

11A:2-11.1 et. al
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 293

NJSA: 11A:2-11.1 et. al (Retitles State correction officer as State correctional police officer; clarifies law enforcement powers.)

BILL NO: S1651 (Substituted for A796)

SPONSOR(S) Van Drew and others

DATE INTRODUCED: 2/16/2016

COMMITTEE: **ASSEMBLY:** ---

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018

SENATE: 1/8/2018

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)	Yes
S1651	
SPONSOR'S STATEMENT: (Begins on page 12 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

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

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
A796	
SPONSOR'S STATEMENT: (Begins on page 12 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes Law & Public Safety Judiciary
	SENATE: No

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

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

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RH/CL

P.L. 2017, CHAPTER 293, *approved January 16, 2018*

Senate, No. 1651 (*First Reprint*)

1 AN ACT concerning State corrections officers, supplementing Title
2 11A of the New Jersey Statutes and amending P.L.1968, c.427
3 and N.J.S.2C:39-6.

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

7
8 1. (New section) ¹a.¹ The ¹【Commissioner of Personnel】 Civil
9 Service Commission¹ shall effectuate the following title changes in the
10 career service:

11 ¹【a.】 (1)¹ Correction officer recruit shall be retitled as
12 correctional police officer;

13 ¹【b.】 (2)¹ Senior correction officer shall be retitled as ¹【Senior】
14 senior¹ correctional police officer;

15 ¹【c.】 (3)¹ Correction sergeant shall be retitled as correctional
16 police sergeant;

17 ¹【d.】 (4)¹ Correction lieutenant shall be retitled as correctional
18 police lieutenant;

19 ¹【e.】 (5)¹ Correction captain shall be retitled as correctional
20 police captain; ¹【and】¹

21 ¹【f.】 (6)¹ Director of custody operations shall be retitled as
22 correctional police chief ¹;

23 (7) Correction officer apprentice shall be retitled as correctional
24 police officer apprentice; and

25 (8) Correction major shall be retitled as correctional police major¹.

26 ¹b.¹ The title changes ¹【authorized】 provided¹ under this section
27 shall apply to all ¹【correction】 corrections¹ officers employed by the
28 New Jersey Department of ¹【Correction】 Corrections¹ and the
29 Juvenile Justice Commission.

30 ¹c. Any fees associated with the retitling pursuant to subsection a.
31 of this section shall be borne by the corrections officer whose title is
32 changed.¹

33
34 2. Section 1 of P.L.1968, c.427 (C.2A:154-4) is amended to
35 read as follows:

36 1. All ¹【correction】 correctional police officers of the State of
37 New Jersey, parole officers employed by the State Parole Board and
38 investigators in the Department of Corrections, who have been or

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:

¹Senate SLP committee amendments adopted January 5, 2018.

1 who may hereafter be appointed or employed, shall, by virtue of
2 such appointment or employment and in addition to any other
3 power or authority, be empowered to exercise full police powers
4 and to act as peace officers, at all times, for the detection,
5 apprehension, arrest and conviction of offenders against the law.

6 Correctional police officers empowered with full police powers
7 under this section shall, while performing their duties in a lawful
8 manner, be deemed to be acting under lawful authority and shall
9 enjoy all the immunities from tort liability and shall have all the
10 pension, relief, disability, workmen's compensation, insurance and
11 other benefits they otherwise enjoy when performing their regular
12 duties.

13 (cf: P.L.2001, c.79, s.14)

14
15 ¹[3. N.J.S.2C:39-6 is amended to read as follows:

16 2C:39-6. a. Provided a person complies with the requirements of
17 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

18 (1) Members of the Armed Forces of the United States or of the
19 National Guard while actually on duty, or while traveling between
20 places of duty and carrying authorized weapons in the manner
21 prescribed by the appropriate military authorities;

22 (2) Federal law enforcement officers, and any other federal
23 officers and employees required to carry firearms in the
24 performance of their official duties;

25 (3) Members of the State Police and, under conditions
26 prescribed by the superintendent, members of the Marine Law
27 Enforcement Bureau of the Division of State Police;

28 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
29 assistant prosecutor, prosecutor's detective or investigator, deputy
30 attorney general or State investigator employed by the Division of
31 Criminal Justice of the Department of Law and Public Safety,
32 investigator employed by the State Commission of Investigation,
33 inspector of the Alcoholic Beverage Control Enforcement Bureau of
34 the Division of State Police in the Department of Law and Public
35 Safety authorized to carry such weapons by the Superintendent of
36 State Police, State park police officer, or State conservation officer;

37 (5) Except as hereinafter provided, a state correctional police
38 officer, or a prison or jail warden of any penal institution in this
39 State or his deputies, or an employee of the Department of
40 Corrections engaged in the interstate transportation of convicted
41 offenders, while in the performance of his duties, and when
42 required to possess the weapon by his superior officer, or a
43 corrections officer or keeper of a penal institution in this State at all
44 times while in the State of New Jersey, provided he annually passes
45 an examination approved by the superintendent testing his
46 proficiency in the handling of firearms;

47 (6) A civilian employee of the United States Government under
48 the supervision of the commanding officer of any post, camp,

1 station, base or other military or naval installation located in this
2 State who is required, in the performance of his official duties, to
3 carry firearms, and who is authorized to carry such firearms by said
4 commanding officer, while in the actual performance of his official
5 duties;

6 (7) (a) A regularly employed member, including a detective, of
7 the police department of any county or municipality, or of any
8 State, interstate, municipal or county park police force or boulevard
9 police force, at all times while in the State of New Jersey;

10 (b) A special law enforcement officer authorized to carry a
11 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
12 (C.40A:14-146.14);

13 (c) An airport security officer or a special law enforcement
14 officer appointed by the governing body of any county or
15 municipality, except as provided in subsection (b) of this section, or
16 by the commission, board or other body having control of a county
17 park or airport or boulevard police force, while engaged in the
18 actual performance of his official duties and when specifically
19 authorized by the governing body to carry weapons;

20 (8) A full-time, paid member of a paid or part-paid fire
21 department or force of any municipality who is assigned full-time
22 or part-time to an arson investigation unit created pursuant to
23 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
24 investigation unit in the county prosecutor's office, while either
25 engaged in the actual performance of arson investigation duties or
26 while actually on call to perform arson investigation duties and
27 when specifically authorized by the governing body or the county
28 prosecutor, as the case may be, to carry weapons. Prior to being
29 permitted to carry a firearm, such a member shall take and
30 successfully complete a firearms training course administered by
31 the Police Training Commission pursuant to P.L.1961, c.56
32 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
33 revolver or similar weapon prior to being permitted to carry a
34 firearm;

35 (9) A juvenile corrections officer in the employment of the
36 Juvenile Justice Commission established pursuant to section 2 of
37 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
38 promulgated by the commission;

39 (10) A designated employee or designated licensed agent for a
40 nuclear power plant under license of the Nuclear Regulatory
41 Commission, while in the actual performance of his official duties,
42 if the federal licensee certifies that the designated employee or
43 designated licensed agent is assigned to perform site protection,
44 guard, armed response or armed escort duties and is appropriately
45 trained and qualified, as prescribed by federal regulation, to
46 perform those duties. Any firearm utilized by an employee or agent
47 for a nuclear power plant pursuant to this paragraph shall be
48 returned each day at the end of the employee's or agent's authorized

1 official duties to the employee's or agent's supervisor. All firearms
2 returned each day pursuant to this paragraph shall be stored in
3 locked containers located in a secure area;

4 (11) A county corrections officer at all times while in the State of
5 New Jersey, provided he annually passes an examination approved
6 by the superintendent testing his proficiency in the handling of
7 firearms.

8 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

9 (1) A law enforcement officer employed by a governmental
10 agency outside of the State of New Jersey while actually engaged in
11 his official duties, provided, however, that he has first notified the
12 superintendent or the chief law enforcement officer of the
13 municipality or the prosecutor of the county in which he is engaged;
14 or

15 (2) A licensed dealer in firearms and his registered employees
16 during the course of their normal business while traveling to and
17 from their place of business and other places for the purpose of
18 demonstration, exhibition or delivery in connection with a sale,
19 provided, however, that the weapon is carried in the manner
20 specified in subsection g. of this section.

21 c. Provided a person complies with the requirements of
22 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
23 do not apply to:

24 (1) A special agent of the Division of Taxation who has passed
25 an examination in an approved police training program testing
26 proficiency in the handling of any firearm which he may be
27 required to carry, while in the actual performance of his official
28 duties and while going to or from his place of duty, or any other
29 police officer, while in the actual performance of his official duties;

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

34 (3) (Deleted by amendment, P.L.1986, c.150.)

35 (4) A court attendant serving as such under appointment by the
36 sheriff of the county or by the judge of any municipal court or other
37 court of this State, while in the actual performance of his official
38 duties;

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

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

46 (7) A humane law enforcement officer of the New Jersey
47 Society for the Prevention of Cruelty to Animals or of a county

1 society for the prevention of cruelty to animals, while in the actual
2 performance of his duties;

3 (8) An employee of a public utilities corporation actually
4 engaged in the transportation of explosives;

5 (9) A railway policeman, except a transit police officer of the
6 New Jersey Transit Police Department, at all times while in the
7 State of New Jersey, provided that he has passed an approved police
8 academy training program consisting of at least 280 hours. The
9 training program shall include, but need not be limited to, the
10 handling of firearms, community relations, and juvenile relations;

11 (10) A campus police officer appointed under P.L.1970, c.211
12 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
13 a firearm, a campus police officer shall take and successfully
14 complete a firearms training course administered by the Police
15 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
16 seq.), and shall annually qualify in the use of a revolver or similar
17 weapon prior to being permitted to carry a firearm;

18 (11) (Deleted by amendment, P.L.2003, c.168).

19 (12) A transit police officer of the New Jersey Transit Police
20 Department, at all times while in the State of New Jersey, provided
21 the officer has satisfied the training requirements of the Police
22 Training Commission, pursuant to subsection c. of section 2 of
23 P.L.1989, c.291 (C.27:25-15.1);

24 (13) A parole officer employed by the State Parole Board at all
25 times. Prior to being permitted to carry a firearm, a parole officer
26 shall take and successfully complete a basic course for regular
27 police officer training administered by the Police Training
28 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
29 shall annually qualify in the use of a revolver or similar weapon
30 prior to being permitted to carry a firearm;

31 (14) A Human Services police officer at all times while in the
32 State of New Jersey, as authorized by the Commissioner of Human
33 Services;

34 (15) A person or employee of any person who, pursuant to and as
35 required by a contract with a governmental entity, supervises or
36 transports persons charged with or convicted of an offense;

37 (16) A housing authority police officer appointed under
38 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
39 State of New Jersey; or

40 (17) A probation officer assigned to the "Probation Officer
41 Community Safety Unit" created by section 2 of P.L.2001, c.362
42 (C.2B:10A-2) while in the actual performance of the probation
43 officer's official duties. Prior to being permitted to carry a firearm,
44 a probation officer shall take and successfully complete a basic
45 course for regular police officer training administered by the Police
46 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
47 seq.), and shall annually qualify in the use of a revolver or similar
48 weapon prior to being permitted to carry a firearm.

1 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
2 antique firearms, provided that such antique firearms are unloaded
3 or are being fired for the purposes of exhibition or demonstration at
4 an authorized target range or in such other manner as has been
5 approved in writing by the chief law enforcement officer of the
6 municipality in which the exhibition or demonstration is held, or if
7 not held on property under the control of a particular municipality,
8 the superintendent.

9 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
10 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
11 being fired but that is unloaded and immobile, provided that the
12 antique cannon is possessed by (a) a scholastic institution, a
13 museum, a municipality, a county or the State, or (b) a person who
14 obtained a firearms purchaser identification card as specified in
15 N.J.S.2C:58-3.

16 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
17 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
18 being transported by one eligible to possess it, in compliance with
19 regulations the superintendent may promulgate, between its
20 permanent location and place of purchase or repair.

21 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
22 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
23 or fired by one eligible to possess an antique cannon, for purposes
24 of exhibition or demonstration at an authorized target range or in
25 the manner as has been approved in writing by the chief law
26 enforcement officer of the municipality in which the exhibition or
27 demonstration is held, or if not held on property under the control
28 of a particular municipality, the superintendent, provided that
29 performer has given at least 30 days' notice to the superintendent.

