



**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christie signs bills to provide more officers for schools," Associated Press State Wire: New Jersey, November 30, 2016

"Christie signs amended school security legislation," Star-Ledger, December 1, 2016

"Christie Ok's retired cops to provide school security," Jersey Journal, December 1, 2016

"New law allows retired cops to work NJ school security while armed," New Jersey 101.5, November 30, 2016

"Christie signs bill letting armed, retired cops provide security in N.J. schools," nj.com, November 30, 2016

"Christie signs bill to provide more officers for schools," Philadelphia Inquirer, November 30, 2016

"Christie signs school security, welfare bills," myCentralJersey.com, November 30, 2016

RWH/JA

P.L.2016, CHAPTER 68, *approved November 30, 2016*  
Senate, No. 86 (*Fourth Reprint*)

1 AN ACT concerning **[school]** security <sup>1</sup>in schools and certain  
2 colleges<sup>1</sup> and amending P.L.1985, c.439 <sup>3</sup>**[<sup>1</sup>and P.L.2005,**  
3 c.276<sup>1</sup>]<sup>3</sup>.

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

7  
8 1. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended  
9 to read as follows:

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

16 b. **[No]** A person **[may]** shall not be appointed as a special  
17 law enforcement officer unless the person:

18 (1) Is a resident of this State during the term of appointment;

19 (2) Is able to read, write and speak the English language well  
20 and intelligently and has a high school diploma or its equivalent;

21 (3) Is sound in body and of good health;

22 (4) Is of good moral character;

23 (5) Has not been convicted of any offense involving dishonesty  
24 or which would make him unfit to perform the duties of his office;

25 (6) Has successfully undergone the same psychological testing  
26 that is required of all full-time police officers in the municipality or  
27 county or, with regard to a special law enforcement officer hired for  
28 a seasonal period by a resort municipality which requires  
29 psychological testing of its full-time police officers, has  
30 successfully undergone a program of psychological testing  
31 approved by the commission.

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

36 d. No person shall be appointed to serve as a special law  
37 enforcement officer in more than one local unit at the same time,

**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:

<sup>1</sup>Senate SLP committee amendments adopted February 4, 2015.

<sup>2</sup>Senate floor amendments adopted February 11, 2016.

<sup>3</sup>Assembly AED committee amendments adopted June 20, 2016.

<sup>4</sup>Senate amendments adopted in accordance with Governor's  
recommendations September 15, 2016.

1 nor shall any permanent, regularly appointed full-time police officer  
2 of any local unit be appointed as a special law enforcement officer  
3 in any local unit. No public official with responsibility for setting  
4 law enforcement policy or exercising authority over the budget of  
5 the local unit or supervision of the police department of a local unit  
6 shall be appointed as a special law enforcement officer.

7 e. Before any special law enforcement officer is appointed  
8 pursuant to this act, the chief of police, or, in the absence of the  
9 chief, other chief law enforcement officer of the local unit shall  
10 ascertain the eligibility and qualifications of the applicant and  
11 report these determinations in writing to the appointing authority.

12 f. Any person who at any time prior to his appointment had  
13 served as a duly qualified, fully-trained, full-time officer in any  
14 municipality or county of this State and who was separated from  
15 that prior service in good standing, shall be eligible to serve as a  
16 special law enforcement officer consistent with guidelines  
17 promulgated by the commission. The training requirements set  
18 forth in section 4 of **[this act]** P.L.1985, c.439 (C.40A:14-146.11)  
19 may be waived by the commission with regard to any person  
20 eligible to be appointed as a special law enforcement officer  
21 pursuant to the provisions of this **[subsection]** section.

22 g. In addition to the qualifications established in subsection b.  
23 of this section, a person shall not be appointed as a Class Three  
24 special law enforcement officer unless the person:

25 (1) is a retired law enforcement officer who is less than 65 years  
26 of age; <sup>2</sup>for the purposes of this paragraph, a law enforcement  
27 officer shall not be considered retired if the officer's return to  
28 employment violates any federal or State law or regulation which  
29 would deem the officer's retirement as not being bona fide;<sup>2</sup>

30 (2) had served as a duly qualified, fully-trained, full-time officer  
31 in any municipality or county of this State <sup>1</sup>or as a member of the  
32 State Police<sup>1</sup> and was separated from that prior service in good  
33 standing, within three years of appointment, except during the first  
34 year following the effective date of P.L. c. (pending before  
35 the Legislature as this bill), was separated from that prior service  
36 within five years of appointment;

37 (3) is physically capable of performing the functions of the  
38 position <sup>1</sup>, determined in accordance with Police Training  
39 Commission guidelines<sup>1</sup>; <sup>1</sup>[and]<sup>1</sup>

40 (4) possesses a New Jersey Police Training Commission Basic  
41 Police Officer Certification or New Jersey State Police Academy  
42 Certification <sup>1</sup>;

43 <sup>4</sup>(5) has completed the training course for safe schools resource  
44 officers developed pursuant to subsection a. of section 2 of  
45 P.L.2005, c.276 (C.52:17B-71.8);<sup>4</sup> <sup>2</sup>[and]<sup>2</sup>

1 <sup>3</sup>[(5) has completed the training course for safe schools resource  
2 officers developed pursuant to subsection a. of section 2 of  
3 P.L.2005, c.276 (C.52:17B-71.8)<sup>1 2;</sup>]<sup>3</sup> and

4 <sup>3</sup>[(6)] <sup>4</sup>[(5)]<sup>3</sup> (6)<sup>4</sup> is hired in a part-time capacity<sup>2</sup>.

5 For the purposes of this subsection, “good standing” shall  
6 exclude a retirement resulting from injury or incapacity.

7 (cf: P.L.2013, c.21, s.3)

8

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

11 4. a. **[No]** A person **[may]** shall not commence <sup>1</sup>**[his]** the<sup>1</sup>  
12 duties <sup>1</sup>**[as]** of<sup>1</sup> a special law enforcement officer unless **[he]** the  
13 person has successfully completed a training course approved by  
14 the commission and **[no]** a special law enforcement officer **[may]**  
15 shall not be issued a firearm unless **[he]** the officer has successfully  
16 completed the basic firearms course approved by the commission  
17 for permanent, regularly appointed police and annual requalification  
18 examinations as required by subsection b. of section 7 of **[this act]**  
19 P.L.1985, c.439 (C.40A:14-146.14). There shall be **[two]** three  
20 classifications for special police officers. The commission shall  
21 prescribe by rule or regulation the training standards to be  
22 established for each classification. Training may be in a  
23 commission approved academy <sup>1</sup>**[, which shall include the New**  
24 Jersey State Police Academy,]<sup>1</sup> or in any other training program  
25 which the commission may determine appropriate. The  
26 classifications shall be based upon the duties to be performed by the  
27 special law enforcement officer as follows:

28 (1) Class One. Officers of this class shall be authorized to  
29 perform routine traffic detail, spectator control <sup>1,1</sup> and similar  
30 duties. If authorized by ordinance or resolution, as appropriate,  
31 Class One officers shall have the power to issue summonses for  
32 disorderly persons and petty disorderly persons offenses, violations  
33 of municipal ordinances<sup>1,1</sup> and violations of Title 39 of the Revised  
34 Statutes. The use of a firearm by an officer of this class shall be  
35 strictly prohibited and <sup>1</sup>**[no]** a<sup>1</sup> Class One officer shall <sup>1</sup>not<sup>1</sup> be  
36 assigned any duties which may require the carrying or use of a  
37 firearm.

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

44 (3) Class Three. Officers of this class shall be authorized to  
45 exercise full powers and duties similar to those of a permanent,  
46 regularly appointed full-time police officer while providing security

1 at a public or nonpublic school <sup>1</sup>or a county college<sup>1</sup> on the school  
2 <sup>1</sup>or college<sup>1</sup> premises during hours when the public or nonpublic  
3 school <sup>1</sup>or county college<sup>1</sup> is normally in session or when it is  
4 occupied by public or nonpublic school <sup>1</sup>or county college<sup>1</sup> students  
5 or their teachers <sup>1</sup>or professors<sup>1</sup>. While on duty in the jurisdiction  
6 of employment, an officer may respond to offenses or emergencies  
7 off school <sup>1</sup>or college<sup>1</sup> grounds if they occur in the officer's  
8 presence while traveling to a school facility <sup>1</sup>or county college<sup>1</sup>, but  
9 an officer shall not otherwise be dispatched or dedicated to any  
10 assignment off school <sup>1</sup>or college<sup>1</sup> property.

