

40A:14-180.3 et al.
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 219

NJSA: 40A:14-180.3 et al. (Renames county corrections officers as county correctional police officers.)

BILL NO: S1739 (Substituted for A3236)

SPONSOR(S) Jeff Van Drew and others

DATE INTRODUCED: 2/5/2018

COMMITTEE: **ASSEMBLY:** Law & Public Safety

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/20/2019

SENATE: 6/27/2019

DATE OF APPROVAL: 8/9/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted) Yes

S1739

SPONSOR'S STATEMENT: (Begins on page 25 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

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: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3236

SPONSOR'S STATEMENT: (Begins on page 26 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

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

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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P.L. 2019, CHAPTER 219, *approved August 9, 2019*
Senate, No. 1739 (*Third Reprint*)

1 AN ACT concerning county corrections officers, supplementing
2 Title 40A of the New Jersey Statutes, and amending various
3 parts of the statutory law.

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

7
8 1. (New section) a. The Civil Service Commission shall
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county
15 correctional police officer; ²**[and]**²

16 (4) County correction sergeant shall be retitled as county
17 correctional police sergeant²;

18 (5) Warden shall be retitled as county correctional police warden;
19 and

20 (6) Deputy warden shall be retitled as county correctional deputy
21 police warden².

22 b. In a county in which Title 11A, Civil Service, of the New
23 Jersey Statutes, is not operative, every county corrections officer title
24 shall be changed to a county correctional police officer title ²and every
25 warden title shall be changed to a county police warden title².

26 c. Any fees associated with the retitling pursuant to subsections a.
27 and b. of this section shall be borne by the county corrections officer
28 ²or warden² whose title is changed.

29
30 2. N.J.S.2A:154-3 is amended to read as follows:

31 2A:154-3. a. All court attendants, sheriff's officers, and county
32 **[correction]** correctional police officers in the competitive class of
33 civil service who have been or who may hereafter be appointed by
34 the sheriff or board of chosen freeholders of any county in this State
35 shall, by virtue of **[such]** the appointment and in addition to any
36 other power or authority, be empowered to act as officers for the

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 February 8, 2018.

²Senate floor amendments adopted February 26, 2018.

³Assembly ALP committee amendments adopted March 7, 2019.

1 detection, apprehension, arrest, and conviction of offenders against
2 the law.

3 b. In addition to the powers set forth in subsection a. of this
4 section, any county **【correction】** correctional police officer who has
5 satisfactorily completed a basic training course approved by the
6 Police Training Commission, as provided by P.L.1961, c.56
7 (C.52:17B-66 et seq.), shall have full power of arrest for any crime
8 committed in **【his】** the officer's presence anywhere within the
9 territorial limits of the State of New Jersey.

10 c. A county **【correction】** correctional police officer who has
11 full power of arrest pursuant to subsection b. of this section, and is
12 acting under lawful authority beyond the territorial limits of **【his】**
13 the employing county, shall have all of the immunities from tort
14 liability and shall have all of the pension, relief, disability, workers'
15 compensation, insurance, and other benefits enjoyed while
16 performing duties within the employing county.

17 (cf: P.L.1996, c.40, s.1)

18

19 ³**【3.** Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to
20 read as follows:

21 1. a. The following are eligible, regardless of age, to become
22 members of the Police and Firemen's Retirement System of New
23 Jersey (PFRS) as provided in this supplementary act:

24 (1) any policeman or fireman employed on the effective date of
25 this supplementary act by a municipality, which was not required to
26 participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-
27 3) and has not adopted that act, who meets the requirements for
28 membership in PFRS as set forth in the definitions of "Policeman"
29 and "Fireman" in section 1 of that act, as amended and
30 supplemented, and who is enrolled in the Public Employees'
31 Retirement System of New Jersey (PERS) on that date;

32 (2) any policeman employed on the effective date of this
33 supplementary act by a county who is enrolled in PERS on that
34 date;

35 (3) any sheriff's officer, sergeant sheriff's officer, lieutenant
36 sheriff's officer, captain sheriff's officer, chief sheriff's officer, or
37 sheriff's investigator employed on the effective date of this
38 supplementary act in the offices of the county sheriffs who is
39 enrolled in PERS on that date;

40 (4) any **【correction】** State correctional police officer, senior
41 **【correction】** correctional police officer, **【correction officer】**
42 correctional police sergeant, **【correction officer】** correctional police
43 lieutenant, **【correction officer】** correctional police captain,
44 investigator, senior investigator, principal investigator, assistant
45 chief investigator, chief investigator, or director of custody
46 operations I, II, III employed on the effective date of this

1 supplementary act in the Department of Corrections who is enrolled
2 in PERS on that date;

3 (5) any county **[correction]** correctional police officer, county
4 **[correction]** correctional police sergeant, county **[correction]**
5 correctional police lieutenant, county **[correction]** correctional
6 police captain, or county deputy warden employed on the effective
7 date of this supplementary act in the several county jails who is
8 enrolled in PERS on that date;

9 (6) any principal inspector employed on the effective date of
10 this supplementary act in the Alcoholic Beverage Control
11 Enforcement Bureau, Department of Law and Public Safety who is
12 enrolled in PERS on that date;

13 (7) any police officer, police sergeant, or police lieutenant
14 employed on the effective date of this supplementary act in the
15 Department of Human Services who is enrolled in PERS on that
16 date; and

17 (8) any fireman employed on the effective date of this
18 supplementary act by a fire district in which the provisions of
19 P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets
20 the requirements for membership in PFRS as set forth in the
21 definition of "Fireman" in section 1 of that act, as amended and
22 supplemented, and who is enrolled in PERS on that date.

23 b. Any person eligible pursuant to subsection a. of this section
24 to become a member of PFRS may, regardless of age, transfer
25 membership from PERS to PFRS in accordance with the provisions
26 of the law and regulations governing the retirement system relative
27 to interfund transfers by waiving, within 90 days of the effective
28 date of this supplementary act, all rights and benefits which would
29 otherwise be provided by PERS. If an eligible person does not file
30 a timely waiver of PERS benefits, the person's pension status shall
31 remain unchanged and the person's membership shall not be
32 transferred to PFRS. Transfers under this section shall take effect
33 on the first day of the first full calendar month following the
34 effective date of this supplementary act by at least 180 days. PERS
35 shall transmit to PFRS an amount equal to the present value of the
36 benefit under PERS accrued to the date of transfer by each person
37 transferring to PFRS. The service credit accrued in PERS to the
38 date of transfer shall be transferred to PFRS and may be used to
39 meet any service credit requirement for benefits under PFRS. Any
40 benefit of a member who transfers membership from PERS to PFRS
41 under this supplementary act based upon service credit shall be the
42 amount of benefit determined as provided under PFRS based upon
43 the total amount of service credit multiplied by the ratio of the
44 service credit under PFRS from the date of transfer to the total
45 amount of service credit, plus a benefit comparable to a PERS
46 deferred, early or regular service retirement benefit, as appropriate,
47 based upon the age of the member at the time of retirement and the
48 amount of PERS service credit transferred to PFRS, determined as

1 provided under the law and regulations governing PERS for the
2 benefit. The total amount of service credit in PFRS, including the
3 transferred PERS service credit, may be used to meet the service
4 credit requirement for the benefit comparable to a PERS deferred or
5 early retirement benefit, but the benefit shall be calculated only on
6 the transferred PERS service credit.

7 Active and retired death benefits, accidental death benefits, and
8 ordinary and accidental disability retirement benefits for members
9 transferring to PFRS under this supplementary act shall be the
10 benefits provided under PFRS.

11 For members transferring to PFRS under this supplementary act,
12 the widows' or widowers' pensions provided under section 26 of
13 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit
14 determined as provided in section 26 multiplied by the ratio of the
15 service credit under PFRS from the date of transfer to the total
16 amount of service credit. Transferring members shall be entitled to
17 elect optional retirement allowances for the portions of their
18 retirement benefits based upon their PERS service credit as
19 provided under the laws and regulations governing selection of
20 optional retirement allowances under PERS.

21 (cf: P.L.1993, c.247, s.1)]³

22

23 ³[4.] 3.³ N.J.S.2C:12-1 is amended to read as follows:

24 2C:12-1. Assault. a. Simple assault. A person is guilty of
25 assault if **[he]** the person:

26 (1) Attempts to cause or purposely, knowingly or recklessly
27 causes bodily injury to another; or

28 (2) Negligently causes bodily injury to another with a deadly
29 weapon; or

30 (3) Attempts by physical menace to put another in fear of
31 imminent serious bodily injury.

32 Simple assault is a disorderly persons offense unless committed
33 in a fight or scuffle entered into by mutual consent, in which case it
34 is a petty disorderly persons offense.