30 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
31 N.J.S.2C:39-5 do not apply to the transportation of unloaded
32 antique cannons directly to or from exhibitions or demonstrations
33 authorized under paragraph (4) of subsection d. of this section,
34 provided that the transportation is in compliance with safety
35 regulations the superintendent may promulgate. Nor do those
36 subsections apply to transportation directly to or from exhibitions or
37 demonstrations authorized under the law of another jurisdiction,
38 provided that the superintendent has been given 30 days' notice and
39 that the transportation is in compliance with safety regulations the
40 superintendent may promulgate.

41 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
42 construed to prevent a person keeping or carrying about his place of
43 business, residence, premises or other land owned or possessed by
44 him, any firearm, or from carrying the same, in the manner
45 specified in subsection g. of this section, from any place of
46 purchase to his residence or place of business, between his dwelling
47 and his place of business, between one place of business or
48 residence and another when moving, or between his dwelling or

1 place of business and place where such firearms are repaired, for
2 the purpose of repair. For the purposes of this section, a place of
3 business shall be deemed to be a fixed location.

4 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
5 construed to prevent:

6 (1) A member of any rifle or pistol club organized in accordance
7 with the rules prescribed by the National Board for the Promotion
8 of Rifle Practice, in going to or from a place of target practice,
9 carrying such firearms as are necessary for said target practice,
10 provided that the club has filed a copy of its charter with the
11 superintendent and annually submits a list of its members to the
12 superintendent and provided further that the firearms are carried in
13 the manner specified in subsection g. of this section;

14 (2) A person carrying a firearm or knife in the woods or fields
15 or upon the waters of this State for the purpose of hunting, target
16 practice or fishing, provided that the firearm or knife is legal and
17 appropriate for hunting or fishing purposes in this State and he has
18 in his possession a valid hunting license, or, with respect to fresh
19 water fishing, a valid fishing license;

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

21 (a) Directly to or from any place for the purpose of hunting or
22 fishing, provided the person has in his possession a valid hunting or
23 fishing license; or

24 (b) Directly to or from any target range, or other authorized
25 place for the purpose of practice, match, target, trap or skeet
26 shooting exhibitions, provided in all cases that during the course of
27 the travel all firearms are carried in the manner specified in
28 subsection g. of this section and the person has complied with all
29 the provisions and requirements of Title 23 of the Revised Statutes
30 and any amendments thereto and all rules and regulations
31 promulgated thereunder; or

32 (c) In the case of a firearm, directly to or from any exhibition or
33 display of firearms which is sponsored by any law enforcement
34 agency, any rifle or pistol club, or any firearms collectors club, for
35 the purpose of displaying the firearms to the public or to the
36 members of the organization or club, provided, however, that not
37 less than 30 days prior to the exhibition or display, notice of the
38 exhibition or display shall be given to the Superintendent of the
39 State Police by the sponsoring organization or club, and the sponsor
40 has complied with such reasonable safety regulations as the
41 superintendent may promulgate. Any firearms transported pursuant
42 to this section shall be transported in the manner specified in
43 subsection g. of this section;

44 (4) A person from keeping or carrying about a private or
45 commercial aircraft or any boat, or from transporting to or from
46 such vessel for the purpose of installation or repair a visual distress
47 signaling device approved by the United States Coast Guard.

1 g. All weapons being transported under paragraph (2) of
2 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
3 of this section shall be carried unloaded and contained in a closed
4 and fastened case, gunbox, securely tied package, or locked in the
5 trunk of the automobile in which it is being transported, and in the
6 course of travel shall include only such deviations as are reasonably
7 necessary under the circumstances.

8 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any employee of a public utility, as defined in R.S.48:2-
10 13, doing business in this State or any United States Postal Service
11 employee, while in the actual performance of duties which
12 specifically require regular and frequent visits to private premises,
13 from possessing, carrying or using any device which projects,
14 releases or emits any substance specified as being noninjurious to
15 canines or other animals by the Commissioner of Health and which
16 immobilizes only on a temporary basis and produces only
17 temporary physical discomfort through being vaporized or
18 otherwise dispensed in the air for the sole purpose of repelling
19 canine or other animal attacks.

20 The device shall be used solely to repel only those canine or
21 other animal attacks when the canines or other animals are not
22 restrained in a fashion sufficient to allow the employee to properly
23 perform his duties.

24 Any device used pursuant to this act shall be selected from a list
25 of products, which consist of active and inert ingredients, permitted
26 by the Commissioner of Health.

27 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
28 any person who is 18 years of age or older and who has not been
29 convicted of a crime, from possession for the purpose of personal
30 self-defense of one pocket-sized device which contains and releases
31 not more than three-quarters of an ounce of chemical substance not
32 ordinarily capable of lethal use or of inflicting serious bodily injury,
33 but rather, is intended to produce temporary physical discomfort or
34 disability through being vaporized or otherwise dispensed in the air.
35 Any person in possession of any device in violation of this
36 subsection shall be deemed and adjudged to be a disorderly person,
37 and upon conviction thereof, shall be punished by a fine of not less
38 than \$100.

39 (2) Notwithstanding the provisions of paragraph (1) of this
40 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
41 health inspector or investigator operating pursuant to the provisions
42 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
43 inspector from possessing a device which is capable of releasing
44 more than three-quarters of an ounce of a chemical substance, as
45 described in paragraph (1), while in the actual performance of the
46 inspector's or investigator's duties, provided that the device does not
47 exceed the size of those used by law enforcement.

1 j. A person shall qualify for an exemption from the provisions
2 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
3 section, if the person has satisfactorily completed a firearms
4 training course approved by the Police Training Commission.

5 Such exempt person shall not possess or carry a firearm until the
6 person has satisfactorily completed a firearms training course and
7 shall annually qualify in the use of a revolver or similar weapon.
8 For purposes of this subsection, a "firearms training course" means
9 a course of instruction in the safe use, maintenance and storage of
10 firearms which is approved by the Police Training Commission.
11 The commission shall approve a firearms training course if the
12 requirements of the course are substantially equivalent to the
13 requirements for firearms training provided by police training
14 courses which are certified under section 6 of P.L.1961, c.56
15 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
16 or (6) of subsection a. of this section shall be exempt from the
17 requirements of this subsection.

18 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
19 to prevent any financial institution, or any duly authorized
20 personnel of the institution, from possessing, carrying or using for
21 the protection of money or property, any device which projects,
22 releases or emits tear gas or other substances intended to produce
23 temporary physical discomfort or temporary identification.

24 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
25 to prevent a law enforcement officer who retired in good standing,
26 including a retirement because of a disability pursuant to section 6
27 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
28 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
29 substantially similar statute governing the disability retirement of
30 federal law enforcement officers, provided the officer was a
31 regularly employed, full-time law enforcement officer for an
32 aggregate of four or more years prior to his disability retirement and
33 further provided that the disability which constituted the basis for
34 the officer's retirement did not involve a certification that the officer
35 was mentally incapacitated for the performance of his usual law
36 enforcement duties and any other available duty in the department
37 which his employer was willing to assign to him or does not subject
38 that retired officer to any of the disabilities set forth in subsection c.
39 of N.J.S.2C:58-3 which would disqualify the retired officer from
40 possessing or carrying a firearm, who semi-annually qualifies in the
41 use of the handgun he is permitted to carry in accordance with the
42 requirements and procedures established by the Attorney General
43 pursuant to subsection j. of this section and pays the actual costs
44 associated with those semi-annual qualifications, who is 75 years of
45 age or younger, and who was regularly employed as a full-time
46 member of the State Police; a full-time member of an interstate
47 police force; a full-time member of a county or municipal police
48 department in this State; a full-time member of a State law

1 enforcement agency; a full-time sheriff, undersheriff or sheriff's
2 officer of a county of this State; a full-time State or county
3 corrections officer; a full-time county park police officer; a full-
4 time county prosecutor's detective or investigator; a full-time
5 federal law enforcement officer; or is a qualified retired law
6 enforcement officer, as used in the federal "Law Enforcement
7 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
8 State from carrying a handgun in the same manner as law
9 enforcement officers exempted under paragraph (7) of subsection a.
10 of this section under the conditions provided herein:

11 (1) The retired law enforcement officer shall make application
12 in writing to the Superintendent of State Police for approval to carry
13 a handgun for one year. An application for annual renewal shall be
14 submitted in the same manner.

15 (2) Upon receipt of the written application of the retired law
16 enforcement officer, the superintendent shall request a verification
17 of service from the chief law enforcement officer of the
18 organization in which the retired officer was last regularly
19 employed as a full-time law enforcement officer prior to retiring.
20 The verification of service shall include:

21 (a) The name and address of the retired officer;

22 (b) The date that the retired officer was hired and the date that
23 the officer retired;

24 (c) A list of all handguns known to be registered to that officer;

25 (d) A statement that, to the reasonable knowledge of the chief
26 law enforcement officer, the retired officer is not subject to any of
27 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

28 (e) A statement that the officer retired in good standing.

29 (3) If the superintendent approves a retired officer's application
30 or reapplication to carry a handgun pursuant to the provisions of
31 this subsection, the superintendent shall notify in writing the chief
32 law enforcement officer of the municipality wherein that retired
33 officer resides. In the event the retired officer resides in a
34 municipality which has no chief law enforcement officer or law
35 enforcement agency, the superintendent shall maintain a record of
36 the approval.

37 (4) The superintendent shall issue to an approved retired officer
38 an identification card permitting the retired officer to carry a
39 handgun pursuant to this subsection. This identification card shall
40 be valid for one year from the date of issuance and shall be valid
41 throughout the State. The identification card shall not be
42 transferable to any other person. The identification card shall be
43 carried at all times on the person of the retired officer while the
44 retired officer is carrying a handgun. The retired officer shall
45 produce the identification card for review on the demand of any law
46 enforcement officer or authority.

47 (5) Any person aggrieved by the denial of the superintendent of
48 approval for a permit to carry a handgun pursuant to this subsection

1 may request a hearing in the Superior Court of New Jersey in the
2 county in which he resides by filing a written request for such a
3 hearing within 30 days of the denial. Copies of the request shall be
4 served upon the superintendent and the county prosecutor. The
5 hearing shall be held within 30 days of the filing of the request, and
6 no formal pleading or filing fee shall be required. Appeals from the
7 determination of such a hearing shall be in accordance with law and
8 the rules governing the courts of this State.

9 (6) A judge of the Superior Court may revoke a retired officer's
10 privilege to carry a handgun pursuant to this subsection for good
11 cause shown on the application of any interested person. A person
12 who becomes subject to any of the disabilities set forth in
13 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
14 superintendent, his identification card issued under paragraph (4) of
15 this subsection to the chief law enforcement officer of the
16 municipality wherein he resides or the superintendent, and shall be
17 permanently disqualified to carry a handgun under this subsection.

18 (7) The superintendent may charge a reasonable application fee
19 to retired officers to offset any costs associated with administering
20 the application process set forth in this subsection.

21 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
22 to prevent duly authorized personnel of the New Jersey Division of
23 Fish and Wildlife, while in the actual performance of duties, from
24 possessing, transporting or using any device that projects, releases
25 or emits any substance specified as being non-injurious to wildlife
26 by the Director of the Division of Animal Health in the Department
27 of Agriculture, and which may immobilize wildlife and produces
28 only temporary physical discomfort through being vaporized or
29 otherwise dispensed in the air for the purpose of repelling bear or
30 other animal attacks or for the aversive conditioning of wildlife.

31 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
32 be construed to prevent duly authorized personnel of the New
33 Jersey Division of Fish and Wildlife, while in the actual
34 performance of duties, from possessing, transporting or using hand
35 held pistol-like devices, rifles or shotguns that launch pyrotechnic
36 missiles for the sole purpose of frightening, hazing or aversive
37 conditioning of nuisance or depredating wildlife; from possessing,
38 transporting or using rifles, pistols or similar devices for the sole
39 purpose of chemically immobilizing wild or non-domestic animals;
40 or, provided the duly authorized person complies with the
41 requirements of subsection j. of this section, from possessing,
42 transporting or using rifles or shotguns, upon completion of a Police
43 Training Commission approved training course, in order to dispatch
44 injured or dangerous animals or for non-lethal use for the purpose
45 of frightening, hazing or aversive conditioning of nuisance or
46 depredating wildlife.