11 The use of a firearm by an officer of this class shall be  
12 authorized pursuant to the provisions of subsection b. of section 7  
13 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class  
14 shall not be authorized to carry a firearm while off duty unless the  
15 officer complies with the requirements set forth in subsection l. of  
16 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry  
17 a handgun.

18 b. The commission may, in its discretion, except from the  
19 requirements of this section any person who demonstrates to the  
20 commission's satisfaction that <sup>1</sup>~~he~~ the person<sup>1</sup> has successfully  
21 completed a police training course conducted by any federal, state  
22 or other public or private agency, the requirements of which are  
23 substantially equivalent to the requirements of this act.

24 c. The commission shall certify officers who have satisfactorily  
25 completed training programs and issue appropriate certificates to  
26 those officers. The certificate shall clearly state the category of  
27 certification for which the officer has been certified by the  
28 commission.

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

33 (cf: P.L.2013, c.21, s.4)

34

35 3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
36 to read as follows:

37 a. Special law enforcement officers may be appointed for terms  
38 not to exceed one year, and the appointments may be revoked by  
39 the local unit for cause after adequate hearing, unless the  
40 appointment is for four months or less, in which event the  
41 appointment may be revoked without cause or hearing. Nothing  
42 herein shall be construed to require reappointment upon the  
43 expiration of the term. The special law enforcement officers so  
44 appointed shall not be members of the police force of the local unit,  
45 and their powers and duties as determined pursuant to this act shall  
46 cease at the expiration of the term for which <sup>1</sup>they were<sup>1</sup> appointed.

1       b. ~~【No】~~ A special law enforcement officer ~~【may】~~ shall not  
2 carry a firearm except while engaged in the actual performance of  
3 the officer's official duties and when specifically authorized by the  
4 chief of police, or, in the absence of the chief, other chief law  
5 enforcement officer of the local unit to carry a firearm and provided  
6 that the officer has satisfactorily completed the basic firearms  
7 course required by the commission for regular police officers and  
8 annual requalification examinations as required for permanent,  
9 regularly appointed full-time officers in the local unit.

10       A special law enforcement officer shall be deemed to be on duty  
11 only while ~~'【he】~~ the officer<sup>1</sup> is performing the public safety  
12 functions on behalf of the local unit pursuant to this act and when  
13 ~~'【he】~~ the officer<sup>1</sup> is receiving compensation, if any, from the local  
14 unit at the rates or stipends as shall be established by ordinance. A  
15 special law enforcement officer shall not be deemed to be on duty  
16 for purposes of this act while performing private security duties for  
17 private employers, which duties are not assigned by the chief of  
18 police, or, in the absence of the chief, other chief law enforcement  
19 officer of the local unit, or while receiving compensation for those  
20 duties from a private employer. A special law enforcement officer  
21 may, however, be assigned by the chief of police or, in the absence  
22 of the chief, other chief law enforcement officer, to perform public  
23 safety functions for a private entity if the chief of police or other  
24 chief law enforcement officer supervises the performance of the  
25 public safety functions. If the chief of police or other chief law  
26 enforcement officer assigns the public safety duties and supervises  
27 the performance of those duties, then, notwithstanding that the local  
28 unit is reimbursed for the cost of assigning a special law  
29 enforcement officer at a private entity, the special law enforcement  
30 officer shall be deemed to be on duty.

31       The reimbursement for the duties of a special law enforcement  
32 officer, which is made to a municipality with a population in excess  
33 of 300,000, according to the 1980 federal decennial census, may be  
34 by direct payments from the employer to the special law  
35 enforcement officer, provided that records of the hours worked are  
36 forwarded to and maintained by the chief of police or other chief  
37 law enforcement officer responsible for assigning the special law  
38 enforcement officer those public safety duties.

39       Any firearm utilized by a special law enforcement officer shall  
40 be returned at the end of the officer's workday to the officer in  
41 charge of the station house, unless the firearm is owned by the  
42 special law enforcement officer and was acquired in compliance  
43 with a condition of employment established by the local unit. Any  
44 special law enforcement officer first appointed after the effective  
45 date of this act shall only use a firearm supplied by the local unit.  
46 ~~【No such】~~ A special ~~【police】~~ law enforcement officer shall not  
47 carry a revolver or other similar weapon when off duty; but if any

1 'such' special 'police' law enforcement<sup>1</sup> officer appointed by  
2 the governing body of any municipality having a population in  
3 excess of 300,000, according to the 1980 federal census, who is a  
4 resident of the municipality and is employed as a special 'police'  
5 law enforcement<sup>1</sup> officer at least 35 hours per week, or less at the  
6 discretion of the chief of police and mayor, shall, at the direction of  
7 the chief of police, have taken and successfully completed a  
8 firearms training course administered by the Police Training  
9 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
10 has successfully completed within three years of the effective date  
11 of P.L.1985, c.45 or three years of the date of appointment of the  
12 special 'police' law enforcement<sup>1</sup> officer, whichever is later, 280  
13 hours of training in arrest, search and seizure, criminal law, and the  
14 use of deadly force, and shall annually qualify in the use of a  
15 revolver or similar weapon, 'said' the<sup>1</sup> special 'police' law  
16 enforcement<sup>1</sup> officer shall be permitted to carry a revolver or other  
17 similar weapon when off duty within the municipality where 'he'  
18 the officer<sup>1</sup> is employed. Specific authorization shall be in the form  
19 of a permit which shall not be unreasonably withheld, which is  
20 subject to renewal annually and may be revoked at any time by the  
21 chief of police. The permit shall be on the person of the special  
22 'police' law enforcement<sup>1</sup> officer whenever a revolver or other  
23 similar weapon is carried off duty. 'No' A<sup>1</sup> permit shall 'not'<sup>1</sup> be  
24 issued until the special 'police' law enforcement<sup>1</sup> officer has  
25 successfully completed all training courses required under this  
26 section. Any training courses completed by a special 'police' law  
27 enforcement<sup>1</sup> officer under the direction of the chief of police in a  
28 school and a curriculum approved by the Police Training  
29 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
30 shall be credited towards the 280 hours of training required to be  
31 completed by this section. Any training required by this section  
32 shall commence within 90 days of the effective date of P.L.1985,  
33 c.45 or within 90 days of the date of the appointment of the special  
34 'police' law enforcement<sup>1</sup> officer, whichever is later.

35 c. A special law enforcement officer shall be under the  
36 supervision and direction of the chief of police or, in the absence of  
37 the chief, other chief law enforcement officer of the local unit  
38 wherein the officer is appointed, and shall perform 'his' the  
39 officer's<sup>1</sup> duties only in the local unit except when in fresh pursuit  
40 of any person pursuant to chapter 156 of Title 2A of the New Jersey  
41 Statutes or when authorized to perform duties in another unit  
42 pursuant to a mutual aid agreement enacted in accordance with  
43 section 1 of P.L.1976, c.45 (C.40A:14-156.1).

44 d. The officer shall comply with the rules and regulations  
45 applicable to the conduct and decorum of the permanent, regularly  
46 appointed police officers of the local unit, as well as any rules and



1 regulations applicable to the conduct and decorum of special law  
2 enforcement officers.

3 e. Notwithstanding any provision of P.L.1985,  
4 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law  
5 enforcement officer may travel through another local unit to reach a  
6 noncontiguous area of the local unit in which <sup>1</sup>~~his~~ the officer's<sup>1</sup>  
7 appointment was issued or to transport persons to and from a  
8 correctional facility.

9 (cf: P.L.1991, c.46, s.1)

10

11 4. 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~~ a  
14 special law enforcement officer ~~may~~ shall not be employed for  
15 more than 20 hours per week by the local unit except that special  
16 law enforcement officers may be employed by the local unit for  
17 those 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~~ P.L.1985, c.439 (C.40A:14-  
26 146.14) a special law enforcement officer may be assigned for not  
27 more than 20 hours per week to provide public safety and law  
28 enforcement services to a public entity.

29 (4) In municipalities or counties, as provided in subsection b. of  
30 section 7 of ~~this act~~ P.L.1985, c.439 (C.40A:14-146.14), for  
31 hours to be determined at the discretion of the director of the  
32 municipal or county police force.

33 (5) A Class Three special law enforcement officer in all  
34 municipalities without limitation.

35 b. Notwithstanding any provision of ~~this act~~ P.L.1985,  
36 c.439 (C.40A:14-146.8 et seq.) to the contrary, special law  
37 enforcement officers may be employed only to assist the local law  
38 enforcement unit but may not be employed to replace or substitute  
39 for full-time, regular police officers or in any way diminish the  
40 number of full-time officers employed by the local unit. A Class  
41 Three special law enforcement officer may be employed only to  
42 assist the local law enforcement unit with security duties and shall  
43 not supplant a law enforcement officer employed pursuant to the  
44 provisions of N.J.S.18A:17-43 or a safe schools resource officer  
45 employed pursuant to the provisions of section 3 of P.L.2005,  
46 c.276 (C.18A:17-43.1).