35 b. Aggravated assault. A person is guilty of aggravated assault
36 if **[he]** the person:

37 (1) Attempts to cause serious bodily injury to another, or causes
38 **[such]** injury purposely or knowingly or under circumstances
39 manifesting extreme indifference to the value of human life
40 recklessly causes such injury; or

41 (2) Attempts to cause or purposely or knowingly causes bodily
42 injury to another with a deadly weapon; or

43 (3) Recklessly causes bodily injury to another with a deadly
44 weapon; or

45 (4) Knowingly under circumstances manifesting extreme
46 indifference to the value of human life points a firearm, as defined

- 1 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
2 whether or not the actor believes it to be loaded; or
- 3 (5) Commits a simple assault as defined in paragraph (1), (2)¹,¹
4 or (3) of subsection a. of this section upon:
- 5 (a) Any law enforcement officer acting in the performance of
6 **【his】** the officer's duties while in uniform or exhibiting evidence of
7 **【his】** authority or because of **【his】** the officer's status as a law
8 enforcement officer; or
- 9 (b) Any paid or volunteer **【fireman】** firefighter acting in the
10 performance of **【his】** the firefighter's duties while in uniform or
11 otherwise clearly identifiable as being engaged in the performance
12 of the duties of a **【fireman】** firefighter; or
- 13 (c) Any person engaged in emergency first-aid or medical
14 services acting in the performance of **【his】** the person's duties
15 while in uniform or otherwise clearly identifiable as being engaged
16 in the performance of emergency first-aid or medical services; or
- 17 (d) Any school board member, school administrator, teacher,
18 school bus driver,² or other employee of a public or nonpublic
19 school or school board while clearly identifiable as being engaged
20 in the performance of **【his】** the person's duties or because of **【his】**
21 the ¹**【person's】** person's¹ status as a member or employee of a
22 public or nonpublic school or school board or any school bus driver
23 employed by an operator under contract to a public or nonpublic
24 school or school board while clearly identifiable as being engaged
25 in the performance of **【his】** the person's duties or because of **【his】**
26 the person's status as a school bus driver; or
- 27 (e) Any employee of the Division of Child Protection and
28 Permanency while clearly identifiable as being engaged in the
29 performance of **【his】** the employee's duties or because of **【his】** the
30 status as an employee of the division; or
- 31 (f) Any justice of the Supreme Court, judge of the Superior
32 Court, judge of the Tax ¹**【Court】** Court¹ or municipal judge while
33 clearly identifiable as being engaged in the performance of judicial
34 duties or because of **【his】** the status as a member of the judiciary;
35 or
- 36 (g) Any operator of a motorbus or the operator's supervisor or
37 any employee of a rail passenger service while clearly identifiable
38 as being engaged in the performance of **【his】** the person's duties or
39 because of **【his】** the status as an operator of a motorbus or as the
40 operator's supervisor or as an employee of a rail passenger service;
41 or
- 42 (h) Any Department of Corrections employee, county
43 **【corrections】** correctional police officer, juvenile **【corrections】**
44 correctional police officer, State juvenile facility employee, juvenile
45 detention staff member, juvenile detention officer, probation officer
46 or any sheriff, undersheriff, or sheriff's officer acting in the

1 performance of **【his】** the person's duties while in uniform or
2 exhibiting evidence of **【his】** the person's authority or because of
3 **【his】** the status as a Department of Corrections employee, county
4 **【corrections】** correctional police officer, juvenile **【corrections】**
5 correctional police officer, State juvenile facility employee, juvenile
6 detention staff member, juvenile detention officer, probation
7 officer, sheriff, undersheriff, or sheriff's officer; or

8 (i) Any employee, including any person employed under
9 contract, of a utility company as defined in section 2 of P.L.1971,
10 c.224 (C.2A:42-86) or a cable television company subject to the
11 provisions of the "Cable Television Act," P.L.1972, c.186
12 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
13 the performance of **【his】** the employee's duties in regard to
14 connecting, disconnecting, or repairing or attempting to connect,
15 disconnect, or repair any gas, electric, or water utility, or cable
16 television or telecommunication service; or

17 (j) Any health care worker employed by a licensed health care
18 facility to provide direct patient care, any health care professional
19 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
20 the Revised Statutes to practice a health care profession, except a
21 direct care worker at a State or county psychiatric hospital or State
22 developmental center or veterans' memorial home, while clearly
23 identifiable as being engaged in the duties of providing direct
24 patient care or practicing the health care profession; or

25 (k) Any direct care worker at a State or county psychiatric
26 hospital or State developmental center or veterans' memorial home,
27 while clearly identifiable as being engaged in the duties of
28 providing direct patient care or practicing the health care
29 profession, provided that the actor is not a patient or resident at the
30 facility who is classified by the facility as having a mental illness or
31 developmental disability; or

32 (6) Causes bodily injury to another person while fleeing or
33 attempting to elude a law enforcement officer in violation of
34 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
35 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
36 other provision of law to the contrary, a person shall be strictly
37 liable for a violation of this paragraph upon proof of a violation of
38 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
39 violation of subsection c. of N.J.S.2C:20-10 which resulted in
40 bodily injury to another person; or

41 (7) Attempts to cause significant bodily injury to another or
42 causes significant bodily injury purposely or knowingly or, under
43 circumstances manifesting extreme indifference to the value of
44 human life recklessly causes such significant bodily injury; or

45 (8) Causes bodily injury by knowingly or purposely starting a
46 fire or causing an explosion in violation of N.J.S.2C:17-1 which
47 results in bodily injury to any emergency services personnel

1 involved in fire suppression activities, rendering emergency
2 medical services resulting from the fire or explosion or rescue
3 operations, or rendering any necessary assistance at the scene of the
4 fire or explosion, including any bodily injury sustained while
5 responding to the scene of a reported fire or explosion. For
6 purposes of this paragraph, "emergency services personnel" shall
7 include, but not be limited to, any paid or volunteer **[fireman]**
8 firefighter, any person engaged in emergency first-aid or medical
9 services and any law enforcement officer. Notwithstanding any
10 other provision of law to the contrary, a person shall be strictly
11 liable for a violation of this paragraph upon proof of a violation of
12 N.J.S.2C:17-1 which resulted in bodily injury to any emergency
13 services personnel; or

14 (9) Knowingly, under circumstances manifesting extreme
15 indifference to the value of human life, points or displays a firearm,
16 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
17 a law enforcement officer; or

18 (10) Knowingly points, displays or uses an imitation firearm, as
19 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
20 law enforcement officer with the purpose to intimidate, threaten,
21 attempt to put the officer in fear of bodily injury or for any unlawful
22 purpose; or

23 (11) Uses or activates a laser sighting system or device, or a
24 system or device which, in the manner used, would cause a
25 reasonable person to believe that it is a laser sighting system or
26 device, against a law enforcement officer acting in the performance
27 of **[his]** the officer's duties while in uniform or exhibiting evidence
28 of **[his]** the officer's authority. As used in this paragraph, "laser
29 sighting system or device" means any system or device that is
30 integrated with or affixed to a firearm and emits a laser light beam
31 that is used to assist in the sight alignment or aiming of the firearm;
32 or

33 (12) Attempts to cause significant bodily injury or causes
34 significant bodily injury purposely or knowingly or, under
35 circumstances manifesting extreme indifference to the value of
36 human life, recklessly causes significant bodily injury to a person
37 who, with respect to the actor, meets the definition of a victim of
38 domestic violence, as defined in subsection d. of section 3 of
39 P.L.1991, c.261 (C.2C:25-19); or

40 (13) Knowingly or, under circumstances manifesting extreme
41 indifference to the value of human life, recklessly obstructs the
42 breathing or blood circulation of a person who, with respect to the
43 actor, meets the definition of a victim of domestic violence, as
44 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
45 19), by applying pressure on the throat or neck or blocking the nose
46 or mouth of such person, thereby causing or attempting to cause
47 bodily injury.

1 Aggravated assault under paragraphs (1) and (6) of subsection b.
2 of this section is a crime of the second degree; under paragraphs
3 (2), (7), (9)¹₂¹ and (10) of subsection b. of this section is a crime of
4 the third degree; under paragraphs (3) and (4) of subsection b. of
5 this section is a crime of the fourth degree; and under paragraph (5)
6 of subsection b. of this section is a crime of the third degree if the
7 victim suffers bodily injury, otherwise it is a crime of the fourth
8 degree. Aggravated assault under paragraph (8) of subsection b. of
9 this section is a crime of the third degree if the victim suffers bodily
10 injury; if the victim suffers significant bodily injury or serious
11 bodily injury it is a crime of the second degree. Aggravated assault
12 under paragraph (11) of subsection b. of this section is a crime of
13 the third degree. Aggravated assault under paragraph (12) or (13)
14 of subsection b. of this section is a crime of the third degree but the
15 presumption of non-imprisonment set forth in subsection e. of
16 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
17 not apply.

18 c. (1) A person is guilty of assault by auto or vessel when the
19 person drives a vehicle or vessel recklessly and causes either
20 serious bodily injury or bodily injury to another. Assault by auto or
21 vessel is a crime of the fourth degree if serious bodily injury results
22 and is a disorderly persons offense if bodily injury results. Proof
23 that the defendant was operating a hand-held wireless telephone
24 while driving a motor vehicle in violation of section 1 of P.L.2003,
25 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
26 was driving recklessly.

27 (2) Assault by auto or vessel is a crime of the third degree if the
28 person drives the vehicle while in violation of R.S.39:4-50 or
29 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
30 injury results and is a crime of the fourth degree if the person drives
31 the vehicle while in violation of R.S.39:4-50 or section 2 of
32 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

33 (3) Assault by auto or vessel is a crime of the second degree if
34 serious bodily injury results from the defendant operating the auto
35 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
36 c.512 (C.39:4-50.4a) while:

37 (a) on any school property used for school purposes which is
38 owned by or leased to any elementary or secondary school or school
39 board, or within 1,000 feet of such school property;

40 (b) driving through a school crossing as defined in R.S.39:1-1 if
41 the municipality, by ordinance or resolution, has designated the
42 school crossing as such; or

43 (c) driving through a school crossing as defined in R.S.39:1-1
44 knowing that juveniles are present if the municipality has not
45 designated the school crossing as such by ordinance or resolution.

46 Assault by auto or vessel is a crime of the third degree if bodily
47 injury results from the defendant operating the auto or vessel in
48 violation of this paragraph.

1 A map or true copy of a map depicting the location and
2 boundaries of the area on or within 1,000 feet of any property used
3 for school purposes which is owned by or leased to any elementary
4 or secondary school or school board produced pursuant to section 1
5 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
6 subparagraph (a) of paragraph (3) of this subsection.

7 It shall be no defense to a prosecution for a violation of
8 subparagraph (a) or (b) of paragraph (3) of this subsection that the
9 defendant was unaware that the prohibited conduct took place while
10 on or within 1,000 feet of any school property or while driving
11 through a school crossing. Nor shall it be a defense to a prosecution
12 under subparagraph (a) or (b) of paragraph (3) of this subsection
13 that no juveniles were present on the school property or crossing
14 zone at the time of the offense or that the school was not in session.

