in the manner specified  
 149 in paragraph g. of this section.

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 152 tained in a closed and fastened case, gunbox, securely tied package,  
 153 or locked in the trunk of the automobile in which it is being trans-  
 154 ported, and the course of travel shall include only such deviations  
 155 as are reasonably necessary under the circumstances.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill permits municipalities to create arson investigation units in paid or part-paid fire departments, establishes qualifications for personnel assigned to such units, and grants full police powers to such personnel within the municipalities in which they are employed while they are engaged in full-time investigative activities. This bill also grants full-time arson investigators the right to carry firearms while on duty, if approved by the municipal governing body.

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S 3333 (1981)

SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 3333**

with Senate committee amendment

**STATE OF NEW JERSEY**

DATED: NOVEMBER 16, 1981

Senate Bill No. 3333 permits municipalities to create arson investigation units in paid or part-paid fire departments, and permits those municipalities to grant police powers to full-time arson investigators qualified by professional training. The Attorney General's Office supports this bill.

The Senate committee amendment merely conforms this bill with the provisions of P. L. 1981, c. 294 which also amended N. J. S. 2C:39-6.