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

4 d. A Class Three special law enforcement officer appointed  
5 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-  
6 146.8 et seq.) shall not, based on this appointment, be eligible for  
7 health care benefits or enrollment in any State-administered  
8 retirement system.

9 (cf: P.L.2013, c.21, s.6)

10  
11 <sup>3</sup>[<sup>15</sup>. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended  
12 to read as follows:

13 2. a. The Police Training Commission in the Division of  
14 Criminal Justice in the Department of Law and Public Safety, in  
15 consultation with the Attorney General, shall develop a training  
16 course for safe schools resource officers and public school  
17 employees assigned by a board of education to serve as a school  
18 liaison to law enforcement. The Attorney General, in conjunction  
19 with the Police Training Commission, shall ensure that the training  
20 course is developed within 180 days of the effective date of this act.  
21 The course shall at a minimum provide comprehensive and  
22 consistent training in current school resource officer practices and  
23 concepts. The course shall include training in the protection of  
24 students from harassment, intimidation, and bullying, including  
25 incidents which occur through electronic communication. The  
26 course shall be made available to:

27 (1) any law enforcement officer or public school employee  
28 referred by the board of education of the public school to which  
29 assignment as a safe schools resource officer or school liaison to  
30 law enforcement is sought; **[and]**

31 (2) any safe schools resource officer or school liaison to law  
32 enforcement assigned to a public school prior to the effective date  
33 of P.L.2005, c.276 (C.52:17B-71.8 et al.); and

34 (3) any retired law enforcement officer to which assignment as a  
35 Class Three special law enforcement officer is sought pursuant to  
36 the provisions of paragraph (3) of subsection a. of section 4 of  
37 P.L.1985, c.439 (C.40A:14-146.11).

38 b. The training course developed by the commission pursuant  
39 to subsection a. of this section shall be offered at each school  
40 approved by the commission to provide police training courses  
41 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).  
42 The commission shall ensure that an individual assigned to instruct  
43 the course is proficient and experienced in current school resource  
44 officer practices and concepts.

45 c. The commission shall award a certificate to each individual  
46 who successfully completes the course.

47 d. The Police Training Commission, in consultation with the  
48 Commissioner of Education, shall adopt rules and regulations

1 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
2 (C.52:14B-1 et seq.), to implement the provisions of this section.<sup>1</sup>  
3 (cf: P.L.2010, c.122, s.15)<sup>3</sup>

4

5 <sup>3</sup>~~1~~~~5~~ 6<sup>1</sup>.] 5<sup>3</sup> This act shall take effect on the first day of the  
6 ~~1~~~~fourth~~ seventh<sup>1</sup> month following enactment, but the Police  
7 Training Commission and the Commissioner of Education may take  
8 any anticipatory action prior to the effective date needed for the  
9 timely implementation of this act.

10

11

12

13

14 Establishes Class Three special law enforcement officers to  
15 provide security in public and nonpublic schools and county  
16 colleges.

# SENATE, No. 86

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Bateman, Singer, Doherty, Sacco, Thompson, T.Kean,  
Pennacchio, Stack, Cunningham, Holzapfel, Oroho and Kyrillos**

**SYNOPSIS**

Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/5/2016)**

1 AN ACT concerning school security and amending P.L.1985, c.439.

2

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

5

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

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

14 b. **[No]** A person **[may]** shall not be appointed as a special  
15 law enforcement officer unless the person:

16 (1) Is a resident of this State during the term of appointment;

17 (2) Is able to read, write and speak the English language well  
18 and intelligently and has a high school diploma or its equivalent;

19 (3) Is sound in body and of good health;

20 (4) Is of good moral character;

21 (5) Has not been convicted of any offense involving dishonesty  
22 or which would make him unfit to perform the duties of his office;

23 (6) Has successfully undergone the same psychological testing  
24 that is required of all full-time police officers in the municipality or  
25 county or, with regard to a special law enforcement officer hired for  
26 a seasonal period by a resort municipality which requires  
27 psychological testing of its full-time police officers, has  
28 successfully undergone a program of psychological testing  
29 approved by the commission.

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

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

42 e. Before any special law enforcement officer is appointed  
43 pursuant to this act, the chief of police, or, in the absence of the  
44 chief, other chief law enforcement officer of the local unit shall

**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 ascertain the eligibility and qualifications of the applicant and  
2 report these determinations in writing to the appointing authority.

3 f. Any person who at any time prior to his appointment had  
4 served as a duly qualified, fully-trained, full-time officer in any  
5 municipality or county of this State and who was separated from  
6 that prior service in good standing, shall be eligible to serve as a  
7 special law enforcement officer consistent with guidelines  
8 promulgated by the commission. The training requirements set  
9 forth in section 4 of **[this act]** P.L.1985, c.439 (C.40A:14-146.11)  
10 may be waived by the commission with regard to any person  
11 eligible to be appointed as a special law enforcement officer  
12 pursuant to the provisions of this **[subsection]** section.

13 g. In addition to the qualifications established in subsection b.  
14 of this section, a person shall not be appointed as a Class Three  
15 special law enforcement officer unless the person:

16 (1) is a retired law enforcement officer who is less than 65 years  
17 of age;

18 (2) had served as a duly qualified, fully-trained, full-time officer  
19 in any municipality or county of this State and was separated from  
20 that prior service in good standing, within three years of  
21 appointment, except during the first year following the effective  
22 date of P.L. c. (pending before the Legislature as this bill),  
23 was separated from that prior service within five years of  
24 appointment;

25 (3) is physically capable of performing the functions of the  
26 position; and

27 (4) possesses a New Jersey Police Training Commission Basic  
28 Police Officer Certification or New Jersey State Police Academy  
29 Certification.

30 For the purposes of this subsection, “good standing” shall  
31 exclude a retirement resulting from injury or incapacity.

32 (cf: P.L.2013, c.21, s.3)

33

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

36 4. a. **[No]** A person **[may]** shall not commence his duties as a  
37 special law enforcement officer unless **[he]** the person has  
38 successfully completed a training course approved by the  
39 commission and **[no]** a special law enforcement officer **[may]**  
40 shall not be issued a firearm unless **[he]** the officer has successfully  
41 completed the basic firearms course approved by the commission  
42 for permanent, regularly appointed police and annual requalification  
43 examinations as required by subsection b. of section 7 of **[this act]**  
44 P.L.1985, c.439 (C.40A:14-146.14). There shall be **[two]** three  
45 classifications for special police officers. The commission shall  
46 prescribe by rule or regulation the training standards to be  
47 established for each classification. Training may be in a

1 commission approved academy, which shall include the New Jersey  
2 State Police Academy, or in any other training program which the  
3 commission may determine appropriate. The classifications shall  
4 be based upon the duties to be performed by the special law  
5 enforcement officer as follows:

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

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

21 (3) Class Three. 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 while providing security  
24 at a public or nonpublic school on the school premises during hours  
25 when the public or nonpublic school is normally in session or when  
26 it is occupied by public or nonpublic school students or their  
27 teachers. While on duty in the jurisdiction of employment, an  
28 officer may respond to offenses or emergencies off school grounds  
29 if they occur in the officer's presence while traveling to a school  
30 facility, but an officer shall not otherwise be dispatched or  
31 dedicated to any assignment off school property.

32 The use of a firearm by an officer of this class shall be  
33 authorized pursuant to the provisions of subsection b. of section 7  
34 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class  
35 shall not be authorized to carry a firearm while off duty unless the  
36 officer complies with the requirements set forth in subsection 1. of  
37 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry  
38 a handgun.

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

45 c. The commission shall certify officers who have satisfactorily  
46 completed training programs and issue appropriate certificates to  
47 those officers. The certificate shall clearly state the category of

1 certification for which the officer has been certified by the  
2 commission.

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

7 (cf: P.L.2013, c.21, s.4)

8

9 3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
10 to read as follows:

11 a. Special law enforcement officers may be appointed for terms  
12 not to exceed one year, and the appointments may be revoked by  
13 the local unit for cause after adequate hearing, unless the  
14 appointment is for four months or less, in which event the  
15 appointment may be revoked without cause or hearing. Nothing  
16 herein shall be construed to require reappointment upon the  
17 expiration of the term. The special law enforcement officers so  
18 appointed shall not be members of the police force of the local unit,  
19 and their powers and duties as determined pursuant to this act shall  
20 cease at the expiration of the term for which appointed.