15 (4) Assault by auto or vessel is a crime of the third degree if the
16 person purposely drives a vehicle in an aggressive manner directed
17 at another vehicle and serious bodily injury results and is a crime of
18 the fourth degree if the person purposely drives a vehicle in an
19 aggressive manner directed at another vehicle and bodily injury
20 results. For purposes of this paragraph, "driving a vehicle in an
21 aggressive manner" shall include, but is not limited to,
22 unexpectedly altering the speed of the vehicle, making improper or
23 erratic traffic lane changes, disregarding traffic control devices,
24 failing to yield the right of way, or following another vehicle too
25 closely.

26 As used in this subsection, "vessel" means a means of
27 conveyance for travel on water and propelled otherwise than by
28 muscular power.

29 d. A person who is employed by a facility as defined in section
30 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
31 defined in paragraph (1) or (2) of subsection a. of this section upon
32 an institutionalized elderly person as defined in section 2 of
33 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
34 degree.

35 e. (Deleted by amendment, P.L.2001, c.443).

36 f. A person who commits a simple assault as defined in
37 paragraph (1), (2)^{1,1} or (3) of subsection a. of this section in the
38 presence of a child under 16 years of age at a school or community
39 sponsored youth sports event is guilty of a crime of the fourth
40 degree. The defendant shall be strictly liable upon proof that the
41 offense occurred, in fact, in the presence of a child under 16 years
42 of age. It shall not be a defense that the defendant did not know
43 that the child was present or reasonably believed that the child was
44 16 years of age or older. The provisions of this subsection shall not
45 be construed to create any liability on the part of a participant in a
46 youth sports event or to abrogate any immunity or defense available
47 to a participant in a youth sports event. As used in this act, "school
48 or community sponsored youth sports event" means a competition,

1 practice, or instructional event involving one or more
2 interscholastic sports teams or youth sports teams organized
3 pursuant to a nonprofit or similar charter or which are member
4 teams in a youth league organized by or affiliated with a county or
5 municipal recreation department and shall not include collegiate,
6 semi-professional or professional sporting events.
7 (cf: P.L.2017, c.240, s.1)

8
9 ³[5.]4.³ Section 2 of P.L.1997, c.182 (C.2C:12-13) is
10 amended to read as follows:

11 2. A person who throws a bodily fluid at a Department of
12 Corrections employee, county **[corrections]** correctional police
13 officer, juvenile **[corrections]** correctional police officer, State
14 juvenile facility employee, juvenile detention staff member,
15 probation officer, any sheriff, undersheriff or sheriff's officer or any
16 municipal, county, or State law enforcement officer while in the
17 performance of **[his]** the person's duties or otherwise purposely
18 subjects such employee to contact with a bodily fluid commits an
19 aggravated assault. If the victim suffers bodily injury, this shall be
20 a crime of the third degree. Otherwise, this shall be a crime of the
21 fourth degree. A term of imprisonment imposed for this offense
22 shall run consecutively to any term of imprisonment currently being
23 served and to any other term imposed for another offense
24 committed at the time of the assault. Nothing herein shall be
25 deemed to preclude, if the evidence so warrants, an indictment and
26 conviction for a violation or attempted violation of chapter 11 of
27 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
28 1 or any other provision of the criminal laws.
29 (cf: P.L.2003, c.283, s.1)

30
31 ³5. N.J.S.2C:39-6 is amended to read as follows:

32 2C:39-6. a. Provided a person complies with the requirements
33 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

41 (3) Members of the State Police and, under conditions
42 prescribed by the superintendent, members of the Marine Law
43 Enforcement Bureau of the Division of State Police;

44 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
45 assistant prosecutor, prosecutor's detective or investigator, deputy
46 attorney general or State investigator employed by the Division of
47 Criminal Justice of the Department of Law and Public Safety,

1 investigator employed by the State Commission of Investigation,
2 inspector of the Alcoholic Beverage Control Enforcement Bureau of
3 the Division of State Police in the Department of Law and Public
4 Safety authorized to carry weapons by the Superintendent of State
5 Police, State park police officer, or State conservation officer;

6 (5) Except as hereinafter provided, a State correctional police
7 officer, or a prison or jail warden of any penal institution in this
8 State or **【his】** the warden's deputies, or an employee of the
9 Department of Corrections engaged in the interstate transportation
10 of convicted offenders, while in the performance of **【his】** the
11 employee's duties, and when required to possess the weapon by
12 **【his】** a superior officer, or a **【corrections】** correctional police
13 officer or keeper of a penal institution in this State at all times while
14 in the State of New Jersey, provided **【he】** the person annually
15 passes an examination approved by the superintendent testing **【his】**
16 the person's proficiency in the handling of firearms;

17 (6) A civilian employee of the United States Government under
18 the supervision of the commanding officer of any post, camp,
19 station, base, or other military or naval installation located in this
20 State who is required, in the performance of **【his】** the employee's
21 official duties, to carry firearms, and who is authorized to carry
22 firearms by the commanding officer, while in the actual
23 performance of **【his】** the employee's official duties;

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

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

32 (c) An airport security officer or a special law enforcement
33 officer appointed by the governing body of any county or
34 municipality, except as provided in **【subsection】** subparagraph (b)
35 of paragraph (7) of this **【section】** subsection, or by the commission,
36 board or other body having control of a county park or airport or
37 boulevard police force, while engaged in the actual performance of
38 **【his】** the officer's official duties and when specifically authorized
39 by the governing body to carry weapons;

40 (8) A full-time, paid member of a paid or part-paid fire
41 department or force of any municipality who is assigned full-time
42 or part-time to an arson investigation unit created pursuant to
43 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
44 investigation unit in the county prosecutor's office, while either
45 engaged in the actual performance of arson investigation duties or
46 while actually on call to perform arson investigation duties and
47 when specifically authorized by the governing body or the county

1 prosecutor, as the case may be, to carry weapons. Prior to being
2 permitted to carry a firearm, a member shall take and successfully
3 complete a firearms training course administered by the Police
4 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
5 seq.), and shall annually qualify in the use of a revolver or similar
6 weapon prior to being permitted to carry a firearm;

7 (9) A juvenile **【corrections】** correctional police officer in the
8 employment of the Juvenile Justice Commission established
9 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to
10 the regulations promulgated by the commission;

11 (10) A designated employee or designated licensed agent for a
12 nuclear power plant under license of the Nuclear Regulatory
13 Commission, while in the actual performance of **【his】** the person's
14 official duties, if the federal licensee certifies that the designated
15 employee or designated licensed agent is assigned to perform site
16 protection, guard, armed response or armed escort duties and is
17 appropriately trained and qualified, as prescribed by federal
18 regulation, to perform those duties. Any firearm utilized by an
19 employee or agent for a nuclear power plant pursuant to this
20 paragraph shall be returned each day at the end of the employee's or
21 agent's authorized official duties to the employee's or agent's
22 supervisor. All firearms returned each day pursuant to this
23 paragraph shall be stored in locked containers located in a secure
24 area;

25 (11) A county **【corrections】** correctional police officer at all
26 times while in the State of New Jersey, provided **【he】** the officer
27 annually passes an examination approved by the superintendent
28 testing **【his】** the officer's proficiency in the handling of firearms.

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

30 (1) A law enforcement officer employed by a governmental
31 agency outside of the State of New Jersey while actually engaged in
32 **【his】** the officer's official duties, provided, however, that **【he】** the
33 officer has first notified the superintendent or the chief law
34 enforcement officer of the municipality or the prosecutor of the
35 county in which **【he】** the officer is engaged; or

36 (2) A licensed dealer in firearms and **【his】** the dealer's
37 registered employees during the course of their normal business
38 while traveling to and from their place of business and other places
39 for the purpose of demonstration, exhibition, or delivery in
40 connection with a sale, provided, however, that the weapon is
41 carried in the manner specified in subsection g. of this section.

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

45 (1) A special agent of the Division of Taxation who has passed
46 an examination in an approved police training program testing
47 proficiency in the handling of any firearm which **【he】** the agent

- 1 may be required to carry, while in the actual performance of **【his】**
2 the agent's official duties and while going to or from **【his】** the
3 agent's place of duty, or any other police officer, while in the actual
4 performance of **【his】** the officer's official duties;
- 5 (2) A State deputy conservation officer or a full-time employee
6 of the Division of Parks and Forestry having the power of arrest and
7 authorized to carry weapons, while in the actual performance of
8 **【his】** the officer's official duties;
- 9 (3) (Deleted by amendment, P.L.1986, c.150.)
- 10 (4) A court attendant appointed by the sheriff of the county or
11 by the judge of any municipal court or other court of this State,
12 while in the actual performance of **【his】** the attendant's official
13 duties;
- 14 (5) A guard employed by any railway express company, banking
15 or building and loan or savings and loan institution of this State,
16 while in the actual performance of **【his】** the guard's official duties;
- 17 (6) A member of a legally recognized military organization
18 while actually under orders or while going to or from the prescribed
19 place of meeting and carrying the weapons prescribed for drill,
20 exercise or parade;
- 21 (7) A municipal humane law enforcement officer, authorized
22 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
23 14.1), or humane law enforcement officer of a county society for
24 the prevention of cruelty to animals authorized pursuant to
25 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
26 in the actual performance of the officer's duties;
- 27 (8) An employee of a public utilities corporation actually
28 engaged in the transportation of explosives;
- 29 (9) A railway policeman, except a transit police officer of the
30 New Jersey Transit Police Department, at all times while in the
31 State of New Jersey, provided that **【he】** the person has passed an
32 approved police academy training program consisting of at least
33 280 hours. The training program shall include, but need not be
34 limited to, the handling of firearms, community relations, and
35 juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
38 a firearm, a campus police officer shall take and successfully
39 complete a firearms training course administered by the Police
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
41 seq.), and shall annually qualify in the use of a revolver or similar
42 weapon prior to being permitted to carry a firearm;
- 43 (11) (Deleted by amendment, P.L.2003, c.168).
- 44 (12) A transit police officer of the New Jersey Transit Police
45 Department, at all times while in the State of New Jersey, provided
46 the officer has satisfied the training requirements of the Police

1 Training Commission, pursuant to subsection c. of section 2 of
2 P.L.1989, c.291 (C.27:25-15.1);

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

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

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

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

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

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

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

1 or fired by one eligible to possess an antique cannon, for purposes
2 of exhibition or demonstration at an authorized target range or in
3 the manner as has been approved in writing by the chief law
4 enforcement officer of the municipality in which the exhibition or
5 demonstration is held, or if not held on property under the control
6 of a particular municipality, the superintendent, provided that
7 performer has given at 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
10 antique cannons directly to or from exhibitions or demonstrations
11 authorized under paragraph (4) of subsection d. of this section,
12 provided that the transportation is in compliance with safety
13 regulations the superintendent may promulgate. Those subsections
14 shall not apply to transportation directly to or from exhibitions or
15 demonstrations authorized under the law of another jurisdiction,
16 provided that the superintendent has been given 30 days' notice and
17 that the 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
20 be construed to prevent a person keeping or carrying about **【his】**
21 the person's place of business, residence, premises, or other land
22 owned or possessed by **【him】** the person, any firearm, or from
23 carrying the same, in the manner specified in subsection g. of this
24 section, from any place of purchase to **【his】** the person's residence
25 or place of business, between **【his】** the person's dwelling and **【his】**
26 place of business, between one place of business or residence and
27 another when moving, or between **【his】** the person's dwelling or
28 place of business and place where the firearms are repaired, for the
29 purpose of repair. For the purposes of this section, a place of
30 business shall be deemed to be a fixed location.

