

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

FOR ATTACHMENTS  
SEE 40:8-8 to  
40:8-15

USA 40:8-8 to 40:8-15; 2C:39-6 (Airports--County owned and operated-- permit appointment of security officers)

LAWS OF 1979 CHAPTER 332

Bill No. A3321

Sponsor(s) McConnell

Date Introduced May 10, 1979

Committee: Assembly County Government

Senate County and Municipal Government

Amended during passage Yes XR Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate August 6, 1979

Date of approval Jan. 21, 1980

Following statements are attached if available:

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

Following were printed:

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

LEGISLATIVE HISTORY CHECKLIST

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 3321

## STATE OF NEW JERSEY

INTRODUCED MAY 10, 1979

By Assemblywoman McCONNELL

Referred to Committee on County Government

AN ACT authorizing the appointment of airport security officers by counties which own and operate airports\*, amending N. J. S. 2C:39-6,\* and supplementing Title 40 of the Revised Statutes.

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

1 1. The governing body of any county which has established an  
2 airport may, by ordinance or resolution, as appropriate, provide  
3 for the appointment of such persons as the governing body may  
4 designate to act as airport security officers for the facility.

1 2. All applications for the position of airport security officers  
2 shall, in the first instance, be made to the chief of police of the  
3 county in which the airport is located, except that where the county  
4 does not have an organized full-time police department, applica-  
5 tion shall be made to the Superintendent of State Police. The chief  
6 of police or the superintendent, as the case may be, shall investigate  
7 and determine the character, competency, integrity and fitness of  
8 the person or persons designated in the application. If the appli-  
9 cation is approved by the chief of police or the superintendent, the  
10 approved application shall be returned to the governing body which  
11 shall issue a commission to the person appointed, a copy of which  
12 shall be filed in the office of the superintendent and with the chief  
13 of police of the county and municipality in which such airport is  
14 located.

1 3. Every person so appointed and commissioned shall, within 1  
2 year of the date of his commission, successfully complete a police  
3 training course at a school approved and authorized by the Police  
4 Training Commission; provided, however, that the Police Training  
5 Commission may, in its discretion, except from the requirements  
6 of this section any person who demonstrates to the commission's  
7 satisfaction that he has successfully completed a police training

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

8 course conducted by any Federal, State or other public or private  
9 agency, the requirements of which are substantially equivalent to  
10 the requirements of that at a school approved by the commission.

1 4. Every person so appointed and commissioned shall, while on  
2 duty, within the limits of the property under the control of the  
3 airport, possess all the powers of policemen and constables in  
4 criminal cases and offenses against the law.

1 5. Each airport security officer, when on duty, except when  
2 employed as a detective, shall wear in plain view a name plate and  
3 a metallic shield or device with the word "police" and the name  
4 or style of the airport for which he is appointed inscribed thereon.

1 6. In connection with traffic and parking violations, the airport  
2 security officer appointed pursuant to this act shall, while on duty  
3 and within the territorial limits of the airport, have the power to  
4 enforce the laws regulating traffic and the operation of motor  
5 vehicles. Such policemen shall have authority to issue and use  
6 traffic tickets and summonses of the type now used by the New  
7 Jersey State Police with such changes as are necessitated by reason  
8 of this act. Upon the issuance of any traffic or parking ticket or  
9 summons by an airport security officer, a copy of said ticket or  
10 summons shall be sent to the municipality in which the airport is  
11 located. Following the receipt of such a ticket or summons the  
12 municipality shall proceed as if said municipality had issued such  
13 traffic or parking violations ticket or summons.

1 \***[7.** The provisions of N. J. S. 2A:151-41 and of sections  
2 2C:39-3a. to f., 2C:39-4 and 2C:39-5 of the New Jersey Statutes  
3 shall not apply to any airport security officer appointed pursuant  
4 to the provisions of this act.]\*

1 \*7. (New section) County airport security officers shall be con-  
2 sidered to be law enforcement officers for the purposes of N. J. S.  
3 2C:39-3.