21 b. ~~【No】~~ A special law enforcement officer ~~【may】~~ shall not  
22 carry a firearm except while engaged in the actual performance of  
23 the officer's official duties and when specifically authorized by the  
24 chief of police, or, in the absence of the chief, other chief law  
25 enforcement officer of the local unit to carry a firearm and provided  
26 that the officer has satisfactorily completed the basic firearms  
27 course required by the commission for regular police officers and  
28 annual requalification examinations as required for permanent,  
29 regularly appointed full-time officers in the local unit.

30 A special law enforcement officer shall be deemed to be on duty  
31 only while he is performing the public safety functions on behalf of  
32 the local unit pursuant to this act and when he is receiving  
33 compensation, if any, from the local unit at the rates or stipends as  
34 shall be established by ordinance. A special law enforcement  
35 officer shall not be deemed to be on duty for purposes of this act  
36 while performing private security duties for private employers,  
37 which duties are not assigned by the chief of police, or, in the  
38 absence of the chief, other chief law enforcement officer of the  
39 local unit, or while receiving compensation for those duties from a  
40 private employer. A special law enforcement officer may, however,  
41 be assigned by the chief of police or, in the absence of the chief,  
42 other chief law enforcement officer, to perform public safety  
43 functions for a private entity if the chief of police or other chief law  
44 enforcement officer supervises the performance of the public safety  
45 functions. If the chief of police or other chief law enforcement  
46 officer assigns the public safety duties and supervises the  
47 performance of those duties, then, notwithstanding that the local  
48 unit is reimbursed for the cost of assigning a special law



1 enforcement officer at a private entity, the special law enforcement  
2 officer shall be deemed to be on duty.

3 The reimbursement for the duties of a special law enforcement  
4 officer, which is made to a municipality with a population in excess  
5 of 300,000, according to the 1980 federal decennial census, may be  
6 by direct payments from the employer to the special law  
7 enforcement officer, provided that records of the hours worked are  
8 forwarded to and maintained by the chief of police or other chief  
9 law enforcement officer responsible for assigning the special law  
10 enforcement officer those public safety duties.

11 Any firearm utilized by a special law enforcement officer shall  
12 be returned at the end of the officer's workday to the officer in  
13 charge of the station house, unless the firearm is owned by the  
14 special law enforcement officer and was acquired in compliance  
15 with a condition of employment established by the local unit. Any  
16 special law enforcement officer first appointed after the effective  
17 date of this act shall only use a firearm supplied by the local unit.

18 ~~【No such】~~ A special ~~【police】~~ law enforcement officer shall not  
19 carry a revolver or other similar weapon when off duty; but if any  
20 such special police officer appointed by the governing body of any  
21 municipality having a population in excess of 300,000, according to  
22 the 1980 federal census, who is a resident of the municipality and is  
23 employed as a special police officer at least 35 hours per week, or  
24 less at the discretion of the chief of police and mayor, shall, at the  
25 direction of the chief of police, have taken and successfully  
26 completed a firearms training course administered by the Police  
27 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-  
28 66 et seq.), and has successfully completed within three years of the  
29 effective date of P.L.1985, c.45 or three years of the date of  
30 appointment of the special police officer, whichever is later, 280  
31 hours of training in arrest, search and seizure, criminal law, and the  
32 use of deadly force, and shall annually qualify in the use of a  
33 revolver or similar weapon, said special police officer shall be  
34 permitted to carry a revolver or other similar weapon when off duty  
35 within the municipality where he is employed. Specific  
36 authorization shall be in the form of a permit which shall not be  
37 unreasonably withheld, which is subject to renewal annually and  
38 may be revoked at any time by the chief of police. The permit shall  
39 be on the person of the special police officer whenever a revolver or  
40 other similar weapon is carried off duty. No permit shall be issued  
41 until the special police officer has successfully completed all  
42 training courses required under this section. Any training courses  
43 completed by a special police officer under the direction of the  
44 chief of police in a school and a curriculum approved by the Police  
45 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-  
46 66 et seq.), shall be credited towards the 280 hours of training  
47 required to be completed by this section. Any training required by  
48 this section shall commence within 90 days of the effective date of

1 P.L.1985, c.45 or within 90 days of the date of the appointment of  
2 the special police officer, whichever is later.

3 c. A special law enforcement officer shall be under the  
4 supervision and direction of the chief of police or, in the absence of  
5 the chief, other chief law enforcement officer of the local unit  
6 wherein the officer is appointed, and shall perform his duties only  
7 in the local unit except when in fresh pursuit of any person pursuant  
8 to chapter 156 of Title 2A of the New Jersey Statutes or when  
9 authorized to perform duties in another unit pursuant to a mutual  
10 aid agreement enacted in accordance with section 1 of P.L.1976,  
11 c.45 (C.40A:14-156.1).

12 d. The officer shall comply with the rules and regulations  
13 applicable to the conduct and decorum of the permanent, regularly  
14 appointed police officers of the local unit, as well as any rules and  
15 regulations applicable to the conduct and decorum of special law  
16 enforcement officers.

17 e. Notwithstanding any provision of P.L.1985,  
18 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law  
19 enforcement officer may travel through another local unit to reach a  
20 noncontiguous area of the local unit in which his appointment was  
21 issued or to transport persons to and from a correctional facility.  
22 (cf: P.L.1991, c.46, s.1)

23

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

26 9. a. Except as provided in subsection c. of this section, **[no]** a  
27 special law enforcement officer **[may]** shall not be employed for  
28 more than 20 hours per week by the local unit except that special  
29 law enforcement officers may be employed by the local unit for  
30 those hours as the governing body may determine necessary in  
31 accordance with the limits prescribed below:

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

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

36 (3) In all municipalities or counties in addition to not more than  
37 20 hours per week including duties assigned pursuant to the  
38 provisions of section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-  
39 146.14) a special law enforcement officer may be assigned for not  
40 more than 20 hours per week to provide public safety and law  
41 enforcement services to a public entity.

42 (4) In municipalities or counties, as provided in subsection b. of  
43 section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-146.14), for  
44 hours to be determined at the discretion of the director of the  
45 municipal or county police force.

46 (5) A Class Three special law enforcement officer in all  
47 municipalities without limitation.

1       b. Notwithstanding any provision of **[this act]** P.L.1985,  
2 c.439 (C.40A:14-146.8 et seq.) to the contrary, special law  
3 enforcement officers may be employed only to assist the local law  
4 enforcement unit but may not be employed to replace or substitute  
5 for full-time, regular police officers or in any way diminish the  
6 number of full-time officers employed by the local unit. A Class  
7 Three special law enforcement officer may be employed only to  
8 assist the local law enforcement unit with security duties and shall  
9 not supplant a law enforcement officer employed pursuant to the  
10 provisions of N.J.S.18A:17-43 or a safe schools resource officer  
11 employed pursuant to the provisions of section 3 of P.L.2005,  
12 c.276 (C.18A:17-43.1).

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

16       d. A Class Three special law enforcement officer appointed  
17 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-  
18 146.8 et seq.) shall not, based on this appointment, be eligible for  
19 health care benefits or enrollment in any State-administered  
20 retirement system.

21 (cf: P.L.2013, c.21, s.6)

22

23       5. This act shall take effect on the first day of the fourth month  
24 following enactment, but the Police Training Commission and the  
25 Commissioner of Education may take any anticipatory action prior  
26 to the effective date needed for the timely implementation of this  
27 act.

28

29

#### STATEMENT

30

31       This bill amends the Special Law Enforcement Officers' Act to  
32 establish a new category of "Class Three" special law enforcement  
33 officers comprised of certain retired law enforcement officers who  
34 would be authorized to provide security in this State's public and  
35 nonpublic schools.

36       Under current law, Class One special law enforcement officers  
37 are authorized to perform routine traffic detail, spectator control,  
38 and similar duties. They also may be empowered to issue  
39 summonses for disorderly persons offenses, but are not authorized  
40 to carry a firearm while on duty. Class Two special law  
41 enforcement officers are empowered to exercise full police powers  
42 and perform the duties of a permanent, regularly appointed full-time  
43 police officer. They are authorized to carry a firearm.

44       Under the bill, Class Three special law enforcement officers  
45 would be retired police officers less than 65 years old. These  
46 officers would be authorized to provide security at a public or  
47 nonpublic school while they are on the school premises during  
48 hours when the school is normally in session or when it is occupied

1 by students or their teachers. They also are authorized to respond to  
2 offenses or emergencies off of school grounds occurring in the  
3 officer's presence while traveling to a school, but they may not be  
4 dispatched or dedicated to any other assignment off of school  
5 property. They would be authorized to exercise full powers and  
6 duties similar to those of a permanent, regularly appointed full-time  
7 police officer while providing this security. The restrictions on  
8 carrying a firearm currently applicable to Class Two special law  
9 enforcement officers also would apply to Class Three law  
10 enforcement officers. Class Three law enforcement officers would  
11 not be authorized to carry a firearm while off duty by the provisions  
12 of the bill; they would only be authorized to carry a firearm if they  
13 comply with the statutory requirements generally authorizing retired  
14 law enforcement officers to carry handguns, including qualifying in  
15 the use of a handgun twice a year.