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

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

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

47 (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
3 or fishing license; or
- 4 (b) Directly to or from any target range, or other authorized
5 place for the purpose of practice, match, target, trap or skeet
6 shooting exhibitions, provided in all cases that during the course of
7 the travel all firearms are carried in the manner specified in
8 subsection g. of this section and the person has complied with all
9 the provisions and requirements of Title 23 of the Revised Statutes
10 and any amendments thereto and all rules and regulations
11 promulgated thereunder; or
- 12 (c) In the case of a firearm, directly to or from any exhibition or
13 display of firearms which is sponsored by any law enforcement
14 agency, any rifle or pistol club, or any firearms collectors club, for
15 the purpose of displaying the firearms to the public or to the
16 members of the organization or club, provided, however, that not
17 less than 30 days prior to the exhibition or display, notice of the
18 exhibition or display shall be given to the Superintendent of the
19 State Police by the sponsoring organization or club, and the sponsor
20 has complied with any reasonable safety regulations the
21 superintendent may promulgate. Any firearms transported pursuant
22 to this section shall be transported in the manner specified in
23 subsection g. of this section;
- 24 (4) A person from keeping or carrying about a private or
25 commercial aircraft or any boat, or from transporting to or from the
26 aircraft or boat for the purpose of installation or repair of a visual
27 distress signaling device approved by the United States Coast
28 Guard.
- 29 g. Any weapon being transported under paragraph (2) of
30 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
31 of this section shall be carried unloaded and contained in a closed
32 and fastened case, gunbox, securely tied package, or locked in the
33 trunk of the automobile in which it is being transported, and in the
34 course of travel shall include only deviations as are reasonably
35 necessary under the circumstances.
- 36 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
37 to prevent any employee of a public utility, as defined in R.S.48:2-
38 13, doing business in this State or any United States Postal Service
39 employee, while in the actual performance of duties which
40 specifically require regular and frequent visits to private premises,
41 from possessing, carrying or using any device which projects,
42 releases or emits any substance specified as being noninjurious to
43 canines or other animals by the Commissioner of Health and which
44 immobilizes only on a temporary basis and produces only
45 temporary physical discomfort through being vaporized or
46 otherwise dispensed in the air for the sole purpose of repelling
47 canine or other animal attacks.

1 The device shall be used solely to repel only those canine or
2 other animal attacks when the canines or other animals are not
3 restrained in a fashion sufficient to allow the employee to properly
4 perform **【his】** the employee's duties.

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

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

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

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

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

46 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
47 to prevent any financial institution, or any duly authorized
48 personnel of the institution, from possessing, carrying or using for

1 the protection of money or property, any device which projects,
2 releases or emits tear gas or other substances intended to produce
3 temporary physical discomfort or temporary identification.

4 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
5 to prevent a law enforcement officer who retired in good standing,
6 including a retirement because of a disability pursuant to section 6
7 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
8 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
9 substantially similar statute governing the disability retirement of
10 federal law enforcement officers, provided the officer was a
11 regularly employed, full-time law enforcement officer for an
12 aggregate of four or more years prior to **[his]** the officer's
13 disability retirement and further provided that the disability which
14 constituted the basis for the officer's retirement did not involve a
15 certification that the officer was mentally incapacitated for the
16 performance of **[his]** the officer's usual law enforcement duties and
17 any other available duty in the department which **[his]** the officer's
18 employer was willing to assign to **[him]** the officer or does not
19 subject that retired officer to any of the disabilities set forth in
20 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
21 officer from possessing or carrying a firearm, who semi-annually
22 qualifies in the use of the handgun **[he]** the officer is permitted to
23 carry in accordance with the requirements and procedures
24 established by the Attorney General pursuant to subsection j. of this
25 section and pays the actual costs associated with those semi-annual
26 qualifications, who is 75 years of age or younger, and who was
27 regularly employed as a full-time member of the State Police; a
28 full-time member of an interstate police force; a full-time member
29 of a county or municipal police department in this State; a full-time
30 member of a State law enforcement agency; a full-time sheriff,
31 undersheriff or sheriff's officer of a county of this State; a full-time
32 State correctional police officer or county **[corrections]**
33 correctional police officer; a full-time State or county park police
34 officer; a full-time special agent of the Division of Taxation; a full-
35 time Human Services police officer; a full-time transit police officer
36 of the New Jersey Transit Police Department; a full-time campus
37 police officer exempted pursuant to paragraph (10) of subsection c.
38 of this section; a full-time State conservation officer exempted
39 pursuant to paragraph (4) of subsection a. of this section; a full-time
40 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
41 21; a full-time Burlington County Bridge police officer appointed
42 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
43 housing authority police officer exempted pursuant to paragraph
44 (16) of subsection c. of this section; a full-time juvenile
45 **[corrections]** correctional police officer exempted pursuant to
46 paragraph (9) of subsection a. of this section; a full-time parole
47 officer exempted pursuant to paragraph (13) of subsection c. of this

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

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

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

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

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

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

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

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

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

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

46 (5) Any person aggrieved by the denial of the superintendent of
47 approval for a permit to carry a handgun pursuant to this subsection
48 may request a hearing in the Superior Court of New Jersey in the

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

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

47 (cf: P.L.2017, c.331, s.4)

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

2 2C:39-6. a. Provided a person complies with the requirements
3 of 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
10 performance of their official duties;

11 (3) Members of the State Police and, under conditions
12 prescribed by the superintendent, members of the Marine Law
13 Enforcement 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
25 State or ¹[his] the warden's¹ deputies, or an employee of the
26 Department of Corrections engaged in the interstate transportation
27 of convicted offenders, while in the performance of ¹[his] the
28 employee's¹ duties, and when required to possess the weapon by
29 ¹[his] a¹ superior officer, or a **[corrections]** correctional police
30 officer or keeper of a penal institution in this State at all times while
31 in the State of New Jersey, provided ¹[he] the person¹ annually
32 passes an examination approved by the superintendent testing
33 ¹[his] the person's¹ proficiency in the handling of firearms;

34 (6) A civilian employee of the United States Government under
35 the supervision of the commanding officer of any post, camp,
36 station, base^{1,1} or other military or naval installation located in this
37 State who is required, in the performance of ¹[his] the employee's¹
38 official duties, to carry firearms, and who is authorized to carry
39 firearms by the commanding officer, while in the actual
40 performance of ¹[his] the employee's¹ official duties;

41 (7) (a) A regularly employed member, including a detective, of
42 the police department of any county or municipality, or of any
43 State, interstate, municipal^{1,1} or county park police force or
44 boulevard police force, at all times while in the State of New
45 Jersey;

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

4 (c) An airport security officer or a special law enforcement
5 officer appointed by the governing body of any county or
6 municipality, except as provided in ¹**【subsection】** subparagraph¹ (b)
7 of ¹paragraph (7) of¹ this ¹**【section】** subsection¹, or by the
8 commission, board or other body having control of a county park or
9 airport or boulevard police force, while engaged in the actual
10 performance of ¹**【his】** the officer's¹ official duties and when
11 specifically authorized by the governing body to carry weapons;

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

26 (9) A juvenile **【corrections】** correctional police officer in the
27 employment of the Juvenile Justice Commission established
28 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to
29 the regulations promulgated by the commission;

30 (10) A designated employee or designated licensed agent for a
31 nuclear power plant under license of the Nuclear Regulatory
32 Commission, while in the actual performance of ¹**【his】** the
33 person's¹ official duties, if the federal licensee certifies that the
34 designated employee or designated licensed agent is assigned to
35 perform site protection, guard, armed response or armed escort
36 duties and is appropriately trained and qualified, as prescribed by
37 federal regulation, to perform those duties. Any firearm utilized by
38 an employee or agent for a nuclear power plant pursuant to this
39 paragraph shall be returned each day at the end of the employee's or
40 agent's authorized official duties to the employee's or agent's
41 supervisor. All firearms returned each day pursuant to this
42 paragraph shall be stored in locked containers located in a secure
43 area;

44 (11) A county **【corrections】** correctional police officer at all
45 times while in the State of New Jersey, provided **【he】** the officer
46 annually passes an examination approved by the superintendent
47 testing ¹**【his】** the officer's¹ proficiency in the handling of firearms.

1 b. Subsections a., b.^{1,1} and c. of N.J.S.2C:39-5 do not apply to:

2 (1) A law enforcement officer employed by a governmental
3 agency outside of the State of New Jersey while actually engaged in
4 **【his】 the officer's** official duties, provided, however, that **【he】 the**
5 **officer** has first notified the superintendent or the chief law
6 enforcement officer of the municipality or the prosecutor of the
7 county in which **【he】 the officer** is engaged; or

8 (2) A licensed dealer in firearms and **【his】 the dealer's**
9 registered employees during the course of their normal business
10 while traveling to and from their place of business and other places
11 for the purpose of demonstration, exhibition₂ or delivery in
12 connection with a sale, provided, however, that the weapon is
13 carried in the manner specified in subsection g. of this section.