47 (cf: P.L.2013, c.219, s.1) **1**

1 ¹3. N.J.S.2C:39-6 is amended to read as follows:

2 2C:39-6. a. Provided a person complies with the requirements of
3 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

4 (1) Members of the Armed Forces of the United States or of the
5 National Guard while actually on duty, or while traveling between
6 places of duty and carrying authorized weapons in the manner
7 prescribed by the appropriate military authorities;

8 (2) Federal law enforcement officers, and any other federal
9 officers and employees required to carry firearms in the performance
10 of their official duties;

11 (3) Members of the State Police and, under conditions prescribed
12 by the superintendent, members of the Marine Law Enforcement
13 Bureau of the Division of State Police;

14 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
15 assistant prosecutor, prosecutor's detective or investigator, deputy
16 attorney general or State investigator employed by the Division of
17 Criminal Justice of the Department of Law and Public Safety,
18 investigator employed by the State Commission of Investigation,
19 inspector of the Alcoholic Beverage Control Enforcement Bureau of
20 the Division of State Police in the Department of Law and Public
21 Safety authorized to carry weapons by the Superintendent of State
22 Police, State park police officer, or State conservation officer;

23 (5) Except as hereinafter provided, a State correctional police
24 officer, or a prison or jail warden of any penal institution in this State
25 or his deputies, or an employee of the Department of Corrections
26 engaged in the interstate transportation of convicted offenders, while
27 in the performance of his duties, and when required to possess the
28 weapon by his superior officer, or a corrections officer or keeper of a
29 penal institution in this State at all times while in the State of New
30 Jersey, provided he annually passes an examination approved by the
31 superintendent testing his proficiency in the handling of firearms;

32 (6) A civilian employee of the United States Government under
33 the supervision of the commanding officer of any post, camp, station,
34 base or other military or naval installation located in this State who is
35 required, in the performance of his official duties, to carry firearms,
36 and who is authorized to carry firearms by the commanding officer,
37 while in the actual performance of his official duties;

38 (7) (a) A regularly employed member, including a detective, of the
39 police department of any county or municipality, or of any State,
40 interstate, municipal or county park police force or boulevard police
41 force, at all times while in the State of New Jersey;

42 (b) A special law enforcement officer authorized to carry a weapon
43 as provided in subsection b. of section 7 of P.L.1985, c.439
44 (C.40A:14-146.14);

45 (c) An airport security officer or a special law enforcement officer
46 appointed by the governing body of any county or municipality, except
47 as provided in subsection (b) of this section, or by the commission,
48 board or other body having control of a county park or airport or

1 boulevard police force, while engaged in the actual performance of his
2 official duties and when specifically authorized by the governing body
3 to carry weapons;

4 (8) A full-time, paid member of a paid or part-paid fire department
5 or force of any municipality who is assigned full-time or part-time to
6 an arson investigation unit created pursuant to section 1 of P.L.1981,
7 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
8 county prosecutor's office, while either engaged in the actual
9 performance of arson investigation duties or while actually on call to
10 perform arson investigation duties and when specifically authorized by
11 the governing body or the county prosecutor, as the case may be, to
12 carry weapons. Prior to being permitted to carry a firearm, a member
13 shall take and successfully complete a firearms training course
14 administered by the Police Training Commission pursuant to
15 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the
16 use of a revolver or similar weapon prior to being permitted to carry a
17 firearm;

18 (9) A juvenile corrections officer in the employment of the
19 Juvenile Justice Commission established pursuant to section 2 of
20 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
21 promulgated by the commission;

22 (10) A designated employee or designated licensed agent for a
23 nuclear power plant under license of the Nuclear Regulatory
24 Commission, while in the actual performance of his official duties, if
25 the federal licensee certifies that the designated employee or
26 designated licensed agent is assigned to perform site protection, guard,
27 armed response or armed escort duties and is appropriately trained and
28 qualified, as prescribed by federal regulation, to perform those duties.
29 Any firearm utilized by an employee or agent for a nuclear power
30 plant pursuant to this paragraph shall be returned each day at the end
31 of the employee's or agent's authorized official duties to the
32 employee's or agent's supervisor. All firearms returned each day
33 pursuant to this paragraph shall be stored in locked containers located
34 in a secure area;

35 (11) A county corrections officer at all times while in the State of
36 New Jersey, provided he annually passes an examination approved by
37 the superintendent testing his proficiency in the handling of firearms.

38 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

39 (1) A law enforcement officer employed by a governmental
40 agency outside of the State of New Jersey while actually engaged in
41 his official duties, provided, however, that he has first notified the
42 superintendent or the chief law enforcement officer of the municipality
43 or the prosecutor of the county in which he is engaged; or

44 (2) A licensed dealer in firearms and his registered employees
45 during the course of their normal business while traveling to and from
46 their place of business and other places for the purpose of
47 demonstration, exhibition or delivery in connection with a sale,

1 provided, however, that the weapon is carried in the manner specified
2 in subsection g. of this section.

3 c. Provided a person complies with the requirements of
4 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5 do
5 not apply to:

6 (1) A special agent of the Division of Taxation who has passed an
7 examination in an approved police training program testing
8 proficiency in the handling of any firearm which he may be required to
9 carry, while in the actual performance of his official duties and while
10 going to or from his place of duty, or any other police officer, while in
11 the actual performance of his official duties;

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

16 (3) (Deleted by amendment, P.L.1986, c.150.)

17 (4) A court attendant appointed by the sheriff of the county or by
18 the judge of any municipal court or other court of this State, while in
19 the actual performance of his official duties;

20 (5) A guard employed by any railway express company, banking
21 or building and loan or savings and loan institution of this State, while
22 in the actual performance of his official duties;

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

27 (7) A humane law enforcement officer of the New Jersey Society
28 for the Prevention of Cruelty to Animals or of a county society for the
29 prevention of cruelty to animals, while in the actual performance of his
30 duties;

31 (8) An employee of a public utilities corporation actually engaged
32 in the transportation of explosives;

33 (9) A railway policeman, except a transit police officer of the New
34 Jersey Transit Police Department, at all times while in the State of
35 New Jersey, provided that he has passed an approved police academy
36 training program consisting of at least 280 hours. The training
37 program shall include, but need not be limited to, the handling of
38 firearms, community relations, and juvenile relations;

39 (10) A campus police officer appointed under P.L.1970, c.211
40 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
41 firearm, a campus police officer shall take and successfully complete a
42 firearms training course administered by the Police Training
43 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
44 shall annually qualify in the use of a revolver or similar weapon prior
45 to being permitted to carry a firearm;

46 (11) (Deleted by amendment, P.L.2003, c.168).

47 (12) A transit police officer of the New Jersey Transit Police
48 Department, at all times while in the State of New Jersey, provided the

1 officer has satisfied the training requirements of the Police Training
2 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
3 (C.27:25-15.1);

4 (13) A parole officer employed by the State Parole Board at all
5 times. Prior to being permitted to carry a firearm, a parole officer shall
6 take and successfully complete a basic course for regular police officer
7 training administered by the Police Training Commission, pursuant to
8 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the
9 use of a revolver or similar weapon prior to being permitted to carry a
10 firearm;

11 (14) A Human Services police officer at all times while in the State
12 of New Jersey, as authorized by the Commissioner of Human
13 Services;

14 (15) A person or employee of any person who, pursuant to and as
15 required by a contract with a governmental entity, supervises or
16 transports persons charged with or convicted of an offense;

17 (16) A housing authority police officer appointed under P.L.1997,
18 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
19 Jersey; or

20 (17) A probation officer assigned to the "Probation Officer
21 Community Safety Unit" created by section 2 of P.L.2001, c.362
22 (C.2B:10A-2) while in the actual performance of the probation
23 officer's official duties. Prior to being permitted to carry a firearm, a
24 probation officer shall take and successfully complete a basic course
25 for regular police officer training administered by the Police Training
26 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
27 shall annually qualify in the use of a revolver or similar weapon prior
28 to being permitted to carry a firearm.

29 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
30 antique firearms, provided that the antique firearms are unloaded or
31 are being fired for the purposes of exhibition or demonstration at an
32 authorized target range or in another manner approved in writing by
33 the chief law enforcement officer of the municipality in which the
34 exhibition or demonstration is held, or if not held on property under
35 the control of a particular municipality, the superintendent.

36 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
37 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
38 being fired but that is unloaded and immobile, provided that the
39 antique cannon is possessed by (a) a scholastic institution, a museum,
40 a municipality, a county or the State, or (b) a person who obtained a
41 firearms purchaser identification card as specified in N.J.S.2C:58-3.

42 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
44 being transported by one eligible to possess it, in compliance with
45 regulations the superintendent may promulgate, between its permanent
46 location and place of purchase or repair.

47 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
48 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or

1 fired by one eligible to possess an antique cannon, for purposes of
2 exhibition or demonstration at an authorized target range or in the
3 manner as has been approved in writing by the chief law enforcement
4 officer of the municipality in which the exhibition or demonstration is
5 held, or if not held on property under the control of a particular
6 municipality, the superintendent, provided that performer has given at
7 least 30 days' notice to the superintendent.

8 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
10 cannons directly to or from exhibitions or demonstrations authorized
11 under paragraph (4) of subsection d. of this section, provided that the
12 transportation is in compliance with safety regulations the
13 superintendent may promulgate. Those subsections shall not apply to
14 transportation directly to or from exhibitions or demonstrations
15 authorized under the law of another jurisdiction, provided that the
16 superintendent has been given 30 days' notice and that the
17 transportation is in compliance with safety regulations the
18 superintendent may promulgate.

19 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be
20 construed to prevent a person keeping or carrying about his place of
21 business, residence, premises or other land owned or possessed by
22 him, any firearm, or from carrying the same, in the manner specified in
23 subsection g. of this section, from any place of purchase to his
24 residence or place of business, between his dwelling and his place of
25 business, between one place of business or residence and another when
26 moving, or between his dwelling or place of business and place where
27 the firearms are repaired, for the purpose of repair. For the purposes
28 of this section, a place of business shall be deemed to be a fixed
29 location.

30 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be
31 construed to prevent:

32 (1) A member of any rifle or pistol club organized in accordance
33 with the rules prescribed by the National Board for the Promotion of
34 Rifle Practice, in going to or from a place of target practice, carrying
35 firearms necessary for target practice, provided that the club has filed a
36 copy of its charter with the superintendent and annually submits a list
37 of its members to the superintendent and provided further that the
38 firearms are carried in the manner specified in subsection g. of this
39 section;

40 (2) A person carrying a firearm or knife in the woods or fields or
41 upon the waters of this State for the purpose of hunting, target practice
42 or fishing, provided that the firearm or knife is legal and appropriate
43 for hunting or fishing purposes in this State and he has in his
44 possession a valid hunting license, or, with respect to fresh water
45 fishing, a valid fishing license;

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

1 (a) Directly to or from any place for the purpose of hunting or
2 fishing, provided the person has in his possession a valid hunting or
3 fishing license; or

4 (b) Directly to or from any target range, or other authorized place
5 for the purpose of practice, match, target, trap or skeet shooting
6 exhibitions, provided in all cases that during the course of the travel all
7 firearms are carried in the manner specified in subsection g. of this
8 section and the person has complied with all the provisions and
9 requirements of Title 23 of the Revised Statutes and any amendments
10 thereto and all rules and regulations promulgated thereunder; or

11 (c) In the case of a firearm, directly to or from any exhibition or
12 display of firearms which is sponsored by any law enforcement
13 agency, any rifle or pistol club, or any firearms collectors club, for the
14 purpose of displaying the firearms to the public or to the members of
15 the organization or club, provided, however, that not less than 30 days
16 prior to the exhibition or display, notice of the exhibition or display
17 shall be given to the Superintendent of the State Police by the
18 sponsoring organization or club, and the sponsor has complied with
19 any reasonable safety regulations the superintendent may promulgate.
20 Any firearms transported pursuant to this section shall be transported
21 in the manner specified in subsection g. of this section;

22 (4) A person from keeping or carrying about a private or
23 commercial aircraft or any boat, or from transporting to or from the
24 aircraft or boat for the purpose of installation or repair of a visual
25 distress signaling device approved by the United States Coast Guard.

26 g. Any weapon being transported under paragraph (2) of
27 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
28 this section shall be carried unloaded and contained in a closed and
29 fastened case, gunbox, securely tied package, or locked in the trunk of
30 the automobile in which it is being transported, and in the course of
31 travel shall include only deviations as are reasonably necessary under
32 the circumstances.