16 Currently, all special law enforcement officers are required to  
17 successfully complete a training course approved by the Police  
18 Training Commission (PTC). The bill specifies that the New Jersey  
19 State Police Academy is to be included in the PTC approved  
20 training courses.

21 In addition to the qualifications currently applicable to all special  
22 law enforcement officers, Class Three special law enforcement  
23 officer applicants also would be required to: be retired police  
24 officers less than 65 years of age; have served as duly qualified,  
25 fully-trained, full-time municipal or county police officers; be  
26 separated from that prior service in good standing, within three  
27 years of appointment; be physically capable of performing the  
28 functions of the position; and possess a New Jersey Police Training  
29 Commission Basic Police Officer Certification or New Jersey State  
30 Police Academy Certification.

31 Class Three special law enforcement officers would not be  
32 subject to the 20 hour per week limit currently applicable to Class  
33 One and Class Two special law enforcement officers. But they  
34 would not be eligible for health care benefits or enrollment in any  
35 State administered retirement system under the bill.

36 Currently, boards of education are authorized to hire law  
37 enforcement officers and public school resource officers to work in  
38 public schools within their jurisdiction pursuant to regulations of  
39 the Commissioner of Education. Under the bill, both public and  
40 nonpublic schools would be authorized to hire Class Three special  
41 law enforcement officers whose duties would be limited to  
42 providing security. The bill specifies that these officers would not  
43 supplant law enforcement officers and public resource officers  
44 currently employed in schools.

45 It is the sponsor's intent that the provisions of the Special Law  
46 Enforcement Officers' Act that currently govern Class One and  
47 Class Two special law enforcement officers also would apply to  
48 Class Three officers, except as specifically amended in the bill.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 86**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 28, 2016

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 86.

As amended and reported by the committee, Senate Bill No. 86 establishes a new category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act. This category of law enforcement officer would be comprised of retired law enforcement officers and would be authorized to provide security in this State’s public and nonpublic schools and county colleges.

Under current law, Class One special law enforcement 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 special law enforcement 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.

Under the bill, Class Three special law enforcement officers would be retired police officers less than 65 years old. These officers would be authorized to provide security at a public or nonpublic school or county college while they are on the school or college premises during hours when the school or college normally is in session or when it is occupied by students or their teachers or professors. They also are authorized to respond to offenses or emergencies off of school grounds occurring in the officer’s presence while traveling to a school or college, but they may not be dispatched or dedicated to any other assignment off of school or college property. They would be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing this security. The restrictions on carrying a firearm currently applicable to Class Two special law enforcement officers also would apply to Class Three law enforcement officers. Class Three law enforcement officers would not be authorized to carry a firearm while off duty under the bill; they would only be authorized to carry a firearm off duty if they comply with the statutory requirements

generally authorizing retired law enforcement officers to carry handguns, including qualifying in the use of a handgun twice a year.

Currently, all special law enforcement officers are required to successfully complete a training course approved by the Police Training Commission (PTC). The bill specifies that the New Jersey State Police Academy is to be included in the PTC approved training courses.

In addition to the qualifications currently applicable to all special law enforcement officers, Class Three special law enforcement officer applicants also would be required to: be retired police officers less than 65 years of age; have served as duly qualified, fully-trained, full-time municipal or county police officers or were regularly employed as a full-time member of the State Police; be separated from that prior service in good standing, within three years of appointment; be physically capable of performing the functions of the position; and possess a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification.

Class Three special law enforcement officers would not be subject to the 20 hour per week limit currently applicable to Class One and Class Two special law enforcement officers. But they would not be eligible for health care benefits or enrollment in any State administered retirement system under the bill.

Currently, boards of education are authorized to hire law enforcement officers and public school resource officers to work in public schools within their jurisdiction pursuant to regulations of the Commissioner of Education. Under the bill, both public and nonpublic schools, as well as county colleges, would be authorized to hire Class Three special law enforcement officers whose duties would be limited to providing security. The bill specifies that these officers would not supplant law enforcement officers and public resource officers currently employed in schools.

It is the sponsor's intent that the provisions of the Special Law Enforcement Officers' Act that currently govern Class One and Class Two special law enforcement officers also would apply to Class Three officers, except as specifically amended in the bill.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The committee amended the bill to:

- (1) authorize retired members of the State Police to be Class Three law enforcement officers;
- (2) expand the provisions of the bill to authorize Class Three law enforcement officers to also provide security at county colleges; and
- (3) make technical corrections.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### [Second Reprint] **SENATE, No. 86**

with committee amendments

# STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Education Committee reports favorably Senate Bill No. 86 (2R) with committee amendments.

As amended, this bill establishes a new category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act. This category of law enforcement officer would be comprised of retired law enforcement officers and would be authorized to provide security in this State’s public and nonpublic schools and county colleges.

Under current law, Class One special law enforcement 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 special law enforcement 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.

Under the bill, Class Three special law enforcement officers would be retired police officers less than 65 years old. These officers would be authorized to provide security at a public or nonpublic school or county college while they are on the school or college premises during hours when the school or college normally is in session or when it is occupied by students or their teachers or professors. They also are authorized to respond to offenses or emergencies off of school grounds occurring in the officer’s presence while traveling to a school or college, but they may not be dispatched or dedicated to any other assignment off of school or college property. They would be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing this security. The restrictions on carrying a firearm currently applicable to Class Two special law enforcement officers also would apply to Class Three law enforcement officers. Class Three law enforcement officers would not be authorized to carry a firearm while off duty under the bill; they would only be authorized to carry a firearm off duty if they comply with the statutory requirements

generally authorizing retired law enforcement officers to carry handguns, including qualifying in the use of a handgun twice a year.

In addition to the qualifications currently applicable to all special law enforcement officers, Class Three special law enforcement officer applicants also would be required to: be retired police officers less than 65 years of age; have served as duly qualified, fully-trained, full-time municipal or county police officers or were regularly employed as a full-time member of the State Police; be separated from that prior service in good standing, within three years of appointment; be physically capable of performing the functions of the position; and possess a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification.

Class Three special law enforcement officers would not be subject to the 20 hour per week limit currently applicable to Class One and Class Two special law enforcement officers. But they would not be eligible for health care benefits or enrollment in any State administered retirement system under the bill.

Currently, boards of education are authorized to hire law enforcement officers and safe schools resource officers to work in public schools within their jurisdiction pursuant to regulations of the Commissioner of Education. Under the bill, both public and nonpublic schools, as well as county colleges, would be authorized to hire Class Three special law enforcement officers whose duties would be limited to providing security. The bill specifies that these officers would not supplant law enforcement officers and safe schools resource officers currently employed in schools.

It is the sponsor's intent that the provisions of the Special Law Enforcement Officers' Act that currently govern Class One and Class Two special law enforcement officers also would apply to Class Three officers, except as specifically amended in the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3629 with committee amendments, which was also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to remove the requirement that a Class Three special law enforcement officer complete the training course for safe schools resource officers.



# STATEMENT TO

[First Reprint]

## **SENATE, No. 86**

with Senate Floor Amendments  
(Proposed by Senator A.R. BUCCO)

ADOPTED: FEBRUARY 16, 2016

Senate Bill No. 86 (1R) establishes a new category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act. This category of law enforcement officers would be comprised of retired law enforcement officers who would be authorized to provide security in this State’s public and nonpublic schools and county colleges. The bill specifies that these officers would not be eligible for health care benefits or enrollment in any State administered retirement system.

For the purposes of pension eligibility, these Senate amendments clarify that Class Three special law enforcement officers are not considered retired under the bill if their return to employment violates any federal or State law or regulation which would deem an officer’s retirement to not be bona fide. The amendments also require that these officers be hired in a part-time capacity, which makes them ineligible for a State pension.