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

17 (1) A special agent of the Division of Taxation who has passed
18 an examination in an approved police training program testing
19 proficiency in the handling of any firearm which **1【he】 the agent**¹
20 may be required to carry, while in the actual performance of **1【his】**
21 **the agent's**¹ official duties and while going to or from **1【his】 the**
22 **agent's**¹ place of duty, or any other police officer, while in the
23 actual performance of **1【his】 the officer's**¹ official duties;

24 (2) A State deputy conservation officer or a full-time employee
25 of the Division of Parks and Forestry having the power of arrest and
26 authorized to carry weapons, while in the actual performance of
27 **1【his】 the officer's**¹ official duties;

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

29 (4) A court attendant appointed by the sheriff of the county or
30 by the judge of any municipal court or other court of this State,
31 while in the actual performance of **1【his】 the attendant's**¹ official
32 duties;

33 (5) A guard employed by any railway express company, banking
34 or building and loan or savings and loan institution of this State,
35 while in the actual performance of **1【his】 the guard's**¹ official
36 duties;

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

41 (7) A humane law enforcement officer of the New Jersey
42 Society for the Prevention of Cruelty to Animals or of a county
43 society for the prevention of cruelty to animals, while in the actual
44 performance of **1【his】 the officer's**¹ duties;

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

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

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

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

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

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

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

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

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

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

46 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
47 antique firearms, provided that the antique firearms are unloaded or
48 are being fired for the purposes of exhibition or demonstration at an

1 authorized target range or in another manner approved in writing by
2 the chief law enforcement officer of the municipality in which the
3 exhibition or demonstration is held, or if not held on property under
4 the control of a particular municipality, the superintendent.

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

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

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

26 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
27 N.J.S.2C:39-5 do not apply to the transportation of unloaded
28 antique cannons directly to or from exhibitions or demonstrations
29 authorized under paragraph (4) of subsection d. of this section,
30 provided that the transportation is in compliance with safety
31 regulations the superintendent may promulgate. Those subsections
32 shall not apply to transportation directly to or from exhibitions or
33 demonstrations authorized under the law of another jurisdiction,
34 provided that the superintendent has been given 30 days' notice and
35 that the transportation is in compliance with safety regulations the
36 superintendent may promulgate.

37 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
38 be construed to prevent a person keeping or carrying about ¹**[his]**
39 the person's¹ place of business, residence, premises^{1,1} or other land
40 owned or possessed by ¹**[him]** the person¹, any firearm, or from
41 carrying the same, in the manner specified in subsection g. of this
42 section, from any place of purchase to ¹**[his]** the person's¹
43 residence or place of business, between ¹**[his]** the person's¹
44 dwelling and ¹**[his]**¹ place of business, between one place of
45 business or residence and another when moving, or between ¹**[his]**
46 the person's¹ dwelling or place of business and place where the
47 firearms are repaired, for the purpose of repair. For the purposes of

1 this section, a place of business shall be deemed to be a fixed
2 location.

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

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

13 (2) A person carrying a firearm or knife in the woods or fields
14 or upon the waters of this State for the purpose of hunting, target
15 practice or fishing, provided that the firearm or knife is legal and
16 appropriate for hunting or fishing purposes in this State and **'[he]**
17 **the person**¹ has in **'[his]'**¹ possession a valid hunting license, or,
18 with respect to fresh water fishing, a valid fishing license;

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

20 (a) Directly to or from any place for the purpose of hunting or
21 fishing, provided the person has in **'[his]'**¹ possession a valid
22 hunting or fishing license; or

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

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

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

1 g. Any weapon 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 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 ¹~~his~~ the employee's¹ 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 The 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 ¹~~his~~ the officer's¹
33 disability retirement and further provided that the disability which
34 constituted the basis for the officer's retirement did not involve a
35 certification that the officer was mentally incapacitated for the
36 performance of ¹~~his~~ the officer's¹ usual law enforcement duties
37 and any other available duty in the department which ¹~~his~~ the
38 officer's¹ employer was willing to assign to ¹~~him~~ the officer¹ or
39 does not subject that retired officer to any of the disabilities set
40 forth in subsection c. of N.J.S.2C:58-3 which would disqualify the
41 retired officer from possessing or carrying a firearm, who semi-
42 annually qualifies in the use of the handgun ¹~~he~~ the officer¹ is
43 permitted to carry in accordance with the requirements and
44 procedures established by the Attorney General pursuant to
45 subsection j. of this section and pays the actual costs associated
46 with those semi-annual qualifications, who is 75 years of age or
47 younger, and who was regularly employed as a full-time member of

1 the State Police; a full-time member of an interstate police force; a
2 full-time member of a county or municipal police department in this
3 State; a full-time member of a State law enforcement agency; a full-
4 time sheriff, undersheriff or sheriff's officer of a county of this
5 State; a full-time State correctional police officer or county
6 **【corrections】** correctional police officer; a full-time State or county
7 park police officer; a full-time special agent of the Division of
8 Taxation; a full-time Human Services police officer; a full-time
9 transit police officer of the New Jersey Transit Police Department; a
10 full-time campus police officer exempted pursuant to paragraph
11 (10) of subsection c. of this section; a full-time State conservation
12 officer exempted pursuant to paragraph (4) of subsection a. of this
13 section; a full-time Palisades Interstate Park officer appointed
14 pursuant to R.S.32:14-21; a full-time Burlington County Bridge
15 police officer appointed pursuant to section 1 of P.L.1960, c.168
16 (C.27:19-36.3); a full-time housing authority police officer
17 exempted pursuant to paragraph (16) of subsection c. of this
18 section; a full-time juvenile **【corrections】** correctional police
19 officer exempted pursuant to paragraph (9) of subsection a. of this
20 section; a full-time parole officer exempted pursuant to paragraph
21 (13) of subsection c. of this section; a full-time railway policeman
22 exempted pursuant to paragraph (9) of subsection c. of this section;
23 a full-time county prosecutor's detective or investigator; a full-time
24 federal law enforcement officer; or is a qualified retired law
25 enforcement officer, as used in the federal "Law Enforcement
26 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
27 State from carrying a handgun in the same manner as law
28 enforcement officers exempted under paragraph (7) of subsection a.
29 of this section under the conditions provided herein:

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

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

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

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

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

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

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

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

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

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which ¹~~he~~ the person¹ resides by filing a written
23 request for a hearing within 30 days of the denial. Copies of the
24 request shall be served upon the superintendent and the county
25 prosecutor. The hearing shall be held within 30 days of the filing of
26 the request, and no formal pleading or filing fee shall be required.
27 Appeals from the determination of the hearing shall be in
28 accordance with law and the rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. A person
32 who becomes subject to any of the disabilities set forth in
33 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
34 superintendent, ¹~~his~~ the person's¹ identification card issued under
35 paragraph (4) of this subsection to the chief law enforcement officer
36 of the municipality wherein ¹~~he~~ the person¹ resides or the
37 superintendent, and shall be permanently disqualified to carry a
38 handgun under this subsection.

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

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish and Wildlife, while in the actual performance of duties, from
45 possessing, transporting or using any device that projects, releases
46 or emits any substance specified as being non-injurious to wildlife
47 by the Director of the Division of Animal Health in the Department
48 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

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

20 (cf: P.L.2017, c.293, s.3)]³

21

22 ³[7.] 6.³ Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended
23 to read as follows:

24 1. A person shall not be removed from employment or a
25 position as a county **[corrections]** correctional police officer, or
26 suspended, fined or reduced in rank for a violation of the internal
27 rules and regulations established for the conduct of employees of
28 the county corrections department, unless a complaint charging a
29 violation of those rules and regulations is filed no later than the
30 45th day after the date on which the person filing the complaint
31 obtained sufficient information to file the matter upon which the
32 complaint is based. A failure to comply with this section shall
33 require a dismissal of the complaint. The 45-day time limit shall not
34 apply if an investigation of a county **[corrections]** correctional
35 police officer for a violation of the internal rules and regulations of
36 the county corrections department is included directly or indirectly
37 within a concurrent investigation of that officer for a violation of
38 the criminal laws of this State; the 45-day limit shall begin on the
39 day after the disposition of the criminal investigation. The 45-day
40 requirement in this section for the filing of a complaint against a
41 county **[corrections]** correctional police officer shall not apply to a
42 filing of a complaint by a private individual.

43 (cf: P.L.2006, c.54, s.1)

44

45 ³[8.] 7.³ Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is
46 amended to read as follows:

1 2. a. The provisions of any other law to the contrary
2 notwithstanding, the appointing authority of a county correctional
3 facility, be that the governing body of the county pursuant to
4 R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a
5 county correctional police officer any person who:

6 (1) was serving as a county correctional police officer in good
7 standing in any county correctional facility in this State; and

8 (2) satisfactorily completed a working test period in a county
9 correctional police officer title or in a county which has adopted
10 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
11 completed a comparable, documented probationary period in a
12 county correctional title in a county which has not adopted Title
13 11A, Civil Service; and

14 (3) was, for reasons of economy, terminated as a county
15 correctional police officer within 60 months prior to the
16 appointment.

17 b. The appointing authority of a county correctional facility
18 may employ such a person notwithstanding that:

19 (1) Title 11A, Civil Service, of the New Jersey Statutes is
20 operative in that county;

21 (2) the appointing authority has available to it an eligible or
22 regular reemployment list of **【corrections】** correctional police
23 officers eligible for **【such】** appointments; and

24 (3) the appointed person is not on any eligible list. If the county
25 appointing authority is subject to the provisions of Title 11A, Civil
26 Service, it may not employ **【such a】** the person if a special
27 reemployment list is in existence for the county **【corrections】**
28 correctional police officer title to be filled.

29 c. If the county appointing authority determines to appoint a
30 person pursuant to the provisions of this act, it shall give first
31 priority in making **【such】** the appointments to residents of the
32 county.