33 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
34 prevent any employee of a public utility, as defined in R.S.48:2-13,
35 doing business in this State or any United States Postal Service
36 employee, while in the actual performance of duties which specifically
37 require regular and frequent visits to private premises, from
38 possessing, carrying or using any device which projects, releases or
39 emits any substance specified as being noninjurious to canines or other
40 animals by the Commissioner of Health and which immobilizes only
41 on a temporary basis and produces only temporary physical discomfort
42 through being vaporized or otherwise dispensed in the air for the sole
43 purpose of repelling canine or other animal attacks.

44 The device shall be used solely to repel only those canine or other
45 animal attacks when the canines or other animals are not restrained in
46 a fashion sufficient to allow the employee to properly perform his
47 duties.

1 Any device used pursuant to this act shall be selected from a list of
2 products, which consist of active and inert ingredients, permitted by
3 the Commissioner of Health.

4 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any
5 person who is 18 years of age or older and who has not been convicted
6 of a crime, from possession for the purpose of personal self-defense of
7 one pocket-sized device which contains and releases not more than
8 three-quarters of an ounce of chemical substance not ordinarily
9 capable of lethal use or of inflicting serious bodily injury, but rather, is
10 intended to produce temporary physical discomfort or disability
11 through being vaporized or otherwise dispensed in the air. Any person
12 in possession of any device in violation of this subsection shall be
13 deemed and adjudged to be a disorderly person, and upon conviction
14 thereof, shall be punished by a fine of not less than \$100.

15 (2) Notwithstanding the provisions of paragraph (1) of this
16 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
17 health inspector or investigator operating pursuant to the provisions of
18 section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector
19 from possessing a device which is capable of releasing more than
20 three-quarters of an ounce of a chemical substance, as described in
21 paragraph (1), while in the actual performance of the inspector's or
22 investigator's duties, provided that the device does not exceed the size
23 of those used by law enforcement.

24 j. A person shall qualify for an exemption from the provisions of
25 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
26 if the person has satisfactorily completed a firearms training course
27 approved by the Police Training Commission.

28 The exempt person shall not possess or carry a firearm until the
29 person has satisfactorily completed a firearms training course and shall
30 annually qualify in the use of a revolver or similar weapon. For
31 purposes of this subsection, a "firearms training course" means a
32 course of instruction in the safe use, maintenance and storage of
33 firearms which is approved by the Police Training Commission. The
34 commission shall approve a firearms training course if the
35 requirements of the course are substantially equivalent to the
36 requirements for firearms training provided by police training courses
37 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A
38 person who is specified in paragraph (1), (2), (3), or (6) of subsection
39 a. of this section shall be exempt from the requirements of this
40 subsection.

41 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
42 prevent any financial institution, or any duly authorized personnel of
43 the institution, from possessing, carrying or using for the protection of
44 money or property, any device which projects, releases or emits tear
45 gas or other substances intended to produce temporary physical
46 discomfort or temporary identification.

47 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
48 prevent a law enforcement officer who retired in good standing,

1 including a retirement because of a disability pursuant to section 6 of
2 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
3 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
4 substantially similar statute governing the disability retirement of
5 federal law enforcement officers, provided the officer was a regularly
6 employed, full-time law enforcement officer for an aggregate of four
7 or more years prior to his disability retirement and further provided
8 that the disability which constituted the basis for the officer's
9 retirement did not involve a certification that the officer was mentally
10 incapacitated for the performance of his usual law enforcement duties
11 and any other available duty in the department which his employer
12 was willing to assign to him or does not subject that retired officer to
13 any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
14 would disqualify the retired officer from possessing or carrying a
15 firearm, who semi-annually qualifies in the use of the handgun he is
16 permitted to carry in accordance with the requirements and procedures
17 established by the Attorney General pursuant to subsection j. of this
18 section and pays the actual costs associated with those semi-annual
19 qualifications, who is 75 years of age or younger, and who was
20 regularly employed as a full-time member of the State Police; a full-
21 time member of an interstate police force; a full-time member of a
22 county or municipal police department in this State; a full-time
23 member of a State law enforcement agency; a full-time sheriff,
24 undersheriff or sheriff's officer of a county of this State; a full-time
25 State correctional police officer or county corrections officer; a full-
26 time State or county park police officer; a full-time special agent of the
27 Division of Taxation; a full-time Human Services police officer; a full-
28 time transit police officer of the New Jersey Transit Police
29 Department; a full-time campus police officer exempted pursuant to
30 paragraph (10) of subsection c. of this section; a full-time State
31 conservation officer exempted pursuant to paragraph (4) of subsection
32 a. of this section; a full-time Palisades Interstate Park officer appointed
33 pursuant to R.S.32:14-21; a full-time Burlington County Bridge police
34 officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-
35 36.3); a full-time housing authority police officer exempted pursuant
36 to paragraph (16) of subsection c. of this section; a full-time juvenile
37 corrections officer exempted pursuant to paragraph (9) of subsection a.
38 of this section; a full-time parole officer exempted pursuant to
39 paragraph (13) of subsection c. of this section; a full-time railway
40 policeman exempted pursuant to paragraph (9) of subsection c. of this
41 section; a full-time county prosecutor's detective or investigator; a full-
42 time federal law enforcement officer; or is a qualified retired law
43 enforcement officer, as used in the federal "Law Enforcement Officers
44 Safety Act of 2004," Pub.L. 108-277, domiciled in this State from
45 carrying a handgun in the same manner as law enforcement officers
46 exempted under paragraph (7) of subsection a. of this section under the
47 conditions provided herein:

1 (1) The retired law enforcement officer shall make application in
2 writing to the Superintendent of State Police for approval to carry a
3 handgun for one year. An application for annual renewal shall be
4 submitted in the same manner.

5 (2) Upon receipt of the written application of the retired law
6 enforcement officer, the superintendent shall request a verification of
7 service from the chief law enforcement officer of the organization in
8 which the retired officer was last regularly employed as a full-time law
9 enforcement officer prior to retiring. The verification of service shall
10 include:

11 (a) The name and address of the retired officer;

12 (b) The date that the retired officer was hired and the date that the
13 officer retired;

14 (c) A list of all handguns known to be registered to that officer;

15 (d) A statement that, to the reasonable knowledge of the chief law
16 enforcement officer, the retired officer is not subject to any of the
17 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

18 (e) A statement that the officer retired in good standing.

19 (3) If the superintendent approves a retired officer's application or
20 reapplication to carry a handgun pursuant to the provisions of this
21 subsection, the superintendent shall notify in writing the chief law
22 enforcement officer of the municipality wherein that retired officer
23 resides. In the event the retired officer resides in a municipality which
24 has no chief law enforcement officer or law enforcement agency, the
25 superintendent shall maintain a record of the approval.

26 (4) The superintendent shall issue to an approved retired officer an
27 identification card permitting the retired officer to carry a handgun
28 pursuant to this subsection. This identification card shall be valid for
29 one year from the date of issuance and shall be valid throughout the
30 State. The identification card shall not be transferable to any other
31 person. The identification card shall be carried at all times on the
32 person of the retired officer while the retired officer is carrying a
33 handgun. The retired officer shall produce the identification card for
34 review on the demand of any law enforcement officer or authority.

35 (5) Any person aggrieved by the denial of the superintendent of
36 approval for a permit to carry a handgun pursuant to this subsection
37 may request a hearing in the Superior Court of New Jersey in the
38 county in which he resides by filing a written request for a hearing
39 within 30 days of the denial. Copies of the request shall be served
40 upon the superintendent and the county prosecutor. The hearing shall
41 be held within 30 days of the filing of the request, and no formal
42 pleading or filing fee shall be required. Appeals from the
43 determination of the hearing shall be in accordance with law and the
44 rules governing the courts of this State.

45 (6) A judge of the Superior Court may revoke a retired officer's
46 privilege to carry a handgun pursuant to this subsection for good cause
47 shown on the application of any interested person. A person who
48 becomes subject to any of the disabilities set forth in subsection c. of

1 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
2 identification card issued under paragraph (4) of this subsection to the
3 chief law enforcement officer of the municipality wherein he resides or
4 the superintendent, and shall be permanently disqualified to carry a
5 handgun under this subsection.

6 (7) The superintendent may charge a reasonable application fee to
7 retired officers to offset any costs associated with administering the
8 application process set forth in this subsection.

9 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
10 prevent duly authorized personnel of the New Jersey Division of Fish
11 and Wildlife, while in the actual performance of duties, from
12 possessing, transporting or using any device that projects, releases or
13 emits any substance specified as being non-injurious to wildlife by the
14 Director of the Division of Animal Health in the Department of
15 Agriculture, and which may immobilize wildlife and produces only
16 temporary physical discomfort through being vaporized or otherwise
17 dispensed in the air for the purpose of repelling bear or other animal
18 attacks or for the aversive conditioning of wildlife.

19 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
20 construed to prevent duly authorized personnel of the New Jersey
21 Division of Fish and Wildlife, while in the actual performance of
22 duties, from possessing, transporting or using hand held pistol-like
23 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
24 purpose of frightening, hazing or aversive conditioning of nuisance or
25 depredating wildlife; from possessing, transporting or using rifles,
26 pistols or similar devices for the sole purpose of chemically
27 immobilizing wild or non-domestic animals; or, provided the duly
28 authorized person complies with the requirements of subsection j. of
29 this section, from possessing, transporting or using rifles or shotguns,
30 upon completion of a Police Training Commission approved training
31 course, in order to dispatch injured or dangerous animals or for non-
32 lethal use for the purpose of frightening, hazing or aversive
33 conditioning of nuisance or depredating wildlife.¹

34 (cf: P.L.2017, c.110, s.1)

35

36 4. This act shall take effect on the first day of the fourth month
37 following enactment.

38

39

40

41

42 Retitles State correction officer as State correctional police
43 officer; clarifies law enforcement powers.

SENATE, No. 1651

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Retitles State correction officer as State correctional police officer; clarifies law enforcement powers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/26/2017)

S1651 VAN DREW, OROHO

2

1 AN ACT concerning State corrections officers, supplementing Title
2 11A of the New Jersey Statutes and amending P.L.1968, c.427
3 and N.J.S.2C:39-6.

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

7
8 1. (New section) The Commissioner of Personnel shall
9 effectuate the following title changes in the career service:

10 a. Correction officer recruit shall be retitled as correctional
11 police officer;

12 b. Senior correction officer shall be retitled as Senior
13 correctional police officer;

14 c. Correction sergeant shall be retitled as correctional police
15 sergeant;

16 d. Correction lieutenant shall be retitled as correctional police
17 lieutenant;

18 e. Correction captain shall be retitled as correctional police
19 captain; and

20 f. Director of custody operations shall be retitled as
21 correctional police chief.

22 The title changes authorized under this section shall apply to all
23 correction officers employed by the New Jersey Department of
24 Correction and the Juvenile Justice Commission.

25
26 2. Section 1 of P.L.1968, c.427 (C.2A:154-4) is amended to
27 read as follows:

28 1. All **【correction】** correctional police officers of the State of
29 New Jersey, parole officers employed by the State Parole Board and
30 investigators in the Department of Corrections, who have been or
31 who may hereafter be appointed or employed, shall, by virtue of
32 such appointment or employment and in addition to any other
33 power or authority, be empowered to exercise full police powers
34 and to act as peace officers, at all times, for the detection,
35 apprehension, arrest and conviction of offenders against the law.

36 Correctional police officers empowered with full police powers
37 under this section shall, while performing their duties in a lawful
38 manner, be deemed to be acting under lawful authority and shall
39 enjoy all the immunities from tort liability and shall have all the
40 pension, relief, disability, workmen's compensation, insurance and
41 other benefits they otherwise enjoy when performing their regular
42 duties.