# ASSEMBLY, No. 3629

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 14, 2016

**Sponsored by:**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman MARLENE CARIDE**

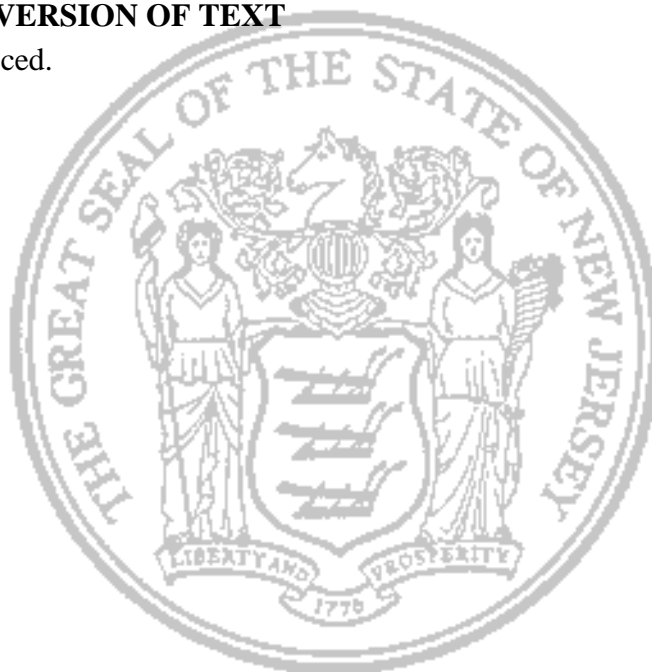
**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/21/2016)

1 AN ACT concerning security in schools and certain colleges and  
2 amending P.L.1985, c.439 and P.L.2005, c.276.

3

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

6

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

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

15 b. **[No]** A person **[may]** shall not be appointed as a special  
16 law enforcement officer unless the person:

17 (1) Is a resident of this State during the term of appointment;

18 (2) Is able to read, write and speak the English language well  
19 and intelligently and has a high school diploma or its equivalent;

20 (3) Is sound in body and of good health;

21 (4) Is of good moral character;

22 (5) Has not been convicted of any offense involving dishonesty  
23 or which would make him unfit to perform the duties of his office;

24 (6) Has successfully undergone the same psychological testing  
25 that is required of all full-time police officers in the municipality or  
26 county or, with regard to a special law enforcement officer hired for  
27 a seasonal period by a resort municipality which requires  
28 psychological testing of its full-time police officers, has  
29 successfully undergone a program of psychological testing  
30 approved by the commission.

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

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

43 e. Before any special law enforcement officer is appointed  
44 pursuant to this act, the chief of police, or, in the absence of the  
45 chief, other chief law enforcement officer of the local unit shall

**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 ascertain the eligibility and qualifications of the applicant and  
2 report these determinations in writing to the appointing authority.

3 f. Any person who at any time prior to his appointment had  
4 served as a duly qualified, fully-trained, full-time officer in any  
5 municipality or county of this State and who was separated from  
6 that prior service in good standing, shall be eligible to serve as a  
7 special law enforcement officer consistent with guidelines  
8 promulgated by the commission. The training requirements set  
9 forth in section 4 of **[this act]** P.L.1985, c.439 (C.40A:14-146.11)  
10 may be waived by the commission with regard to any person  
11 eligible to be appointed as a special law enforcement officer  
12 pursuant to the provisions of this **[subsection]** section.

13 g. In addition to the qualifications established in subsection b.  
14 of this section, a person shall not be appointed as a Class Three  
15 special law enforcement officer unless the person:

16 (1) is a retired law enforcement officer who is less than 65 years  
17 of age; for the purposes of this paragraph, a law enforcement officer  
18 shall not be considered retired if the officer's return to employment  
19 violates any federal or State law or regulation which would deem  
20 the officer's retirement as not being bona fide;

21 (2) had served as a duly qualified, fully-trained, full-time officer  
22 in any municipality or county of this State or as a member of the  
23 State Police and was separated from that prior service in good  
24 standing, within three years of appointment, except during the first  
25 year following the effective date of P.L. c. (pending before  
26 the Legislature as this bill), was separated from that prior service  
27 within five years of appointment;

28 (3) is physically capable of performing the functions of the  
29 position, determined in accordance with Police Training  
30 Commission guidelines;

31 (4) possesses a New Jersey Police Training Commission Basic  
32 Police Officer Certification or New Jersey State Police Academy  
33 Certification;

34 (5) has completed the training course for safe schools resource  
35 officers developed pursuant to subsection a. of section 2 of  
36 P.L.2005, c.276 (C.52:17B-71.8); and

37 (6) is hired in a part-time capacity.

38 For the purposes of this subsection, "good standing" shall  
39 exclude a retirement resulting from injury or incapacity.

40 (cf: P.L.2013, c.21, s.3)

41

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

44 4. a. **[No]** A person **[may]** shall not commence **[his]** the  
45 duties **[as]** of a special law enforcement officer unless **[he]** the  
46 person has successfully completed a training course approved by  
47 the commission and **[no]** a special law enforcement officer **[may]**  
48 shall not be issued a firearm unless **[he]** the officer has successfully

1 completed the basic firearms course approved by the commission  
2 for permanent, regularly appointed police and annual requalification  
3 examinations as required by subsection b. of section 7 of **[this act]**  
4 P.L.1985, c.439 (C.40A:14-146.14). There shall be **[two]** three  
5 classifications for special police officers. The commission shall  
6 prescribe by rule or regulation the training standards to be  
7 established for each classification. Training may be in a  
8 commission approved academy or in any other training program  
9 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.  
14 If 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]** a Class One officer shall not be  
20 assigned any duties which may require the carrying or use of a  
21 firearm.

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

28 (3) Class Three. Officers of this class shall be authorized to  
29 exercise full powers and duties similar to those of a permanent,  
30 regularly appointed full-time police officer while providing security  
31 at a public or nonpublic school or a county college on the school or  
32 college premises during hours when the public or nonpublic school  
33 or county college is normally in session or when it is occupied by  
34 public or nonpublic school or county college students or their  
35 teachers or professors. While on duty in the jurisdiction of  
36 employment, an officer may respond to offenses or emergencies off  
37 school or college grounds if they occur in the officer's presence  
38 while traveling to a school facility or county college, but an officer  
39 shall not otherwise be dispatched or dedicated to any assignment off  
40 school or college property.

41 The use of a firearm by an officer of this class shall be  
42 authorized pursuant to the provisions of subsection b. of section 7  
43 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class  
44 shall not be authorized to carry a firearm while off duty unless the  
45 officer complies with the requirements set forth in subsection l. of  
46 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry  
47 a handgun.

1       b. The commission may, in its discretion, except from the  
2 requirements of this section any person who demonstrates to the  
3 commission's satisfaction that **[he]** the person has successfully  
4 completed a police training course conducted by any federal, state  
5 or other public or private agency, the requirements of which are  
6 substantially equivalent to the requirements of this act.

7       c. The commission shall certify officers who have satisfactorily  
8 completed training programs and issue appropriate certificates to  
9 those officers. The certificate shall clearly state the category of  
10 certification for which the officer has been certified by the  
11 commission.

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

16 (cf: P.L.2013, c.21, s.4)

17  
18       3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
19 to read as follows:

20       a. Special law enforcement officers may be appointed for terms  
21 not to exceed one year, and the appointments may be revoked by  
22 the local unit for cause after adequate hearing, unless the  
23 appointment is for four months or less, in which event the  
24 appointment may be revoked without cause or hearing. Nothing  
25 herein shall be construed to require reappointment upon the  
26 expiration of the term. The special law enforcement officers so  
27 appointed shall not be members of the police force of the local unit,  
28 and their powers and duties as determined pursuant to this act shall  
29 cease at the expiration of the term for which they were appointed.

30       b. **[No]** A special law enforcement officer **[may]** shall not  
31 carry a firearm except while engaged in the actual performance of  
32 the officer's official duties and when specifically authorized by the  
33 chief of police, or, in the absence of the chief, other chief law  
34 enforcement officer of the local unit to carry a firearm and provided  
35 that the officer has satisfactorily completed the basic firearms  
36 course required by the commission for regular police officers and  
37 annual requalification examinations as required for permanent,  
38 regularly appointed full-time officers in the local unit.

39       A special law enforcement officer shall be deemed to be on duty  
40 only while **[he]** the officer is performing the public safety functions  
41 on behalf of the local unit pursuant to this act and when **[he]** the  
42 officer is receiving compensation, if any, from the local unit at the  
43 rates or stipends as shall be established by ordinance. A special law  
44 enforcement officer shall not be deemed to be on duty for purposes  
45 of this act while performing private security duties for private  
46 employers, which duties are not assigned by the chief of police, or,  
47 in the absence of the chief, other chief law enforcement officer of  
48 the local unit, or while receiving compensation for those duties

1 from a private employer. A special law enforcement officer may,  
2 however, be assigned by the chief of police or, in the absence of the  
3 chief, other chief law enforcement officer, to perform public safety  
4 functions for a private entity if the chief of police or other chief law  
5 enforcement officer supervises the performance of the public safety  
6 functions. If the chief of police or other chief law enforcement  
7 officer assigns the public safety duties and supervises the  
8 performance of those duties, then, notwithstanding that the local  
9 unit is reimbursed for the cost of assigning a special law  
10 enforcement officer at a private entity, the special law enforcement  
11 officer shall be deemed to be on duty.