33 d. The seniority, seniority-related privileges, and rank a county
34 **【corrections】** correctional ¹**【police】** police¹ officer possessed with
35 the employer who terminated the officer's employment for reasons
36 of economy shall not be transferable to a new position when the
37 officer is appointed to a county **【corrections】** correctional police
38 officer position pursuant to the provisions of this section.

39 (cf: P.L.2010, c.103, s.2)

40
41 ³**【9.】** 8.³ Section 2 of P.L.1961, c.56 (C.52:17B-67) is
42 amended to read as follows:

43 2. As used in this act:

44 "Approved school" shall mean a school approved and authorized
45 by the Police Training Commission to give police training courses
46 or a training course for State and county **【corrections】** correctional

1 police officers and juvenile detention officers as prescribed in this
2 act.

3 "Commission" shall mean the Police Training Commission or
4 officers or employees thereof acting on its behalf.

5 "County" shall mean any county which within its jurisdiction has
6 or shall have a law enforcement unit as defined in this act.

7 "Law enforcement unit" shall mean any police force or
8 organization in a municipality or county which has by statute or
9 ordinance the responsibility of detecting crime and enforcing the
10 general criminal laws of this State.

11 "Municipality" shall mean a city of any class, township, borough,
12 village, camp meeting association, or any other type of municipality
13 in this State which, within its jurisdiction, has or shall have a law
14 enforcement unit as defined in this act.

15 "Permanent appointment" shall mean an appointment having
16 permanent status as a police officer in a law enforcement unit as
17 prescribed by Title 11A of the New Jersey Statutes, Civil Service
18 Commission Rules and Regulations, or of any other law of this
19 State, municipal ordinance, or rules and regulations adopted
20 thereunder.

21 "Police officer" shall mean any employee of a law enforcement
22 unit, including sheriff's officers and county investigators in the
23 office of the county prosecutor, other than civilian heads thereof,
24 assistant prosecutors and legal assistants, persons appointed
25 pursuant to the provisions of R.S.40:47-19, persons whose duties do
26 not include any police function, court attendants, State and county
27 **【corrections】** correctional police officers, juvenile **【corrections】**
28 correctional police officers, and juvenile detention officers.

29 (cf: P.L.1995, c.280, s.54)

30

31 ³**【10.】** 9.³ Section 6 of P.L.1961, c.56 (C.52:17B-71) is
32 amended to read as follows:

33 6. The commission is vested with the power, responsibility and
34 duty:

35 a. To prescribe standards for the approval and continuation of
36 approval of schools at which police training courses authorized by
37 this act and in-service police training courses shall be conducted,
38 including but not limited to **【presently】** currently existing regional,
39 county, municipal, and police chief association police training
40 schools or at which basic training courses and in-service training
41 courses shall be conducted for State and county juvenile and adult
42 **【corrections】** correctional police officers and juvenile detention
43 officers;

44 b. To approve and issue certificates of approval to **【such】** these
45 schools, to inspect **【such】** the schools from time to time, and to
46 revoke any approval or certificate issued to **【such】** the schools;

- 1 c. To prescribe the curriculum, the minimum courses of study,
2 attendance requirements, equipment and facilities, and standards of
3 operation for **[such]** these schools. Courses of study in crime
4 prevention may be recommended to the Police Training
5 Commission by the Crime Prevention Advisory Committee,
6 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The
7 Police Training Commission may prescribe psychological and
8 psychiatric examinations for police recruits while in **[such]** the
9 schools;
- 10 d. To prescribe minimum qualifications for instructors at
11 **[such]** these schools and to certify, as qualified, instructors for
12 approved police training schools and to issue appropriate
13 certificates to **[such]** the instructors;
- 14 e. To certify police officers, **[corrections]** correctional police
15 officers, juvenile **[corrections]** correctional police officers, and
16 juvenile detention officers who have satisfactorily completed
17 training programs and to issue appropriate certificates to **[such]** the
18 police officers, **[corrections]** correctional police officers, juvenile
19 **[corrections]** correctional police officers, and juvenile detention
20 officers;
- 21 f. To advise and consent in the appointment of an
22 administrator of police services by the Attorney General pursuant to
23 section 8 of P.L.1961, c.56 (C.52:17B-73);
- 24 g. (Deleted by amendment, P.L.1985, c.491.
- 25 h. To make **[such]** rules and regulations as may be reasonably
26 necessary or appropriate to accomplish the purposes and objectives
27 of this act;
- 28 i. To make a continuous study of police training methods and
29 training methods for **[corrections]** correctional police officers,
30 juvenile **[corrections]** correctional police officers, and juvenile
31 detention officers and to consult and accept the cooperation of any
32 recognized federal or State law enforcement agency or educational
33 institution;
- 34 j. To consult and cooperate with universities, colleges, and
35 institutes in the State for the development of specialized courses of
36 study for police officers in police science and police administration;
- 37 k. To consult and cooperate with other departments and
38 agencies of the State concerned with police training or the training
39 of **[corrections]** correctional police officers, juvenile **[corrections]**
40 correctional police officers, and juvenile detention officers;
- 41 l. To participate in unified programs and projects relating to
42 police training and the training of **[corrections]** correctional police
43 officers, juvenile **[corrections]** correctional police officers, and
44 juvenile detention officers sponsored by any federal, State, or other
45 public or private agency;

- 1 m. To perform ¹【such】¹ other acts as may be necessary or
2 appropriate to carry out its functions and duties as set forth in this
3 act;
- 4 n. To extend the time limit for satisfactory completion of police
5 training programs or programs for the training of 【corrections】
6 correctional police officers, juvenile 【corrections】 correctional
7 police officers, and juvenile detention officers upon a finding that
8 health, extraordinary workload, or other factors have, singly or in
9 combination, effected a delay in the satisfactory completion of
10 【such】 the training program;
- 11 o. To furnish approved schools, for inclusion in their regular
12 police training courses and curriculum, with information concerning
13 the advisability of high speed chases, the risk caused 【thereby】 by
14 them, and the benefits resulting 【therefrom】 from them;
- 15 p. To review and approve new standards and course curricula
16 developed by the Department of Corrections for both basic and in-
17 service training of State and county 【corrections】 correctional
18 police officers and juvenile detention officers. These courses for
19 the State 【corrections】 correctional police officers and juvenile
20 detention officers shall be centrally provided at the Corrections
21 Officers' Training Academy of the Department of Corrections.
22 Courses for the county 【corrections】 correctional police officers
23 and juvenile detention officers shall also be centrally provided at
24 the Corrections Officers' Training Academy unless an off-grounds
25 training program is established by the county. A county may elect
26 to establish and conduct a basic training program for 【corrections】
27 correctional police officers and juvenile detention officers seeking
28 permanent appointment in that county. The Corrections Officers'
29 Training Academy shall develop the curriculum of the basic
30 training program to be conducted by a county;
- 31 q. To administer and distribute the monies in the Law
32 Enforcement Officers Training and Equipment Fund established by
33 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make 【such】 rules
34 and regulations for the administration and distribution of the monies
35 as may be necessary or appropriate to accomplish the purpose for
36 which the fund was established.
37 (cf: P.L.1996, c.115, s.6)
- 38
- 39 ³【11.】 10.³ Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is
40 amended to read as follows:
- 41 1. As used in this act:
- 42 "Family" means the spouse, parent, children^{1,1} or other person
43 who pays the funeral expenses of a public safety employee who is
44 killed in the line of duty ¹【; and】¹
- 45 "Public safety employee" means a permanent, full-time member
46 of a State, county^{1,1} or municipal law enforcement agency or a

S1739 [3R]

36

1 county sheriff's office who is statutorily empowered to act for the
2 detection, apprehension, arrest, and conviction of offenders against
3 the laws of this State; an active member in good standing of a paid,
4 part-paid^{1,1} or volunteer fire department or of a duly incorporated
5 first aid, emergency, ambulance or rescue squad; or a State or
6 county correctional police officer.

7 (cf: P.L.2013, c.177, s.1)

8

9 ³[12.] 11.³ This act shall take effect on the first day of the
10 fourth month next following enactment.

11

12

13

14

15 Renames county corrections officers as county correctional
16 police officers.

SENATE, No. 1739

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Renames county corrections officers as county correctional police officers.

CURRENT VERSION OF TEXT

As introduced.



S1739 VAN DREW

2

1 AN ACT concerning county corrections officers, supplementing
2 Title 40A of the New Jersey Statutes, and amending various
3 parts of the statutory law.

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

7
8 1. (New section) a. The Civil Service Commission shall
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county
15 correctional police officer; and

16 (4) County correction sergeant shall be retitled as county
17 correctional police sergeant.

18 b. In a county in which Title 11A, Civil Service, of the New
19 Jersey Statutes, is not operative, every county corrections officer
20 title shall be changed to a county correctional police officer title.

21 c. Any fees associated with the retitling pursuant to subsections
22 a. and b. of this section shall be borne by the county corrections
23 officer whose title is changed.

24
25 2. N.J.S.2A:154-3 is amended to read as follows:

26 2A:154-3. a. All court attendants, sheriff's officers, and county
27 **[correction]** correctional police officers in the competitive class of
28 civil service who have been or who may hereafter be appointed by
29 the sheriff or board of chosen freeholders of any county in this State
30 shall, by virtue of **[such]** the appointment and in addition to any
31 other power or authority, be empowered to act as officers for the
32 detection, apprehension, arrest, and conviction of offenders against
33 the law.

34 b. In addition to the powers set forth in subsection a. of this
35 section, any county **[correction]** correctional police officer who has
36 satisfactorily completed a basic training course approved by the
37 Police Training Commission, as provided by P.L.1961, c.56
38 (C.52:17B-66 et seq.), shall have full power of arrest for any crime
39 committed in **[his]** the officer's presence anywhere within the
40 territorial limits of the State of New Jersey.

41 c. A county **[correction]** correctional police officer who has full
42 power of arrest pursuant to subsection b. of this section, and is
43 acting under lawful authority beyond the territorial limits of **[his]**
44 the employing county, shall have all of the immunities from tort
45 liability and shall have all of the pension, relief, disability, workers'

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 compensation, insurance, and other benefits enjoyed while
2 performing duties within the employing county.