1 8. (New section) 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:

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 employed by the Division of*  
 14 *Criminal Justice of the Department of Law and Public Safety,*  
 15 *investigator employed by the State Commission of Investigation,*  
 16 *inspectors and investigators of the Division of Alcoholic Beverage*  
 17 *Control in the Department of Law and Public Safety, [or] State*  
 18 *park ranger or State conservation officer;*

19 (5) A prison or jail warden or his deputies, a correction officer  
 20 or keeper of any penal institution in this State *or an employee of*  
 21 *the Department of Corrections engaged in the interstate trans-*  
 22 *portation of convicted offenders,* while in the performance of his  
 23 duties, and when required to possess such a weapon by his superior  
 24 officer;

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*  
 35 *police force,* at all times while in the State of New Jersey, or a  
 36 *special policeman or airport security officer* appointed by the gov-  
 37 erning body of any county or municipality or by the commission,  
 38 board or other body having control of a county park *or airport or*  
 39 *boulevard police force,* while engaged in the actual performance  
 40 of his official duties and when specifically authorized by the govern-  
 41 ing body to carry weapons.

42 **[(8) County park police while engaged in the actual perform-**  
 43 **ance of their official duties.]**

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

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

51 (2) A licensed **[retail]** dealer in firearms and his registered em-  
 52 ployees during the course of their normal business while traveling  
 53 to and from their place of business and other places for the pur-  
 54 pose of demonstration, exhibition or delivery in connection with a

55 sale, provided, however, that any such weapon is carried in the  
56 manner specified in subsection g. of this section.

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

58 (1) A railway policeman, *while in the actual performance of*  
59 *his official duties and while going to or from his place of duty, a*  
60 campus police officer appointed pursuant to P. L. 1970, c. 211  
61 (C. 18A:6-4.2 et seq.) **【.】** or any other police officer, while in the  
62 actual performance of his official duties;

63 (2) A *State deputy* conservation officer or a full-time employee  
64 of the Division of **【Shell Fisheries】** *Parks and Forestry* having  
65 the power of arrest and authorized to carry weapons, while in the  
66 actual performance of his official duties;

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

71 **【(4)】** The inspectors and investigators of the Division of Alco-  
72 holic Beverage Control in the Department of Law and Public  
73 Safety, while in the actual performance of his official duties: **】**

74 **【(5)】** (4) A court attendant serving as such under appointment  
75 by the sheriff of the county or by the judge or magistrate of any  
76 court of this State; while in the actual performance of his official  
77 duties;

78 **【(6)】** (5) A guard in the employ of any railway express com-  
79 pany, banking or building and loan or savings and loan institution  
80 of this State, while in the actual performance of his official duties;

81 **【(7)】** (6) A member of a legally recognized military organiza-  
82 tion while actually under orders or while going to or from the  
83 prescribed place of meeting and carrying the weapons prescribed  
84 for drill, exercise or parade;

85 **【(8)】** (7) An officer of the Society for the Prevention of Cruelty  
86 to Animals, while in the actual performance of his duties; or

87 **【(9)】** (8) An employee of a public utilities corporation actually  
88 engaged in the transportation of explosives.

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

95 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
96 be construed to prevent a person keeping or carrying about his  
97 place of business, residence, premises or other land owned or

98 possessed by him, any firearm, or from carrying the same, in the  
99 manner specified in subsection g. of this section, *from any place of*  
100 *purchase to his residence or place of business* between his dwellings  
101 and his place of business, *between one place of business or resi-*  
102 *dence and another when moving*, or between his dwelling or place  
103 of business and place where such firearms are repaired, for the  
104 purpose of repair. For the purposes of this section, a place of  
105 business shall be deemed to be a fixed location.

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

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

116 (2) A person carrying a firearm or knife in the woods or fields  
117 or upon the waters of this State for the purpose of hunting, target  
118 practice or fishing, provided that the firearm or knife is legal and  
119 appropriate for hunting or fishing purposes in this State and he  
120 has in his possession a valid hunting *license*, or, *with respect to*  
121 *fresh water fishing*, a valid fishing license;

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

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

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

134 (c) In the case of a firearm, directly to or from any exhibition  
135 or display of firearms which is sponsored by any law enforcement  
136 agency, any rifle or pistol club, or any firearms collectors club,  
137 for the purpose of displaying of the firearms to the public or to the  
138 members of such organization or club, provided, however, that not  
139 less than 30 days prior to such exhibition or display, notice of such

140 exhibition or display shall be given to the Superintendent of the  
141 State Police by the sponsoring organization or club, and the spon-  
142 sor has complied with such reasonable safety regulations or the  
143 superintendent may promulgate. Any firearms transported pur-  
144 suant to this section must be transported in [accordance with  
145 2C:39-6] *the manner specified in paragraph g. of this section.*

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

1 \***[8.]**\* \*9.\* Nothing in this act shall be construed to limit or  
2 impair the rights of any State, county or municipal law enforce-  
3 ment officer in the performance of his duties.