12 The reimbursement for the duties of a special law enforcement  
13 officer, which is made to a municipality with a population in excess  
14 of 300,000, according to the 1980 federal decennial census, may be  
15 by direct payments from the employer to the special law  
16 enforcement officer, provided that records of the hours worked are  
17 forwarded to and maintained by the chief of police or other chief  
18 law enforcement officer responsible for assigning the special law  
19 enforcement officer those public safety duties.

20 Any firearm utilized by a special law enforcement officer shall  
21 be returned at the end of the officer's workday to the officer in  
22 charge of the station house, unless the firearm is owned by the  
23 special law enforcement officer and was acquired in compliance  
24 with a condition of employment established by the local unit. Any  
25 special law enforcement officer first appointed after the effective  
26 date of this act shall only use a firearm supplied by the local unit.  
27 **[No such]** A special **[police]** law enforcement officer shall not  
28 carry a revolver or other similar weapon when off duty; but if any  
29 **[such]** special **[police]** law enforcement officer appointed by the  
30 governing body of any municipality having a population in excess  
31 of 300,000, according to the 1980 federal census, who is a resident  
32 of the municipality and is employed as a special **[police]** law  
33 enforcement officer at least 35 hours per week, or less at the  
34 discretion of the chief of police and mayor, shall, at the direction of  
35 the chief of police, have taken and successfully completed a  
36 firearms training course administered by the Police Training  
37 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
38 has successfully completed within three years of the effective date  
39 of P.L.1985, c.45 or three years of the date of appointment of the  
40 special **[police]** law enforcement officer, whichever is later, 280  
41 hours of training in arrest, search and seizure, criminal law, and the  
42 use of deadly force, and shall annually qualify in the use of a  
43 revolver or similar weapon, **[said]** the special **[police]** law  
44 enforcement officer shall be permitted to carry a revolver or other  
45 similar weapon when off duty within the municipality where **[he]**  
46 the officer is employed. Specific authorization shall be in the form  
47 of a permit which shall not be unreasonably withheld, which is  
48 subject to renewal annually and may be revoked at any time by the

1 chief of police. The permit shall be on the person of the special  
2 **【police】** law enforcement officer whenever a revolver or other  
3 similar weapon is carried off duty. **【No】** A permit shall not be  
4 issued until the special **【police】** law enforcement officer has  
5 successfully completed all training courses required under this  
6 section. Any training courses completed by a special **【police】** law  
7 enforcement officer under the direction of the chief of police in a  
8 school and a curriculum approved by the Police Training  
9 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
10 shall be credited towards the 280 hours of training required to be  
11 completed by this section. Any training required by this section  
12 shall commence within 90 days of the effective date of P.L.1985,  
13 c.45 or within 90 days of the date of the appointment of the special  
14 **【police】** law enforcement officer, whichever is later.

15 c. A special law enforcement officer shall be under the  
16 supervision and direction of the chief of police or, in the absence of  
17 the chief, other chief law enforcement officer of the local unit  
18 wherein the officer is appointed, and shall perform **【his】** the  
19 officer's duties only in the local unit except when in fresh pursuit of  
20 any person pursuant to chapter 156 of Title 2A of the New Jersey  
21 Statutes or when authorized to perform duties in another unit  
22 pursuant to a mutual aid agreement enacted in accordance with  
23 section 1 of P.L.1976, c.45 (C.40A:14-156.1).

24 d. The officer shall comply with the rules and regulations  
25 applicable to the conduct and decorum of the permanent, regularly  
26 appointed police officers of the local unit, as well as any rules and  
27 regulations applicable to the conduct and decorum of special law  
28 enforcement officers.

29 e. Notwithstanding any provision of P.L.1985,  
30 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law  
31 enforcement officer may travel through another local unit to reach a  
32 noncontiguous area of the local unit in which **【his】** the officer's  
33 appointment was issued or to transport persons to and from a  
34 correctional facility.

35 (cf: P.L.1991, c.46, s.1)

36

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

39 9. a. Except as provided in subsection c. of this section, **【no】** a  
40 special law enforcement officer **【may】** shall not be employed for  
41 more than 20 hours per week by the local unit except that special  
42 law enforcement officers may be employed by the local unit for  
43 those hours as the governing body may determine necessary in  
44 accordance with the limits prescribed below:

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

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



1 (3) In all municipalities or counties in addition to not more than  
2 20 hours per week including duties assigned pursuant to the  
3 provisions of section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-  
4 146.14) a special law enforcement officer may be assigned for not  
5 more than 20 hours per week to provide public safety and law  
6 enforcement services to a public entity.

7 (4) In municipalities or counties, as provided in subsection b. of  
8 section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-146.14), for  
9 hours to be determined at the discretion of the director of the  
10 municipal or county police force.

11 (5) A Class Three special law enforcement officer in all  
12 municipalities without limitation.

13 b. Notwithstanding any provision of **[this act]** P.L.1985,  
14 c.439 (C.40A:14-146.8 et seq.) to the contrary, special law  
15 enforcement officers may be employed only to assist the local law  
16 enforcement unit but may not be employed to replace or substitute  
17 for full-time, regular police officers or in any way diminish the  
18 number of full-time officers employed by the local unit. A Class  
19 Three special law enforcement officer may be employed only to  
20 assist the local law enforcement unit with security duties and shall  
21 not supplant a law enforcement officer employed pursuant to the  
22 provisions of N.J.S.18A:17-43 or a safe schools resource officer  
23 employed pursuant to the provisions of section 3 of P.L.2005,  
24 c.276 (C.18A:17-43.1).

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

28 d. A Class Three special law enforcement officer appointed  
29 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-  
30 146.8 et seq.) shall not, based on this appointment, be eligible for  
31 health care benefits or enrollment in any State-administered  
32 retirement system.

33 (cf: P.L.2013, c.21, s.6)

34

35 5. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to  
36 read as follows:

37 2. a. The Police Training Commission in the Division of  
38 Criminal Justice in the Department of Law and Public Safety, in  
39 consultation with the Attorney General, shall develop a training  
40 course for safe schools resource officers and public school  
41 employees assigned by a board of education to serve as a school  
42 liaison to law enforcement. The Attorney General, in conjunction  
43 with the Police Training Commission, shall ensure that the training  
44 course is developed within 180 days of the effective date of this act.  
45 The course shall at a minimum provide comprehensive and  
46 consistent training in current school resource officer practices and  
47 concepts. The course shall include training in the protection of  
48 students from harassment, intimidation, and bullying, including

1 incidents which occur through electronic communication. The  
2 course shall be made available to:

3 (1) any law enforcement officer or public school employee  
4 referred by the board of education of the public school to which  
5 assignment as a safe schools resource officer or school liaison to  
6 law enforcement is sought; **[and]**

7 (2) any safe schools resource officer or school liaison to law  
8 enforcement assigned to a public school prior to the effective date  
9 of P.L.2005, c.276 (C.52:17B-71.8 et al.); and

10 (3) any retired law enforcement officer to which assignment as a  
11 Class Three special law enforcement officer is sought pursuant to  
12 the provisions of paragraph (3) of subsection a. of section 4 of  
13 P.L.1985, c.439 (C.40A:14-146.11).

14 b. The training course developed by the commission pursuant  
15 to subsection a. of this section shall be offered at each school  
16 approved by the commission to provide police training courses  
17 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).  
18 The commission shall ensure that an individual assigned to instruct  
19 the course is proficient and experienced in current school resource  
20 officer practices and concepts.

21 c. The commission shall award a certificate to each individual  
22 who successfully completes the course.

23 d. The Police Training Commission, in consultation with the  
24 Commissioner of Education, shall adopt rules and regulations  
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
26 (C.52:14B-1 et seq.), to implement the provisions of this section.  
27 (cf: P.L.2010, c.122, s.15)

28  
29 6. This act shall take effect on the first day of the seventh  
30 month following enactment, but the Police Training Commission  
31 and the Commissioner of Education may take any anticipatory  
32 action prior to the effective date needed for the timely  
33 implementation of this act.

34

35

36

#### STATEMENT

37

38 This bill establishes a new category of "Class Three" special law  
39 enforcement officers under the Special Law Enforcement Officers'  
40 Act. This category of law enforcement officers would be comprised  
41 of retired law enforcement officers authorized to provide security in  
42 this State's public and nonpublic schools and county colleges.