3 (cf: P.L.1996, c.40, s.1)

4

5 3. Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to
6 read as follows:

7 1. a. The following are eligible, regardless of age, to become
8 members of the Police and Firemen's Retirement System of New
9 Jersey (PFRS) as provided in this supplementary act:

10 (1) any policeman or fireman employed on the effective date of
11 this supplementary act by a municipality, which was not required to
12 participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-
13 3) and has not adopted that act, who meets the requirements for
14 membership in PFRS as set forth in the definitions of "Policeman"
15 and "Fireman" in section 1 of that act, as amended and
16 supplemented, and who is enrolled in the Public Employees'
17 Retirement System of New Jersey (PERS) on that date;

18 (2) any policeman employed on the effective date of this
19 supplementary act by a county who is enrolled in PERS on that
20 date;

21 (3) any sheriff's officer, sergeant sheriff's officer, lieutenant
22 sheriff's officer, captain sheriff's officer, chief sheriff's officer, or
23 sheriff's investigator employed on the effective date of this
24 supplementary act in the offices of the county sheriffs who is
25 enrolled in PERS on that date;

26 (4) any **correction** State correctional police officer, senior
27 **correction** correctional police officer, **correction officer**
28 correctional police sergeant, **correction officer** correctional police
29 lieutenant, **correction officer** correctional police captain,
30 investigator, senior investigator, principal investigator, assistant
31 chief investigator, chief investigator, or director of custody
32 operations I, II, III employed on the effective date of this
33 supplementary act in the Department of Corrections who is enrolled
34 in PERS on that date;

35 (5) any county **correction** correctional police officer, county
36 **correction** correctional police sergeant, county **correction**
37 correctional police lieutenant, county **correction** correctional
38 police captain, or county deputy warden employed on the effective
39 date of this supplementary act in the several county jails who is
40 enrolled in PERS on that date;

41 (6) any principal inspector employed on the effective date of
42 this supplementary act in the Alcoholic Beverage Control
43 Enforcement Bureau, Department of Law and Public Safety who is
44 enrolled in PERS on that date;

45 (7) any police officer, police sergeant, or police lieutenant
46 employed on the effective date of this supplementary act in the

1 Department of Human Services who is enrolled in PERS on that
2 date; and

3 (8) any fireman employed on the effective date of this
4 supplementary act by a fire district in which the provisions of
5 P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets
6 the requirements for membership in PFRS as set forth in the
7 definition of "Fireman" in section 1 of that act, as amended and
8 supplemented, and who is enrolled in PERS on that date.

9 b. Any person eligible pursuant to subsection a. of this section
10 to become a member of PFRS may, regardless of age, transfer
11 membership from PERS to PFRS in accordance with the provisions
12 of the law and regulations governing the retirement system relative
13 to interfund transfers by waiving, within 90 days of the effective
14 date of this supplementary act, all rights and benefits which would
15 otherwise be provided by PERS. If an eligible person does not file
16 a timely waiver of PERS benefits, the person's pension status shall
17 remain unchanged and the person's membership shall not be
18 transferred to PFRS. Transfers under this section shall take effect
19 on the first day of the first full calendar month following the
20 effective date of this supplementary act by at least 180 days. PERS
21 shall transmit to PFRS an amount equal to the present value of the
22 benefit under PERS accrued to the date of transfer by each person
23 transferring to PFRS. The service credit accrued in PERS to the
24 date of transfer shall be transferred to PFRS and may be used to
25 meet any service credit requirement for benefits under PFRS. Any
26 benefit of a member who transfers membership from PERS to PFRS
27 under this supplementary act based upon service credit shall be the
28 amount of benefit determined as provided under PFRS based upon
29 the total amount of service credit multiplied by the ratio of the
30 service credit under PFRS from the date of transfer to the total
31 amount of service credit, plus a benefit comparable to a PERS
32 deferred, early or regular service retirement benefit, as appropriate,
33 based upon the age of the member at the time of retirement and the
34 amount of PERS service credit transferred to PFRS, determined as
35 provided under the law and regulations governing PERS for the
36 benefit. The total amount of service credit in PFRS, including the
37 transferred PERS service credit, may be used to meet the service
38 credit requirement for the benefit comparable to a PERS deferred or
39 early retirement benefit, but the benefit shall be calculated only on
40 the transferred PERS service credit.

41 Active and retired death benefits, accidental death benefits, and
42 ordinary and accidental disability retirement benefits for members
43 transferring to PFRS under this supplementary act shall be the
44 benefits provided under PFRS.

45 For members transferring to PFRS under this supplementary act,
46 the widows' or widowers' pensions provided under section 26 of
47 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit
48 determined as provided in section 26 multiplied by the ratio of the

1 service credit under PFRS from the date of transfer to the total
2 amount of service credit. Transferring members shall be entitled to
3 elect optional retirement allowances for the portions of their
4 retirement benefits based upon their PERS service credit as
5 provided under the laws and regulations governing selection of
6 optional retirement allowances under PERS.
7 (cf: P.L.1993, c.247, s.1)

8

9 4. N.J.S.2C:12-1 is amended to read as follows:

10 2C:12-1. Assault. a. Simple assault. A person is guilty of
11 assault if **[he]** the person:

12 (1) Attempts to cause or purposely, knowingly or recklessly
13 causes bodily injury to another; or

14 (2) Negligently causes bodily injury to another with a deadly
15 weapon; or

16 (3) Attempts by physical menace to put another in fear of
17 imminent serious bodily injury.

18 Simple assault is a disorderly persons offense unless committed
19 in a fight or scuffle entered into by mutual consent, in which case it
20 is a petty disorderly persons offense.

21 b. Aggravated assault. A person is guilty of aggravated assault
22 if **[he]** the person:

23 (1) Attempts to cause serious bodily injury to another, or causes
24 **[such]** injury purposely or knowingly or under circumstances
25 manifesting extreme indifference to the value of human life
26 recklessly causes such injury; or

27 (2) Attempts to cause or purposely or knowingly causes bodily
28 injury to another with a deadly weapon; or

29 (3) Recklessly causes bodily injury to another with a deadly
30 weapon; or

31 (4) Knowingly under circumstances manifesting extreme
32 indifference to the value of human life points a firearm, as defined
33 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
34 whether or not the actor believes it to be loaded; or

35 (5) Commits a simple assault as defined in paragraph (1), (2) or
36 (3) of subsection a. of this section upon:

37 (a) Any law enforcement officer acting in the performance of
38 **[his]** the officer's duties while in uniform or exhibiting evidence of
39 **[his]** authority or because of **[his]** the officer's status as a law
40 enforcement officer; or

41 (b) Any paid or volunteer **[fireman]** firefighter acting in the
42 performance of **[his]** the firefighter's duties while in uniform or
43 otherwise clearly identifiable as being engaged in the performance
44 of the duties of a **[fireman]** firefighter; or

45 (c) Any person engaged in emergency first-aid or medical
46 services acting in the performance of **[his]** the person's duties

- 1 while in uniform or otherwise clearly identifiable as being engaged
2 in the performance of emergency first-aid or medical services; or
- 3 (d) Any school board member, school administrator, teacher,
4 school bus driver, or other employee of a public or nonpublic
5 school or school board while clearly identifiable as being engaged
6 in the performance of **【his】** the person's duties or because of **【his】**
7 the person's status as a member or employee of a public or
8 nonpublic school or school board or any school bus driver
9 employed by an operator under contract to a public or nonpublic
10 school or school board while clearly identifiable as being engaged
11 in the performance of **【his】** the person's duties or because of **【his】**
12 the person's status as a school bus driver; or
- 13 (e) Any employee of the Division of Child Protection and
14 Permanency while clearly identifiable as being engaged in the
15 performance of **【his】** the employee's duties or because of **【his】** the
16 status as an employee of the division; or
- 17 (f) Any justice of the Supreme Court, judge of the Superior
18 Court, judge of the Tax Court or municipal judge while clearly
19 identifiable as being engaged in the performance of judicial duties
20 or because of **【his】** the status as a member of the judiciary; or
- 21 (g) Any operator of a motorbus or the operator's supervisor or
22 any employee of a rail passenger service while clearly identifiable
23 as being engaged in the performance of **【his】** the person's duties or
24 because of **【his】** the status as an operator of a motorbus or as the
25 operator's supervisor or as an employee of a rail passenger service;
26 or
- 27 (h) Any Department of Corrections employee, county
28 **【corrections】** correctional police officer, juvenile **【corrections】**
29 correctional police officer, State juvenile facility employee, juvenile
30 detention staff member, juvenile detention officer, probation officer
31 or any sheriff, undersheriff, or sheriff's officer acting in the
32 performance of **【his】** the person's duties while in uniform or
33 exhibiting evidence of **【his】** the person's authority or because of
34 **【his】** the status as a Department of Corrections employee, county
35 **【corrections】** correctional police officer, juvenile **【corrections】**
36 correctional police officer, State juvenile facility employee, juvenile
37 detention staff member, juvenile detention officer, probation
38 officer, sheriff, undersheriff, or sheriff's officer; or
- 39 (i) Any employee, including any person employed under
40 contract, of a utility company as defined in section 2 of P.L.1971,
41 c.224 (C.2A:42-86) or a cable television company subject to the
42 provisions of the "Cable Television Act," P.L.1972, c.186
43 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
44 the performance of **【his】** the employee's duties in regard to
45 connecting, disconnecting, or repairing or attempting to connect,
46 disconnect, or repair any gas, electric, or water utility, or cable
47 television or telecommunication service; or

1 (j) Any health care worker employed by a licensed health care
2 facility to provide direct patient care, any health care professional
3 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
4 the Revised Statutes to practice a health care profession, except a
5 direct care worker at a State or county psychiatric hospital or State
6 developmental center or veterans' memorial home, while clearly
7 identifiable as being engaged in the duties of providing direct
8 patient care or practicing the health care profession; or

9 (k) Any direct care worker at a State or county psychiatric
10 hospital or State developmental center or veterans' memorial home,
11 while clearly identifiable as being engaged in the duties of
12 providing direct patient care or practicing the health care
13 profession, provided that the actor is not a patient or resident at the
14 facility who is classified by the facility as having a mental illness or
15 developmental disability; or