43 (cf: P.L.2001, c.79, s.14)

44
45 3. N.J.S.2C:39-6 is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2C:39-6. a. Provided a person complies with the requirements of
2 subsection j. of this section, N.J.S.2C:39-5 does not apply to:
- 3 (1) Members of the Armed Forces of the United States or of the
4 National Guard while actually on duty, or while traveling between
5 places of duty and carrying authorized weapons in the manner
6 prescribed by the appropriate military authorities;
- 7 (2) Federal law enforcement officers, and any other federal
8 officers and employees required to carry firearms in the
9 performance of their official duties;
- 10 (3) Members of the State Police and, under conditions
11 prescribed by the superintendent, members of the Marine Law
12 Enforcement Bureau of the Division of State Police;
- 13 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
14 assistant prosecutor, prosecutor's detective or investigator, deputy
15 attorney general or State investigator employed by the Division of
16 Criminal Justice of the Department of Law and Public Safety,
17 investigator employed by the State Commission of Investigation,
18 inspector of the Alcoholic Beverage Control Enforcement Bureau of
19 the Division of State Police in the Department of Law and Public
20 Safety authorized to carry such weapons by the Superintendent of
21 State Police, State park police officer, or State conservation officer;
- 22 (5) Except as hereinafter provided, a state correctional police
23 officer, or a prison or jail warden of any penal institution in this
24 State or his deputies, or an employee of the Department of
25 Corrections engaged in the interstate transportation of convicted
26 offenders, while in the performance of his duties, and when
27 required to possess the weapon by his superior officer, or a
28 corrections officer or keeper of a penal institution in this State at all
29 times while in the State of New Jersey, provided he annually passes
30 an examination approved by the superintendent testing his
31 proficiency in the handling of firearms;
- 32 (6) A civilian employee of the United States Government under
33 the supervision of the commanding officer of any post, camp,
34 station, base or other military or naval installation located in this
35 State who is required, in the performance of his official duties, to
36 carry firearms, and who is authorized to carry such firearms by said
37 commanding officer, while in the actual performance of his official
38 duties;
- 39 (7) (a) A regularly employed member, including a detective, of
40 the police department of any county or municipality, or of any
41 State, interstate, municipal or county park police force or boulevard
42 police force, at all times while in the State of New Jersey;
- 43 (b) A special law enforcement officer authorized to carry a
44 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
45 (C.40A:14-146.14);
- 46 (c) An airport security officer or a special law enforcement
47 officer appointed by the governing body of any county or
48 municipality, except as provided in subsection (b) of this section, or

1 by the commission, board or other body having control of a county
2 park or airport or boulevard police force, while engaged in the
3 actual performance of his official duties and when specifically
4 authorized by the governing body to carry weapons;

5 (8) A full-time, paid member of a paid or part-paid fire
6 department or force of any municipality who is assigned full-time
7 or part-time to an arson investigation unit created pursuant to
8 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
9 investigation unit in the county prosecutor's office, while either
10 engaged in the actual performance of arson investigation duties or
11 while actually on call to perform arson investigation duties and
12 when specifically authorized by the governing body or the county
13 prosecutor, as the case may be, to carry weapons. Prior to being
14 permitted to carry a firearm, such a member shall take and
15 successfully complete a firearms training course administered by
16 the Police Training Commission pursuant to P.L.1961, c.56
17 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
18 revolver or similar weapon prior to being permitted to carry a
19 firearm;

20 (9) A juvenile corrections officer in the employment of the
21 Juvenile Justice Commission established pursuant to section 2 of
22 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
23 promulgated by the commission;

24 (10) A designated employee or designated licensed agent for a
25 nuclear power plant under license of the Nuclear Regulatory
26 Commission, while in the actual performance of his official duties,
27 if the federal licensee certifies that the designated employee or
28 designated licensed agent is assigned to perform site protection,
29 guard, armed response or armed escort duties and is appropriately
30 trained and qualified, as prescribed by federal regulation, to
31 perform those duties. Any firearm utilized by an employee or agent
32 for a nuclear power plant pursuant to this paragraph shall be
33 returned each day at the end of the employee's or agent's authorized
34 official duties to the employee's or agent's supervisor. All firearms
35 returned each day pursuant to this paragraph shall be stored in
36 locked containers located in a secure area;

37 (11) A county corrections officer at all times while in the State of
38 New Jersey, provided he annually passes an examination approved
39 by the superintendent testing his proficiency in the handling of
40 firearms.

41 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

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

1 (2) A licensed dealer in firearms and his registered employees
2 during the course of their normal business while traveling to and
3 from their place of business and other places for the purpose of
4 demonstration, exhibition or delivery in connection with a sale,
5 provided, however, that the weapon is carried in the manner
6 specified in subsection g. of this section.

7 c. Provided a person complies with the requirements of
8 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
9 do not apply to:

10 (1) A special agent of the Division of Taxation who has passed
11 an examination in an approved police training program testing
12 proficiency in the handling of any firearm which he may be
13 required to carry, while in the actual performance of his official
14 duties and while going to or from his place of duty, or any other
15 police officer, while in the actual performance of his official duties;

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

20 (3) (Deleted by amendment, P.L.1986, c.150.)

21 (4) A court attendant serving as such under appointment by the
22 sheriff of the county or by the judge of any municipal court or other
23 court of this State, while in the actual performance of his official
24 duties;

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

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

32 (7) A humane law enforcement officer of the New Jersey
33 Society for the Prevention of Cruelty to Animals or of a county
34 society for the prevention of cruelty to animals, while in the actual
35 performance of his duties;

36 (8) An employee of a public utilities corporation actually
37 engaged in the transportation of explosives;

38 (9) A railway policeman, except a transit police officer of the
39 New Jersey Transit Police Department, at all times while in the
40 State of New Jersey, provided that he has passed an approved police
41 academy training program consisting of at least 280 hours. The
42 training program shall include, but need not be limited to, the
43 handling of firearms, community relations, and juvenile relations;

44 (10) A campus police officer appointed under P.L.1970, c.211
45 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
46 a firearm, a campus police officer shall take and successfully
47 complete a firearms training course administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm;

3 (11) (Deleted by amendment, P.L.2003, c.168).

4 (12) A transit police officer of the New Jersey Transit Police
5 Department, at all times while in the State of New Jersey, provided
6 the officer has satisfied the training requirements of the Police
7 Training Commission, pursuant to subsection c. of section 2 of
8 P.L.1989, c.291 (C.27:25-15.1);

9 (13) A parole officer employed by the State Parole Board at all
10 times. Prior to being permitted to carry a firearm, a parole officer
11 shall take and successfully complete a basic course for regular
12 police officer training administered by the Police Training
13 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
14 shall annually qualify in the use of a revolver or similar weapon
15 prior to being permitted to carry a firearm;

16 (14) A Human Services police officer at all times while in the
17 State of New Jersey, as authorized by the Commissioner of Human
18 Services;

19 (15) A person or employee of any person who, pursuant to and as
20 required by a contract with a governmental entity, supervises or
21 transports persons charged with or convicted of an offense;

22 (16) A housing authority police officer appointed under
23 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
24 State of New Jersey; or

25 (17) A probation officer assigned to the "Probation Officer
26 Community Safety Unit" created by section 2 of P.L.2001, c.362
27 (C.2B:10A-2) while in the actual performance of the probation
28 officer's official duties. Prior to being permitted to carry a firearm,
29 a probation officer shall take and successfully complete a basic
30 course for regular police officer training administered by the Police
31 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
32 seq.), and shall annually qualify in the use of a revolver or similar
33 weapon prior to being permitted to carry a firearm.

34 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
35 antique firearms, provided that such antique firearms are unloaded
36 or are being fired for the purposes of exhibition or demonstration at
37 an authorized target range or in such other manner as has been
38 approved in writing by the chief law enforcement officer of the
39 municipality in which the exhibition or demonstration is held, or if
40 not held on property under the control of a particular municipality,
41 the superintendent.

42 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
44 being fired but that is unloaded and immobile, provided that the
45 antique cannon is possessed by (a) a scholastic institution, a
46 museum, a municipality, a county or the State, or (b) a person who
47 obtained a firearms purchaser identification card as specified in
48 N.J.S.2C:58-3.

1 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
3 being transported by one eligible to possess it, in compliance with
4 regulations the superintendent may promulgate, between its
5 permanent location and place of purchase or repair.

6 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
8 or fired by one eligible to possess an antique cannon, for purposes
9 of exhibition or demonstration at an authorized target range or in
10 the manner as has been approved in writing by the chief law
11 enforcement officer of the municipality in which the exhibition or
12 demonstration is held, or if not held on property under the control
13 of a particular municipality, the superintendent, provided that
14 performer has given at least 30 days' notice to the superintendent.

15 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to the transportation of unloaded
17 antique cannons directly to or from exhibitions or demonstrations
18 authorized under paragraph (4) of subsection d. of this section,
19 provided that the transportation is in compliance with safety
20 regulations the superintendent may promulgate. Nor do those
21 subsections apply to transportation directly to or from exhibitions or
22 demonstrations authorized under the law of another jurisdiction,
23 provided that the superintendent has been given 30 days' notice and
24 that the transportation is in compliance with safety regulations the
25 superintendent may promulgate.

26 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
27 construed to prevent a person keeping or carrying about his place of
28 business, residence, premises or other land owned or possessed by
29 him, any firearm, or from carrying the same, in the manner
30 specified in subsection g. of this section, from any place of
31 purchase to his residence or place of business, between his dwelling
32 and his place of business, between one place of business or
33 residence and another when moving, or between his dwelling or
34 place of business and place where such firearms are repaired, for
35 the purpose of repair. For the purposes of this section, a place of
36 business shall be deemed to be a fixed location.

37 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
38 construed to prevent:

39 (1) A member of any rifle or pistol club organized in accordance
40 with the rules prescribed by the National Board for the Promotion
41 of Rifle Practice, in going to or from a place of target practice,
42 carrying such firearms as are necessary for said target practice,
43 provided that the club has filed a copy of its charter with the
44 superintendent and annually submits a list of its members to the
45 superintendent and provided further that the firearms are carried in
46 the manner specified in subsection g. of this section;

47 (2) A person carrying a firearm or knife in the woods or fields
48 or upon the waters of this State for the purpose of hunting, target

1 practice or fishing, provided that the firearm or knife is legal and
2 appropriate for hunting or fishing purposes in this State and he has
3 in his possession a valid hunting license, or, with respect to fresh
4 water fishing, a valid fishing license;

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

6 (a) Directly to or from any place for the purpose of hunting or
7 fishing, provided the person has in his possession a valid hunting or
8 fishing license; or

9 (b) Directly to or from any target range, or other authorized
10 place for the purpose of practice, match, target, trap or skeet
11 shooting exhibitions, provided in all cases that during the course of
12 the travel all firearms are carried in the manner specified in
13 subsection g. of this section and the person has complied with all
14 the provisions and requirements of Title 23 of the Revised Statutes
15 and any amendments thereto and all rules and regulations
16 promulgated thereunder; or

17 (c) In the case of a firearm, directly to or from any exhibition or
18 display of firearms which is sponsored by any law enforcement
19 agency, any rifle or pistol club, or any firearms collectors club, for
20 the purpose of displaying the firearms to the public or to the
21 members of the organization or club, provided, however, that not
22 less than 30 days prior to the exhibition or display, notice of the
23 exhibition or display shall be given to the Superintendent of the
24 State Police by the sponsoring organization or club, and the sponsor
25 has complied with such reasonable safety regulations as the
26 superintendent may promulgate. Any firearms transported pursuant
27 to this section shall be transported in the manner specified in
28 subsection g. of this section;

29 (4) A person from keeping or carrying about a private or
30 commercial aircraft or any boat, or from transporting to or from
31 such vessel for the purpose of installation or repair a visual distress
32 signaling device approved by the United States Coast Guard.

33 g. All weapons being transported under paragraph (2) of
34 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
35 of this section shall be carried unloaded and contained in a closed
36 and fastened case, gunbox, securely tied package, or locked in the
37 trunk of the automobile in which it is being transported, and in the
38 course of travel shall include only such deviations as are reasonably
39 necessary under the circumstances.

40 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
41 to prevent any employee of a public utility, as defined in R.S.48:2-
42 13, doing business in this State or any United States Postal Service
43 employee, while in the actual performance of duties which
44 specifically require regular and frequent visits to private premises,
45 from possessing, carrying or using any device which projects,
46 releases or emits any substance specified as being noninjurious to
47 canines or other animals by the Commissioner of Health and which
48 immobilizes only on a temporary basis and produces only

1 temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the sole purpose of repelling
3 canine or other animal attacks.

4 The device shall be used solely to repel only those canine or
5 other animal attacks when the canines or other animals are not
6 restrained in a fashion sufficient to allow the employee to properly
7 perform his duties.

8 Any device used pursuant to this act shall be selected from a list
9 of products, which consist of active and inert ingredients, permitted
10 by the Commissioner of Health.