43 Under current law, Class One special law enforcement officers  
44 are authorized to perform routine traffic detail, spectator control,  
45 and similar duties. They also may be empowered to issue  
46 summonses for disorderly persons offenses, but are not authorized  
47 to carry a firearm while on duty. Class Two special law  
48 enforcement officers are empowered to exercise full police powers

1 and perform the duties of a permanent, regularly appointed full-time  
2 police officer. They are authorized to carry a firearm.

3 Under the bill, Class Three special law enforcement officers  
4 would be retired police officers less than 65 years old. These  
5 officers would be authorized to provide security at a public or  
6 nonpublic school or county college while they are on the school or  
7 college premises during hours when the school or college normally  
8 is in session or when it is occupied by students or their teachers or  
9 professors. They also are authorized to respond to offenses or  
10 emergencies off of school grounds occurring in the officer's  
11 presence while traveling to a school or college, but they may not be  
12 dispatched or dedicated to any other assignment off of school or  
13 college property. They would be authorized to exercise full powers  
14 and duties similar to those of a permanent, regularly appointed full-  
15 time police officer while providing this security. The restrictions  
16 on carrying a firearm currently applicable to Class Two special law  
17 enforcement officers also would apply to Class Three law  
18 enforcement officers. Class Three law enforcement officers would  
19 not be authorized to carry a firearm while off duty under the bill;  
20 they would only be authorized to carry a firearm off duty if they  
21 comply with the statutory requirements generally authorizing retired  
22 law enforcement officers to carry handguns, including qualifying in  
23 the use of a handgun twice a year.

24 In addition to the qualifications currently applicable to all special  
25 law enforcement officers, Class Three special law enforcement  
26 officer applicants would be required to be retired police officers  
27 less than 65 years of age. For the purposes of pension eligibility,  
28 the bill clarifies that Class Three special law enforcement officers  
29 are not to be considered retired if their return to employment  
30 violates any federal or State law or regulation which would deem an  
31 officer's retirement to not be bona fide. These applicants also  
32 would be required to have served as duly qualified, fully-trained,  
33 full-time municipal or county police officers or as a member of the  
34 State Police; be separated from that prior service in good standing,  
35 within three years of appointment; be physically capable of  
36 performing the functions of the position determined in accordance  
37 with Police Training Commission guidelines; possess a New Jersey  
38 Police Training Commission Basic Police Officer Certification or  
39 New Jersey State Police Academy Certification; complete a training  
40 course for safe schools resource officers; and be hired in a part-time  
41 capacity, which makes them ineligible for a State pension.

42 Class Three special law enforcement officers would not be  
43 subject to the 20 hour per week limit currently applicable to Class  
44 One and Class Two special law enforcement officers. But they  
45 would not be eligible for health care benefits or enrollment in any  
46 State administered retirement system under the bill.

47 Currently, boards of education are authorized to hire law  
48 enforcement officers and public school resource officers to work in

1 public schools within their jurisdiction pursuant to regulations of  
2 the Commissioner of Education. Under the bill, both public and  
3 nonpublic schools, as well as county colleges, would be authorized  
4 to hire Class Three special law enforcement officers whose duties  
5 would be limited to providing security. The bill specifies that these  
6 officers would not supplant law enforcement officers and public  
7 resource officers currently employed in schools.

8 It is the sponsor's intent that the provisions of the Special Law  
9 Enforcement Officers' Act that currently govern Class One and  
10 Class Two special law enforcement officers also would apply to  
11 Class Three officers, except as specifically amended in the bill.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3629**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 20, 2016

The Assembly Education Committee reports favorably Assembly Bill No. 3629 with committee amendments.

As amended, this bill establishes a new category of “Class Three” special law enforcement officers under the Special Law Enforcement Officers’ Act. This category of law enforcement officer would be comprised of retired law enforcement officers and would be authorized to provide security in this State’s public and nonpublic schools and county colleges.

Under current law, Class One special law enforcement 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 special law enforcement 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.

Under the bill, Class Three special law enforcement officers would be retired police officers less than 65 years old. These officers would be authorized to provide security at a public or nonpublic school or county college while they are on the school or college premises during hours when the school or college normally is in session or when it is occupied by students or their teachers or professors. They also are authorized to respond to offenses or emergencies off of school grounds occurring in the officer’s presence while traveling to a school or college, but they may not be dispatched or dedicated to any other assignment off of school or college property. They would be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing this security. The restrictions on carrying a firearm currently applicable to Class Two special law enforcement officers also would apply to Class Three law enforcement officers. Class Three law enforcement officers would not be authorized to carry a firearm while off duty under the bill; they would only be authorized to carry a firearm off duty if they comply with the statutory requirements

generally authorizing retired law enforcement officers to carry handguns, including qualifying in the use of a handgun twice a year.

In addition to the qualifications currently applicable to all special law enforcement officers, Class Three special law enforcement officer applicants also would be required to: be retired police officers less than 65 years of age; have served as duly qualified, fully-trained, full-time municipal or county police officers or were regularly employed as a full-time member of the State Police; be separated from that prior service in good standing, within three years of appointment; be physically capable of performing the functions of the position; and possess a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification.

Class Three special law enforcement officers would not be subject to the 20 hour per week limit currently applicable to Class One and Class Two special law enforcement officers. But they would not be eligible for health care benefits or enrollment in any State administered retirement system under the bill.

Currently, boards of education are authorized to hire law enforcement officers and safe schools resource officers to work in public schools within their jurisdiction pursuant to regulations of the Commissioner of Education. Under the bill, both public and nonpublic schools, as well as county colleges, would be authorized to hire Class Three special law enforcement officers whose duties would be limited to providing security. The bill specifies that these officers would not supplant law enforcement officers and safe schools resource officers currently employed in schools.

It is the sponsor's intent that the provisions of the Special Law Enforcement Officers' Act that currently govern Class One and Class Two special law enforcement officers also would apply to Class Three officers, except as specifically amended in the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 86 (2R) with committee amendments, which was also reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to remove the requirement that a Class Three special law enforcement officer complete the training course for safe schools resource officers.

**SENATE BILL NO. 86**  
**(Third Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 86 (Third Reprint) with my recommendations for reconsideration.

This bill establishes a new category of special law enforcement officers under the Special Law Enforcement Officers' Act. This new category, Class Three special law enforcement ("SLEO III") officers, would be comprised of retired law enforcement officers and would be authorized to provide security in New Jersey's public and nonpublic schools and county colleges. The safety of our children in schools is of paramount concern, especially in the wake of senseless violent attacks in the very places that our children should feel safest. Moreover, it is vital to ensure that the officer is integrated into the unique setting of a school community and is properly trained to function not only as a safety expert and law enforcer, but also as a liaison to community resources, educators, and counselors.

This legislation will establish an affordable option for municipalities to provide security in schools if the locale deems the security measure appropriate. Under the bill, a SLEO III officer must have recently retired from a full-time position as a law enforcement officer and meet certain medical and mental requirements, among other things. While on duty at any school or college campus, the SLEO III officers will have full powers and duties similar to those of permanent, regularly appointed full-time police officers.

While I fully support the purpose of this bill, it unfortunately does not require SLEO III officers to complete the school resource officer program. School resource officers receive specialized training covering security issues that

routinely arise in the school setting. I believe it is essential for SLEO III officers to receive this training to help guide their interactions with juveniles in a school setting.

Therefore, I recommend amending this bill so that SLEO III officers will be required to complete the school resource officer training to ensure that each SLEO III officer becomes an integral part of the school community, fostering positive relations among students, the community, and law enforcement.

Accordingly, I herewith return Senate Bill No. 86 (Third Reprint) and recommend that it be amended as follows:

Page 3, Section 1, Line 36:

After "Certification;" insert "(5) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8);"

Page 3, Section 1, Line 40:

Delete "(5)" and insert "(6)"

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scivo

Chief Counsel to the Governor



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## Governor Chris Christie Takes Action On Pending Legislation

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Trenton, NJ – Governor Chris Christie announced that he has taken action on the following legislation:

### BILL SIGNINGS:

**S-86 wGR/A-3629 (A.R. Bucco, Sweeney/A.M. Bucco, Diegnan, Rible, Singleton, Caride, Moriarty, Schepisi, Wimberly)** - Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges

**SCS for S-601 wGR/ACS for A-889 (Cunningham, Vitale, Singer/Muoio, Sumter, Holley, Oliver, McKnight, Tucker)** - Revises treatment requirements for convicted drug offenders receiving general assistance benefits under Work First New Jersey program

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