1 \***[9.]**\* \*10.\* If any provision of this act shall be adjudged by any  
2 court of competent jurisdiction to be ineffective, such determination  
3 shall not affect or impair the remaining provisions thereof but shall  
4 be confined in its operation to the provisions directly involved in a  
5 controversy in which said determination shall have been rendered.

1 \***[10.]**\* \*11.\* This act shall take effect immediately.

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3 airport, possess all the powers of policemen and constables in  
4 criminal cases and offenses against the law.

1 5. Each airport security officer, when on duty, except when  
2 employed as a detective, shall wear in plain view a name plate and  
3 a metallic shield or device with the word "police" and the name  
4 or style of the airport for which he is appointed inscribed thereon.

1 6. In connection with traffic and parking violations, the airport  
2 security officer appointed pursuant to this act shall, while on duty  
3 and within the territorial limits of the airport, have the power to  
4 enforce the laws regulating traffic and the operation of motor  
5 vehicles. Such policemen shall have authority to issue and use  
6 traffic tickets and summonses of the type now used by the New  
7 Jersey State Police with such changes as are necessitated by reason  
8 of this act. Upon the issuance of any traffic or parking ticket or  
9 summons by an airport security officer, a copy of said ticket or  
10 summons shall be sent to the municipality in which the airport is  
11 located. Following the receipt of such a ticket or summons the  
12 municipality shall proceed as if said municipality had issued such  
13 traffic or parking violations ticket or summons.

1 7. The provisions of N. J. S. 2A:151-41 and of sections 2C:39-3a.  
2 to f., 2C:39-4 and 2C:39-5 of the New Jersey Statutes shall not  
3 apply to any airport security officer appointed pursuant to the  
4 provisions of this act.

1 8. Nothing in this act shall be construed to limit or impair the  
2 rights of any State, county or municipal law enforcement officer  
3 in the performance of his duties.

1 9. If any provision of this act shall be adjudged by any court of  
2 competent jurisdiction to be ineffective, such determination shall  
3 not affect or impair the remaining provisions thereof but shall be  
4 confined in its operation to the provisions directly involved in a  
5 controversy in which said determination shall have been rendered.

1 10. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to allow any county which owns and operates a county airport to appoint airport security officers who, while on duty and within the territorial limits of the airport, shall have the same powers as policemen. Applications for such positions shall be made to the county chief of police or to the Superintendent of State Police if the county has no police force. All airport security officers, within 1 year of their appointment, must complete a training course at an approved school unless an officer has already received such training.

A. 3321 (1979)

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ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3321

STATE OF NEW JERSEY

DATED: JUNE 28, 1979

This bill would permit a county which has established an airport to appoint airport security officers. All applicants for such positions must apply to the county chief of police or the Superintendent of State Police if the county has no police force and all security officers must, within 1 year of their appointment, complete a training course at an approved school. Any person serving as an airport security officer shall, while on duty, have all the powers as policemen.

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SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3321**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: AUGUST 2, 1979

Assembly Bill 3321 would permit a county which has established an airport to appoint airport security officers. All applicants for such positions must apply to the county chief of police, or the Superintendent of State Police if the county has no police force, and all security officers must, within 1 year of appointment, complete a training course at an approved school. Any person serving as an airport security officer shall, while on duty, have all the powers of policemen.

The Senate committee amendments are necessary to correct a technical error in the bill. The intent of section 7 of the original bill was obviously to exempt airport security guards from licensing requirements for firearms, and to permit them to possess weapons and devices prohibited pursuant to N. J. S. 2C:39-3 (sawed-off shotguns, destructive devices, knives, etc.), when they have confiscated or seized such weapons and devices as evidence. These powers are, of course, those generally permitted to law enforcement officers under the new Penal Code. As written, however, the section would have permitted airport security officers to possess weapons for unlawful purposes, and to possess certain banned weapons (N. J. S. 2C:39-3) for whatever purpose. The committee amendments restore the intent of the original bill.