11 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
12 any person who is 18 years of age or older and who has not been
13 convicted of a crime, from possession for the purpose of personal
14 self-defense of one pocket-sized device which contains and releases
15 not more than three-quarters of an ounce of chemical substance not
16 ordinarily capable of lethal use or of inflicting serious bodily injury,
17 but rather, is intended to produce temporary physical discomfort or
18 disability through being vaporized or otherwise dispensed in the air.
19 Any person in possession of any device in violation of this
20 subsection shall be deemed and adjudged to be a disorderly person,
21 and upon conviction thereof, shall be punished by a fine of not less
22 than \$100.

23 (2) Notwithstanding the provisions of paragraph (1) of this
24 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
25 health inspector or investigator operating pursuant to the provisions
26 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
27 inspector from possessing a device which is capable of releasing
28 more than three-quarters of an ounce of a chemical substance, as
29 described in paragraph (1), while in the actual performance of the
30 inspector's or investigator's duties, provided that the device does not
31 exceed the size of those used by law enforcement.

32 j. A person shall qualify for an exemption from the provisions
33 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
34 section, if the person has satisfactorily completed a firearms
35 training course approved by the Police Training Commission.

36 Such exempt person shall not possess or carry a firearm until the
37 person has satisfactorily completed a firearms training course and
38 shall annually qualify in the use of a revolver or similar weapon.
39 For purposes of this subsection, a "firearms training course" means
40 a course of instruction in the safe use, maintenance and storage of
41 firearms which is approved by the Police Training Commission.
42 The commission shall approve a firearms training course if the
43 requirements of the course are substantially equivalent to the
44 requirements for firearms training provided by police training
45 courses which are certified under section 6 of P.L.1961, c.56
46 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
47 or (6) of subsection a. of this section shall be exempt from the
48 requirements of this subsection.

1 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
2 to prevent any financial institution, or any duly authorized
3 personnel of the institution, from possessing, carrying or using for
4 the protection of money or property, any device which projects,
5 releases or emits tear gas or other substances intended to produce
6 temporary physical discomfort or temporary identification.

7 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
8 to prevent a law enforcement officer who retired in good standing,
9 including a retirement because of a disability pursuant to section 6
10 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
11 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
12 substantially similar statute governing the disability retirement of
13 federal law enforcement officers, provided the officer was a
14 regularly employed, full-time law enforcement officer for an
15 aggregate of four or more years prior to his disability retirement and
16 further provided that the disability which constituted the basis for
17 the officer's retirement did not involve a certification that the officer
18 was mentally incapacitated for the performance of his usual law
19 enforcement duties and any other available duty in the department
20 which his employer was willing to assign to him or does not subject
21 that retired officer to any of the disabilities set forth in subsection c.
22 of N.J.S.2C:58-3 which would disqualify the retired officer from
23 possessing or carrying a firearm, who semi-annually qualifies in the
24 use of the handgun he is permitted to carry in accordance with the
25 requirements and procedures established by the Attorney General
26 pursuant to subsection j. of this section and pays the actual costs
27 associated with those semi-annual qualifications, who is 75 years of
28 age or younger, and who was regularly employed as a full-time
29 member of the State Police; a full-time member of an interstate
30 police force; a full-time member of a county or municipal police
31 department in this State; a full-time member of a State law
32 enforcement agency; a full-time sheriff, undersheriff or sheriff's
33 officer of a county of this State; a full-time State or county
34 corrections officer; a full-time county park police officer; a full-
35 time county prosecutor's detective or investigator; a full-time
36 federal law enforcement officer; or is a qualified retired law
37 enforcement officer, as used in the federal "Law Enforcement
38 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
39 State from carrying a handgun in the same manner as law
40 enforcement officers exempted under paragraph (7) of subsection a.
41 of this section under the conditions provided herein:

42 (1) The retired law enforcement officer shall make application
43 in writing to the Superintendent of State Police for approval to carry
44 a handgun for one year. An application for annual renewal shall be
45 submitted in the same manner.

46 (2) Upon receipt of the written application of the retired law
47 enforcement officer, the superintendent shall request a verification
48 of service from the chief law enforcement officer of the

1 organization in which the retired officer was last regularly
2 employed as a full-time law enforcement officer prior to retiring.

3 The verification of service shall include:

4 (a) The name and address of the retired officer;

5 (b) The date that the retired officer was hired and the date that
6 the officer retired;

7 (c) A list of all handguns known to be registered to that officer;

8 (d) A statement that, to the reasonable knowledge of the chief
9 law enforcement officer, the retired officer is not subject to any of
10 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

11 (e) A statement that the officer retired in good standing.

12 (3) If the superintendent approves a retired officer's application
13 or reapplication to carry a handgun pursuant to the provisions of
14 this subsection, the superintendent shall notify in writing the chief
15 law enforcement officer of the municipality wherein that retired
16 officer resides. In the event the retired officer resides in a
17 municipality which has no chief law enforcement officer or law
18 enforcement agency, the superintendent shall maintain a record of
19 the approval.

20 (4) The superintendent shall issue to an approved retired officer
21 an identification card permitting the retired officer to carry a
22 handgun pursuant to this subsection. This identification card shall
23 be valid for one year from the date of issuance and shall be valid
24 throughout the State. The identification card shall not be
25 transferable to any other person. The identification card shall be
26 carried at all times on the person of the retired officer while the
27 retired officer is carrying a handgun. The retired officer shall
28 produce the identification card for review on the demand of any law
29 enforcement officer or authority.

30 (5) Any person aggrieved by the denial of the superintendent of
31 approval for a permit to carry a handgun pursuant to this subsection
32 may request a hearing in the Superior Court of New Jersey in the
33 county in which he resides by filing a written request for such a
34 hearing within 30 days of the denial. Copies of the request shall be
35 served upon the superintendent and the county prosecutor. The
36 hearing shall be held within 30 days of the filing of the request, and
37 no formal pleading or filing fee shall be required. Appeals from the
38 determination of such a hearing shall be in accordance with law and
39 the rules governing the courts of this State.

40 (6) A judge of the Superior Court may revoke a retired officer's
41 privilege to carry a handgun pursuant to this subsection for good
42 cause shown on the application of any interested person. A person
43 who becomes subject to any of the disabilities set forth in
44 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
45 superintendent, his identification card issued under paragraph (4) of
46 this subsection to the chief law enforcement officer of the
47 municipality wherein he resides or the superintendent, and shall be
48 permanently disqualified to carry a handgun under this subsection.

1 (7) The superintendent may charge a reasonable application fee
2 to retired officers to offset any costs associated with administering
3 the application process set forth in this subsection.

4 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
5 to prevent duly authorized personnel of the New Jersey Division of
6 Fish and Wildlife, while in the actual performance of duties, from
7 possessing, transporting or using any device that projects, releases
8 or emits any substance specified as being non-injurious to wildlife
9 by the Director of the Division of Animal Health in the Department
10 of Agriculture, and which may immobilize wildlife and produces
11 only temporary physical discomfort through being vaporized or
12 otherwise dispensed in the air for the purpose of repelling bear or
13 other animal attacks or for the aversive conditioning of wildlife.

14 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
15 be construed to prevent duly authorized personnel of the New
16 Jersey Division of Fish and Wildlife, while in the actual
17 performance of duties, from possessing, transporting or using hand
18 held pistol-like devices, rifles or shotguns that launch pyrotechnic
19 missiles for the sole purpose of frightening, hazing or aversive
20 conditioning of nuisance or depredating wildlife; from possessing,
21 transporting or using rifles, pistols or similar devices for the sole
22 purpose of chemically immobilizing wild or non-domestic animals;
23 or, provided the duly authorized person complies with the
24 requirements of subsection j. of this section, from possessing,
25 transporting or using rifles or shotguns, upon completion of a Police
26 Training Commission approved training course, in order to dispatch
27 injured or dangerous animals or for non-lethal use for the purpose
28 of frightening, hazing or aversive conditioning of nuisance or
29 depredating wildlife.

30 (cf: P.L.2013, c.219, s.1)

31

32 4. This act shall take effect on the first day of the fourth month
33 following enactment.

34

35

36

STATEMENT

37

38 This bill directs the Commissioner of Personnel to retitle the
39 position of State correction officer positions to State correctional
40 police officer. The bill also clarifies their law enforcement powers
41 and their authority to carry a firearm.

42 Although State corrections officers have general police powers,
43 the correction officer title has often led the general public to
44 narrowly view these officers as prison guards rather than law
45 enforcement officers. In certain situations, this misunderstanding
46 has resulted in unnecessary confrontations with members of the
47 general public—most notably those involving visitors to State
48 correctional facilities, encounters outside a hospital where a State

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13

1 prisoner is being treated or interference during the pursuit or
2 apprehension of an escapee—where members of the public ignored
3 an officer’s lawful instructions because they were unaware of the
4 officer’s police powers.

5 Indicative of their police powers, State correction officers were
6 deployed to Ground Zero, Liberty State Park, Newark Liberty
7 international Airport and several other critical locations in the wake
8 of the terrorist attacks of September 11, 2001. As State-designated
9 first responders, these corrections officers will be assigned to such
10 outside operations in the event of any further public emergencies or
11 natural disasters.

12 Revising the position titles of correctional officers to include a
13 reference to police will clarify and affirm the law enforcement
14 powers of these officers.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1651

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1651.

As amended and reported by the committee, this bill directs the Civil Service Commission to retitle the positions of State correction officers to State correctional police officers. The title changes provided in this bill are to apply to all corrections officers employed by the New Jersey Department of Corrections and the Juvenile Justice Commission. The committee amended the bill to require any fees associated with this retitling be borne by the corrections officer whose title has been changed. Examples of this fee may include any cost associated with an updated uniform, badge, or equipment as a result of the title change. The committee amendments also provide for the similar retitling of the correction officer apprentice and correction major positions, both of which did not exist when the bill was initially introduced.

The bill also clarifies the law enforcement powers that are already held by State corrections officers. In particular, the bill provides that these officers are empowered to exercise full police powers and entitled to carry a firearm while in the performance of their duties.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 796 as amended and reported by the Assembly Judiciary Committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) retitle the positions of correction officer apprentice and correction major to include references to police;
- (2) require that any fees associated with the bill's retitling provisions be borne by the corrections officer whose title has been changed; and
- (3) provide technical changes.

ASSEMBLY, No. 796

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

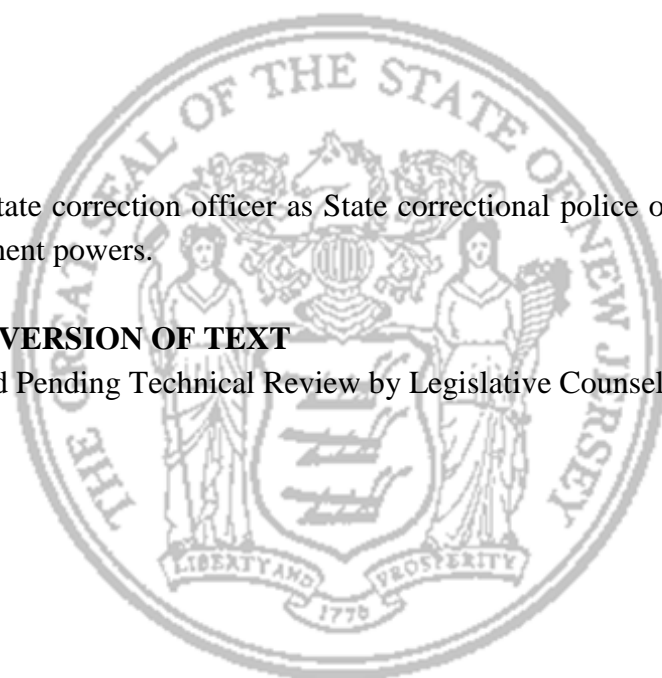
Assemblymen Barclay and Peterson

SYNOPSIS

Retitles State correction officer as State correctional police officer; clarifies law enforcement powers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 12/1/2017)

1 AN ACT concerning State corrections officers, supplementing Title
2 11A of the New Jersey Statutes and amending P.L.1968, c.427
3 and N.J.S.2C:39-6.
4

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

8 1. (New section) The Commissioner of Personnel shall
9 effectuate the following title changes in the career service:

10 a. Correction officer recruit shall be retitled as correctional
11 police officer;

12 b. Senior correction officer shall be retitled as Senior
13 correctional police officer;

14 c. Correction sergeant shall be retitled as correctional police
15 sergeant;

16 d. Correction lieutenant shall be retitled as correctional police
17 lieutenant;

18 e. Correction captain shall be retitled as correctional police
19 captain; and

20 f. Director of custody operations shall be retitled as
21 correctional police chief.

22 The title changes authorized under this section shall apply to all
23 correction officers employed by the New Jersey Department of
24 Correction and the Juvenile Justice Commission.
25

26 2. Section 1 of P.L.1968. c.427 (C.2A:154-4) is amended to
27 read as follows:

28 1. All **【correction】** correctional police officers of the State of
29 New Jersey, parole officers employed by the State Parole Board and
30 investigators in the Department of Corrections, who have been or
31 who may hereafter be appointed or employed, shall, by virtue of
32 such appointment or employment and in addition to any other
33 power or authority, be empowered to exercise full police powers
34 and to act as peace officers, at all times, for the detection,
35 apprehension, arrest and conviction of offenders against the law.

36 Correctional police officers empowered with full police powers
37 under this section shall, while performing their duties in a lawful
38 manner, be deemed to be acting under lawful authority and shall
39 enjoy all the immunities from tort liability and shall have all the
40 pension, relief, disability, workmen's compensation, insurance and
41 other benefits they otherwise enjoy when performing their regular
42 duties.

43 (cf: P.L.2001, c.79, s.14)
44

45 3. N.J.S.2C:39-6 is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2C:39-6. a. Provided a person complies with the requirements
2 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:
- 3 (1) Members of the Armed Forces of the United States or of the
4 National Guard while actually on duty, or while traveling between
5 places of duty and carrying authorized weapons in the manner
6 prescribed by the appropriate military authorities;
- 7 (2) Federal law enforcement officers, and any other federal
8 officers and employees required to carry firearms in the
9 performance of their official duties;
- 10 (3) Members of the State Police and, under conditions
11 prescribed by the superintendent, members of the Marine Law
12 Enforcement Bureau of the Division of State Police;
- 13 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
14 assistant prosecutor, prosecutor's detective or investigator, deputy
15 attorney general or State investigator employed by the Division of
16 Criminal Justice of the Department of Law and Public Safety,
17 investigator employed by the State Commission of Investigation,
18 inspector of the Alcoholic Beverage Control Enforcement Bureau of
19 the Division of State Police in the Department of Law and Public
20 Safety authorized to carry such weapons by the Superintendent of
21 State Police, State park police officer, or State conservation officer;
- 22 (5) Except as hereinafter provided, a State correctional police
23 officer, or a prison or jail warden of any penal institution in this
24 State or his deputies, or an employee of the Department of
25 Corrections engaged in the interstate transportation of convicted
26 offenders, while in the performance of his duties, and when
27 required to possess the weapon by his superior officer, or a
28 corrections officer or keeper of a penal institution in this State at all
29 times while in the State of New Jersey, provided he annually passes
30 an examination approved by the superintendent testing his
31 proficiency in the handling of firearms;
- 32 (6) A civilian employee of the United States Government under
33 the supervision of the commanding officer of any post, camp,
34 station, base or other military or naval installation located in this
35 State who is required, in the performance of his official duties, to
36 carry firearms, and who is authorized to carry such firearms by said
37 commanding officer, while in the actual performance of his official
38 duties;
- 39 (7) (a) A regularly employed member, including a detective, of
40 the police department of any county or municipality, or of any
41 State, interstate, municipal or county park police force or boulevard
42 police force, at all times while in the State of New Jersey;
- 43 (b) A special law enforcement officer authorized to carry a
44 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
45 (C.40A:14-146.14);
- 46 (c) An airport security officer or a special law enforcement
47 officer appointed by the governing body of any county or
48 municipality, except as provided in subsection (b) of this section, or

1 by the commission, board or other body having control of a county
2 park or airport or boulevard police force, while engaged in the
3 actual performance of his official duties and when specifically
4 authorized by the governing body to carry weapons;

5 (8) A full-time, paid member of a paid or part-paid fire
6 department or force of any municipality who is assigned full-time
7 or part-time to an arson investigation unit created pursuant to
8 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
9 investigation unit in the county prosecutor's office, while either
10 engaged in the actual performance of arson investigation duties or
11 while actually on call to perform arson investigation duties and
12 when specifically authorized by the governing body or the county
13 prosecutor, as the case may be, to carry weapons. Prior to being
14 permitted to carry a firearm, such a member shall take and
15 successfully complete a firearms training course administered by
16 the Police Training Commission pursuant to P.L.1961, c.56
17 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
18 revolver or similar weapon prior to being permitted to carry a
19 firearm;

20 (9) A juvenile corrections officer in the employment of the
21 Juvenile Justice Commission established pursuant to section 2 of
22 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
23 promulgated by the commission;

24 (10) A designated employee or designated licensed agent for a
25 nuclear power plant under license of the Nuclear Regulatory
26 Commission, while in the actual performance of his official duties,
27 if the federal licensee certifies that the designated employee or
28 designated licensed agent is assigned to perform site protection,
29 guard, armed response or armed escort duties and is appropriately
30 trained and qualified, as prescribed by federal regulation, to
31 perform those duties. Any firearm utilized by an employee or agent
32 for a nuclear power plant pursuant to this paragraph shall be
33 returned each day at the end of the employee's or agent's authorized
34 official duties to the employee's or agent's supervisor. All firearms
35 returned each day pursuant to this paragraph shall be stored in
36 locked containers located in a secure area;

37 (11) A county corrections officer at all times while in the State
38 of New Jersey, provided he annually passes an examination
39 approved by the superintendent testing his proficiency in the
40 handling of firearms.

41 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

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

1 (2) A licensed dealer in firearms and his registered employees
2 during the course of their normal business while traveling to and
3 from their place of business and other places for the purpose of
4 demonstration, exhibition or delivery in connection with a sale,
5 provided, however, that the weapon is carried in the manner
6 specified in subsection g. of this section.

7 c. Provided a person complies with the requirements of
8 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
9 do not apply to:

10 (1) A special agent of the Division of Taxation who has passed
11 an examination in an approved police training program testing
12 proficiency in the handling of any firearm which he may be
13 required to carry, while in the actual performance of his official
14 duties and while going to or from his place of duty, or any other
15 police officer, while in the actual performance of his official duties;

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

20 (3) (Deleted by amendment, P.L.1986, c.150.)

21 (4) A court attendant serving as such under appointment by the
22 sheriff of the county or by the judge of any municipal court or other
23 court of this State, while in the actual performance of his official
24 duties;

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

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

32 (7) A humane law enforcement officer of the New Jersey
33 Society for the Prevention of Cruelty to Animals or of a county
34 society for the prevention of cruelty to animals, while in the actual
35 performance of his duties;

36 (8) An employee of a public utilities corporation actually
37 engaged in the transportation of explosives;

38 (9) A railway policeman, except a transit police officer of the
39 New Jersey Transit Police Department, at all times while in the
40 State of New Jersey, provided that he has passed an approved police
41 academy training program consisting of at least 280 hours. The
42 training program shall include, but need not be limited to, the
43 handling of firearms, community relations, and juvenile relations;

44 (10) A campus police officer appointed under P.L.1970, c.211
45 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
46 a firearm, a campus police officer shall take and successfully
47 complete a firearms training course administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm;

3 (11) (Deleted by amendment, P.L.2003, c.168).

4 (12) A transit police officer of the New Jersey Transit Police
5 Department, at all times while in the State of New Jersey, provided
6 the officer has satisfied the training requirements of the Police
7 Training Commission, pursuant to subsection c. of section 2 of
8 P.L.1989, c.291 (C.27:25-15.1);

9 (13) A parole officer employed by the State Parole Board at all
10 times. Prior to being permitted to carry a firearm, a parole officer
11 shall take and successfully complete a basic course for regular
12 police officer training administered by the Police Training
13 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
14 shall annually qualify in the use of a revolver or similar weapon
15 prior to being permitted to carry a firearm;

16 (14) A Human Services police officer at all times while in the
17 State of New Jersey, as authorized by the Commissioner of Human
18 Services;

19 (15) A person or employee of any person who, pursuant to and
20 as required by a contract with a governmental entity, supervises or
21 transports persons charged with or convicted of an offense;

22 (16) A housing authority police officer appointed under
23 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
24 State of New Jersey; or

25 (17) A probation officer assigned to the "Probation Officer
26 Community Safety Unit" created by section 2 of P.L.2001, c.362
27 (C.2B:10A-2) while in the actual performance of the probation
28 officer's official duties. Prior to being permitted to carry a firearm,
29 a probation officer shall take and successfully complete a basic
30 course for regular police officer training administered by the Police
31 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
32 seq.), and shall annually qualify in the use of a revolver or similar
33 weapon prior to being permitted to carry a firearm.

34 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
35 antique firearms, provided that such antique firearms are unloaded
36 or are being fired for the purposes of exhibition or demonstration at
37 an authorized target range or in such other manner as has been
38 approved in writing by the chief law enforcement officer of the
39 municipality in which the exhibition or demonstration is held, or if
40 not held on property under the control of a particular municipality,
41 the superintendent.

42 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
44 being fired but that is unloaded and immobile, provided that the
45 antique cannon is possessed by (a) a scholastic institution, a
46 museum, a municipality, a county or the State, or (b) a person who
47 obtained a firearms purchaser identification card as specified in
48 N.J.S.2C:58-3.

1 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
3 being transported by one eligible to possess it, in compliance with
4 regulations the superintendent may promulgate, between its
5 permanent location and place of purchase or repair.

6 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
8 or fired by one eligible to possess an antique cannon, for purposes
9 of exhibition or demonstration at an authorized target range or in
10 the manner as has been approved in writing by the chief law
11 enforcement officer of the municipality in which the exhibition or
12 demonstration is held, or if not held on property under the control
13 of a particular municipality, the superintendent, provided that
14 performer has given at least 30 days' notice to the superintendent.

15 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
16 N.J.S.2C:39-5 do not apply to the transportation of unloaded
17 antique cannons directly to or from exhibitions or demonstrations
18 authorized under paragraph (4) of subsection d. of this section,
19 provided that the transportation is in compliance with safety
20 regulations the superintendent may promulgate. Nor do those
21 subsections apply to transportation directly to or from exhibitions or
22 demonstrations authorized under the law of another jurisdiction,
23 provided that the superintendent has been given 30 days' notice and
24 that the transportation is in compliance with safety regulations the
25 superintendent may promulgate.

26 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
27 construed to prevent a person keeping or carrying about his place of
28 business, residence, premises or other land owned or possessed by
29 him, any firearm, or from carrying the same, in the manner
30 specified in subsection g. of this section, from any place of
31 purchase to his residence or place of business, between his dwelling
32 and his place of business, between one place of business or
33 residence and another when moving, or between his dwelling or
34 place of business and place where such firearms are repaired, for
35 the purpose of repair. For the purposes of this section, a place of
36 business shall be deemed to be a fixed location.

37 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
38 construed to prevent:

39 (1) A member of any rifle or pistol club organized in accordance
40 with the rules prescribed by the National Board for the Promotion
41 of Rifle Practice, in going to or from a place of target practice,
42 carrying such firearms as are necessary for said target practice,
43 provided that the club has filed a copy of its charter with the
44 superintendent and annually submits a list of its members to the
45 superintendent and provided further that the firearms are carried in
46 the manner specified in subsection g. of this section;

47 (2) A person carrying a firearm or knife in the woods or fields
48 or upon the waters of this State for the purpose of hunting, target

1 practice or fishing, provided that the firearm or knife is legal and
2 appropriate for hunting or fishing purposes in this State and he has
3 in his possession a valid hunting license, or, with respect to fresh
4 water fishing, a valid fishing license;

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

6 (a) Directly to or from any place for the purpose of hunting or
7 fishing, provided the person has in his possession a valid hunting or
8 fishing license; or

9 (b) Directly to or from any target range, or other authorized
10 place for the purpose of practice, match, target, trap or skeet
11 shooting exhibitions, provided in all cases that during the course of
12 the travel all firearms are carried in the manner specified in
13 subsection g. of this section and the person has complied with all
14 the provisions and requirements of Title 23 of the Revised Statutes
15 and any amendments thereto and all rules and regulations
16 promulgated thereunder; or

17 (c) In the case of a firearm, directly to or from any exhibition or
18 display of firearms which is sponsored by any law enforcement
19 agency, any rifle or pistol club, or any firearms collectors club, for
20 the purpose of displaying the firearms to the public or to the
21 members of the organization or club, provided, however, that not
22 less than 30 days prior to the exhibition or display, notice of the
23 exhibition or display shall be given to the Superintendent of the
24 State Police by the sponsoring organization or club, and the sponsor
25 has complied with such reasonable safety regulations as the
26 superintendent may promulgate. Any firearms transported pursuant
27 to this section shall be transported in the manner specified in
28 subsection g. of this section;

29 (4) A person from keeping or carrying about a private or
30 commercial aircraft or any boat, or from transporting to or from
31 such vessel for the purpose of installation or repair a visual distress
32 signaling device approved by the United States Coast Guard.

33 g. All weapons being transported under paragraph (2) of
34 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
35 of this section shall be carried unloaded and contained in a closed
36 and fastened case, gunbox, securely tied package, or locked in the
37 trunk of the automobile in which it is being transported, and in the
38 course of travel shall include only such deviations as are reasonably
39 necessary under the circumstances.

40 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
41 to prevent any employee of a public utility, as defined in R.S.48:2-
42 13, doing business in this State or any United States Postal Service
43 employee, while in the actual performance of duties which
44 specifically require regular and frequent visits to private premises,
45 from possessing, carrying or using any device which projects,
46 releases or emits any substance specified as being noninjurious to
47 canines or other animals by the Commissioner of Health and Senior
48 Services and which immobilizes only on a temporary basis and

1 produces only temporary physical discomfort through being
2 vaporized or otherwise dispensed in the air for the sole purpose of
3 repelling canine or other animal attacks.

4 The device shall be used solely to repel only those canine or
5 other animal attacks when the canines or other animals are not
6 restrained in a fashion sufficient to allow the employee to properly
7 perform his duties.

8 Any device used pursuant to this act shall be selected from a list
9 of products, which consist of active and inert ingredients, permitted
10 by the Commissioner of Health and Senior Services.

11 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
12 person who is 18 years of age or older and who has not been
13 convicted of a felony, from possession for the purpose of personal
14 self-defense of one pocket-sized device which contains and releases
15 not more than three-quarters of an ounce of chemical substance not
16 ordinarily capable of lethal use or of inflicting serious bodily injury,
17 but rather, is intended to produce temporary physical discomfort or
18 disability through being vaporized or otherwise dispensed in the air.
19 Any person in possession of any device in violation of this
20 subsection shall be deemed and adjudged to be a disorderly person,
21 and upon conviction thereof, shall be punished by a fine of not less
22 than \$100.00.

23 j. A person shall qualify for an exemption from the provisions
24 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
25 section, if the person has satisfactorily completed a firearms
26 training course approved by the Police Training Commission.

27 Such exempt person shall not possess or carry a firearm until the
28 person has satisfactorily completed a firearms training course and
29 shall annually qualify in the use of a revolver or similar weapon.
30 For purposes of this subsection, a "firearms training course" means
31 a course of instruction in the safe use, maintenance and storage of
32 firearms which is approved by the Police Training Commission.
33 The commission shall approve a firearms training course if the
34 requirements of the course are substantially equivalent to the
35 requirements for firearms training provided by police training
36 courses which are certified under section 6 of P.L.1961, c.56
37 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
38 or (6) of subsection a. of this section shall be exempt from the
39 requirements of this subsection.

40 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
41 to prevent any financial institution, or any duly authorized
42 personnel of the institution, from possessing, carrying or using for
43 the protection of money or property, any device which projects,
44 releases or emits tear gas or other substances intended to produce
45 temporary physical discomfort or temporary identification.

46 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
47 to prevent a law enforcement officer who retired in good standing,
48 including a retirement because of a disability pursuant to section 6

1 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
2 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
3 substantially similar statute governing the disability retirement of
4 federal law enforcement officers, provided the officer was a
5 regularly employed, full-time law enforcement officer for an
6 aggregate of four or more years prior to his disability retirement and
7 further provided that the disability which constituted the basis for
8 the officer's retirement did not involve a certification that the officer
9 was mentally incapacitated for the performance of his usual law
10 enforcement duties and any other available duty in the department
11 which his employer was willing to assign to him or does not subject
12 that retired officer to any of the disabilities set forth in subsection c.
13 of N.J.S.2C:58-3 which would disqualify the retired officer from
14 possessing or carrying a firearm, who semi-annually qualifies in the
15 use of the handgun he is permitted to carry in accordance with the
16 requirements and procedures established by the Attorney General
17 pursuant to subsection j. of this section and pays the actual costs
18 associated with those semi-annual qualifications, who is 75 years of
19 age or younger, and who was regularly employed as a full-time
20 member of the State Police; a full-time member of an interstate
21 police force; a full-time member of a county or municipal police
22 department in this State; a full-time member of a State law
23 enforcement agency; a full-time sheriff, undersheriff or sheriff's
24 officer of a county of this State; a full-time State or county
25 corrections officer; a full-time county park police officer; a full-
26 time county prosecutor's detective or investigator; a full-time
27 federal law enforcement officer; or is a qualified retired law
28 enforcement officer, as used in the federal "Law Enforcement
29 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
30 State from carrying a handgun in the same manner as law
31 enforcement officers exempted under paragraph (7) of subsection a.
32 of this section under the conditions provided herein:

33 (1) The retired law enforcement officer shall make application
34 in writing to the Superintendent of State Police for approval to carry
35 a handgun for one year. An application for annual renewal shall be
36 submitted in the same manner.

37 (2) Upon receipt of the written application of the retired law
38 enforcement officer, the superintendent shall request a verification
39 of service from the chief law enforcement officer of the
40 organization in which the retired officer was last regularly
41 employed as a full-time law enforcement officer prior to retiring.
42 The verification of service shall include:

43 (a) The name and address of the retired officer;

44 (b) The date that the retired officer was hired and the date that
45 the officer retired;

46 (c) A list of all handguns known to be registered to that officer;

1 (d) A statement that, to the reasonable knowledge of the chief
2 law enforcement officer, the retired officer is not subject to any of
3 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

4 (e) A statement that the officer retired in good standing.

5 (3) If the superintendent approves a retired officer's application
6 or reapplication to carry a handgun pursuant to the provisions of
7 this subsection, the superintendent shall notify in writing the chief
8 law enforcement officer of the municipality wherein that retired
9 officer resides. In the event the retired officer resides in a
10 municipality which has no chief law enforcement officer or law
11 enforcement agency, the superintendent shall maintain a record of
12 the approval.

13 (4) The superintendent shall issue to an approved retired officer
14 an identification card permitting the retired officer to carry a
15 handgun pursuant to this subsection. This identification card shall
16 be valid for one year from the date of issuance and shall be valid
17 throughout the State. The identification card shall not be
18 transferable to any other person. The identification card shall be
19 carried at all times on the person of the retired officer while the
20 retired officer is carrying a handgun. The retired officer shall
21 produce the identification card for review on the demand of any law
22 enforcement officer or authority.

23 (5) Any person aggrieved by the denial of the superintendent of
24 approval for a permit to carry a handgun pursuant to this subsection
25 may request a hearing in the Superior Court of New Jersey in the
26 county in which he resides by filing a written request for such a
27 hearing within 30 days of the denial. Copies of the request shall be
28 served upon the superintendent and the county prosecutor. The
29 hearing shall be held within 30 days of the filing of the request, and
30 no formal pleading or filing fee shall be required. Appeals from the
31 determination of such a hearing shall be in accordance with law and
32 the rules governing the courts of this State.

33 (6) A judge of the Superior Court may revoke a retired officer's
34 privilege to carry a handgun pursuant to this subsection for good
35 cause shown on the application of any interested person. A person
36 who becomes subject to any of the disabilities set forth in
37 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
38 superintendent, his identification card issued under paragraph (4) of
39 this subsection to the chief law enforcement officer of the
40 municipality wherein he resides or the superintendent, and shall be
41 permanently disqualified to carry a handgun under this subsection.

42 (7) The superintendent may charge a reasonable application fee
43 to retired officers to offset any costs associated with administering
44 the application process set forth in this subsection.

45 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
46 to prevent duly authorized personnel of the New Jersey Division of
47 Fish and Wildlife, while in the actual performance of duties, from
48 possessing, transporting or using any device that projects, releases

1 or emits any substance specified as being non-injurious to wildlife
2 by the Director of the Division of Animal Health in the Department
3 of Agriculture, and which may immobilize wildlife and produces
4 only temporary physical discomfort through being vaporized or
5 otherwise dispensed in the air for the purpose of repelling bear or
6 other animal attacks or for the aversive conditioning of wildlife.

7 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
8 be construed to prevent duly authorized personnel of the New
9 Jersey Division of Fish and Wildlife, while in the actual
10 performance of duties, from possessing, transporting or using hand
11 held pistol-like devices, rifles or shotguns that launch pyrotechnic
12 missiles for the sole purpose of frightening, hazing or aversive
13 conditioning of nuisance or depredating wildlife; from possessing,
14 transporting or using rifles, pistols or similar devices for the sole
15 purpose of chemically immobilizing wild or non-domestic animals;
16 or, provided the duly authorized person complies with the
17 requirements of subsection j. of this section, from possessing,
18 transporting or using rifles or shotguns, upon completion of a Police
19 Training Commission approved training course, in order to dispatch
20 injured or dangerous animals or for non-lethal use for the purpose
21 of frightening, hazing or aversive conditioning of nuisance or
22 depredating wildlife.

23 (cf: P.L.2007, c.314, s.1)

24

25 4. This act shall take effect on the first day of the fourth month
26 following enactment.

27

28

29

STATEMENT

30

31 This bill directs the Commissioner of Personnel to retitle the
32 position of State correction officer positions to State correctional
33 police officer. The bill also clarifies their law enforcement powers
34 and their authority to carry a firearm.

35 Although State corrections officers have general police powers,
36 the correction officer title has often led the general public to
37 narrowly view these officers as prison guards rather than law
38 enforcement officers. In certain situations, this misunderstanding
39 has resulted in unnecessary confrontations with members of the
40 general public—most notably those involving visitors to State
41 correctional facilities, encounters outside a hospital where a State
42 prisoner is being treated or interference during the pursuit or
43 apprehension of an escapee—where members of the public ignored
44 an officer's lawful instructions because they were unaware of the
45 officer's police powers.

46 Indicative of their police powers, State correction officers were
47 deployed to Ground Zero, Liberty State Park, Newark Liberty
48 international Airport and several other critical locations in the wake

1 of the terrorist attacks of September 11, 2001. As State-designated
2 first responders, these corrections officers will be assigned to such
3 outside operations in the event of any further public emergencies or
4 natural disasters.

5 Revising the position titles of correctional officers to include a
6 reference to police will clarify and affirm the law enforcement
7 powers of these officers.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 796

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2017

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 796.

Assembly Bill No. 796 directs the Commissioner of Personnel to retitle the position of State correction officer to State correctional police officer. The bill also clarifies their law enforcement powers and authority to carry a firearm.

Although State corrections officers have general police powers, the correction officer title has often led the general public to narrowly view these officers as prison guards rather than law enforcement officers. In certain situations, this misunderstanding has resulted in unnecessary confrontations with members of the general public—most notably those involving visitors to State correctional facilities, encounters outside a hospital where a State prisoner is being treated, or interference during the pursuit or apprehension of an escapee—where members of the public ignored an officer’s lawful instructions because they were unaware of the officer’s police powers.

Indicative of their police powers, State correction officers were deployed to Ground Zero, Liberty State Park, Newark Liberty international Airport and several other critical locations in the wake of the terrorist attacks of September 11, 2001.

Revising the position titles of correctional officers to include a reference to police will clarify and affirm the law enforcement powers of these officers.

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.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 796

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 796.

As amended, this bill directs the Civil Service Commission to retitle the positions of State correction officers to State correctional police officers. The title changes provided in this bill are to apply to all corrections officers employed by the New Jersey Department of Corrections and the Juvenile Justice Commission. Under the amended bill, any fees associated with this retitling are to be borne by the corrections officer whose title has been changed.

The bill also clarifies the law enforcement powers that are already held by State corrections officers. In particular, the bill provides that these officers are empowered to exercise full police powers and entitled to carry a firearm while in the performance of their duties.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) retitle the positions of correction officer apprentice and correction major to include references to police;
- (2) require that any fees associated with the bill's retitling provisions be borne by the corrections officer whose title has been changed; and