16 (6) Causes bodily injury to another person while fleeing or
17 attempting to elude a law enforcement officer in violation of
18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
19 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
20 other provision of law to the contrary, a person shall be strictly
21 liable for a violation of this paragraph upon proof of a violation of
22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
23 violation of subsection c. of N.J.S.2C:20-10 which resulted in
24 bodily injury to another person; or

25 (7) Attempts to cause significant bodily injury to another or
26 causes significant bodily injury purposely or knowingly or, under
27 circumstances manifesting extreme indifference to the value of
28 human life recklessly causes such significant bodily injury; or

29 (8) Causes bodily injury by knowingly or purposely starting a
30 fire or causing an explosion in violation of N.J.S.2C:17-1 which
31 results in bodily injury to any emergency services personnel
32 involved in fire suppression activities, rendering emergency
33 medical services resulting from the fire or explosion or rescue
34 operations, or rendering any necessary assistance at the scene of the
35 fire or explosion, including any bodily injury sustained while
36 responding to the scene of a reported fire or explosion. For
37 purposes of this paragraph, "emergency services personnel" shall
38 include, but not be limited to, any paid or volunteer **[fireman]**
39 firefighter, any person engaged in emergency first-aid or medical
40 services and any law enforcement officer. Notwithstanding any
41 other provision of law to the contrary, a person shall be strictly
42 liable for a violation of this paragraph upon proof of a violation of
43 N.J.S.2C:17-1 which resulted in bodily injury to any emergency
44 services personnel; or

45 (9) Knowingly, under circumstances manifesting extreme
46 indifference to the value of human life, points or displays a firearm,
47 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
48 a law enforcement officer; or

1 (10) Knowingly points, displays or uses an imitation firearm, as
2 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
3 law enforcement officer with the purpose to intimidate, threaten, or
4 attempt to put the officer in fear of bodily injury or for any unlawful
5 purpose; or

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of **his** the officer's duties while in uniform or exhibiting evidence
11 of **his** the officer's authority. As used in this paragraph, "laser
12 sighting system or device" means any system or device that is
13 integrated with or affixed to a firearm and emits a laser light beam
14 that is used to assist in the sight alignment or aiming of the firearm;
15 or

16 (12) Attempts to cause significant bodily injury or causes
17 significant bodily injury purposely or knowingly or, under
18 circumstances manifesting extreme indifference to the value of
19 human life, recklessly causes significant bodily injury to a person
20 who, with respect to the actor, meets the definition of a victim of
21 domestic violence, as defined in subsection d. of section 3 of
22 P.L.1991, c.261 (C.2C:25-19); or

23 (13) Knowingly or, under circumstances manifesting extreme
24 indifference to the value of human life, recklessly obstructs the
25 breathing or blood circulation of a person who, with respect to the
26 actor, meets the definition of a victim of domestic violence, as
27 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
28 19), by applying pressure on the throat or neck or blocking the nose
29 or mouth of such person, thereby causing or attempting to cause
30 bodily injury.

31 Aggravated assault under paragraphs (1) and (6) of subsection b.
32 of this section is a crime of the second degree; under paragraphs
33 (2), (7), (9) and (10) of subsection b. of this section is a crime of the
34 third degree; under paragraphs (3) and (4) of subsection b. of this
35 section is a crime of the fourth degree; and under paragraph (5) of
36 subsection b. of this section is a crime of the third degree if the
37 victim suffers bodily injury, otherwise it is a crime of the fourth
38 degree. Aggravated assault under paragraph (8) of subsection b. of
39 this section is a crime of the third degree if the victim suffers bodily
40 injury; if the victim suffers significant bodily injury or serious
41 bodily injury it is a crime of the second degree. Aggravated assault
42 under paragraph (11) of subsection b. of this section is a crime of
43 the third degree. Aggravated assault under paragraph (12) or (13)
44 of subsection b. of this section is a crime of the third degree but the
45 presumption of non-imprisonment set forth in subsection e. of
46 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
47 not apply.

1 c. (1) A person is guilty of assault by auto or vessel when the
2 person drives a vehicle or vessel recklessly and causes either
3 serious bodily injury or bodily injury to another. Assault by auto or
4 vessel is a crime of the fourth degree if serious bodily injury results
5 and is a disorderly persons offense if bodily injury results. Proof
6 that the defendant was operating a hand-held wireless telephone
7 while driving a motor vehicle in violation of section 1 of P.L.2003,
8 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
9 was driving recklessly.

10 (2) Assault by auto or vessel is a crime of the third degree if the
11 person drives the vehicle while in violation of R.S.39:4-50 or
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
13 injury results and is a crime of the fourth degree if the person drives
14 the vehicle while in violation of R.S.39:4-50 or section 2 of
15 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

16 (3) Assault by auto or vessel is a crime of the second degree if
17 serious bodily injury results from the defendant operating the auto
18 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
19 c.512 (C.39:4-50.4a) while:

20 (a) on any school property used for school purposes which is
21 owned by or leased to any elementary or secondary school or school
22 board, or within 1,000 feet of such school property;

23 (b) driving through a school crossing as defined in R.S.39:1-1 if
24 the municipality, by ordinance or resolution, has designated the
25 school crossing as such; or

26 (c) driving through a school crossing as defined in R.S.39:1-1
27 knowing that juveniles are present if the municipality has not
28 designated the school crossing as such by ordinance or resolution.

29 Assault by auto or vessel is a crime of the third degree if bodily
30 injury results from the defendant operating the auto or vessel in
31 violation of this paragraph.

32 A map or true copy of a map depicting the location and
33 boundaries of the area on or within 1,000 feet of any property used
34 for school purposes which is owned by or leased to any elementary
35 or secondary school or school board produced pursuant to section 1
36 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
37 subparagraph (a) of paragraph (3) of this subsection.

38 It shall be no defense to a prosecution for a violation of
39 subparagraph (a) or (b) of paragraph (3) of this subsection that the
40 defendant was unaware that the prohibited conduct took place while
41 on or within 1,000 feet of any school property or while driving
42 through a school crossing. Nor shall it be a defense to a prosecution
43 under subparagraph (a) or (b) of paragraph (3) of this subsection
44 that no juveniles were present on the school property or crossing
45 zone at the time of the offense or that the school was not in session.

46 (4) Assault by auto or vessel is a crime of the third degree if the
47 person purposely drives a vehicle in an aggressive manner directed
48 at another vehicle and serious bodily injury results and is a crime of

1 the fourth degree if the person purposely drives a vehicle in an
2 aggressive manner directed at another vehicle and bodily injury
3 results. For purposes of this paragraph, "driving a vehicle in an
4 aggressive manner" shall include, but is not limited to,
5 unexpectedly altering the speed of the vehicle, making improper or
6 erratic traffic lane changes, disregarding traffic control devices,
7 failing to yield the right of way, or following another vehicle too
8 closely.

9 As used in this subsection, "vessel" means a means of
10 conveyance for travel on water and propelled otherwise than by
11 muscular power.

12 d. A person who is employed by a facility as defined in section
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
14 defined in paragraph (1) or (2) of subsection a. of this section upon
15 an institutionalized elderly person as defined in section 2 of
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
17 degree.

18 e. (Deleted by amendment, P.L.2001, c.443).

19 f. A person who commits a simple assault as defined in
20 paragraph (1), (2) or (3) of subsection a. of this section in the
21 presence of a child under 16 years of age at a school or community
22 sponsored youth sports event is guilty of a crime of the fourth
23 degree. The defendant shall be strictly liable upon proof that the
24 offense occurred, in fact, in the presence of a child under 16 years
25 of age. It shall not be a defense that the defendant did not know
26 that the child was present or reasonably believed that the child was
27 16 years of age or older. The provisions of this subsection shall not
28 be construed to create any liability on the part of a participant in a
29 youth sports event or to abrogate any immunity or defense available
30 to a participant in a youth sports event. As used in this act, "school
31 or community sponsored youth sports event" means a competition,
32 practice, or instructional event involving one or more
33 interscholastic sports teams or youth sports teams organized
34 pursuant to a nonprofit or similar charter or which are member
35 teams in a youth league organized by or affiliated with a county or
36 municipal recreation department and shall not include collegiate,
37 semi-professional or professional sporting events.

38 (cf: P.L.2017, c.240, s.1)

39

40 5. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to read
41 as follows:

42 2. A person who throws a bodily fluid at a Department of
43 Corrections employee, county **【corrections】** correctional police
44 officer, juvenile **【corrections】** correctional police officer, State
45 juvenile facility employee, juvenile detention staff member,
46 probation officer, any sheriff, undersheriff or sheriff's officer or any
47 municipal, county, or State law enforcement officer while in the
48 performance of **【his】** the person's duties or otherwise purposely

1 subjects such employee to contact with a bodily fluid commits an
2 aggravated assault. If the victim suffers bodily injury, this shall be
3 a crime of the third degree. Otherwise, this shall be a crime of the
4 fourth degree. A term of imprisonment imposed for this offense
5 shall run consecutively to any term of imprisonment currently being
6 served and to any other term imposed for another offense
7 committed at the time of the assault. Nothing herein shall be
8 deemed to preclude, if the evidence so warrants, an indictment and
9 conviction for a violation or attempted violation of chapter 11 of
10 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
11 1 or any other provision of the criminal laws.

12 (cf: P.L.2003, c.283, s.1)

13

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

15 2C:39-6. a. Provided a person complies with the requirements
16 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

46 (6) A civilian employee of the United States Government under
47 the supervision of the commanding officer of any post, camp,
48 station, base or other military or naval installation located in this

1 State who is required, in the performance of his official duties, to
2 carry firearms, and who is authorized to carry firearms by the
3 commanding officer, while in the actual performance of his official
4 duties;

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

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

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

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

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

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

1 returned each day pursuant to this paragraph shall be stored in
2 locked containers located in a secure area;

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (8) An employee of a public utilities corporation actually
2 engaged in the transportation of explosives;
- 3 (9) A railway policeman, except a transit police officer of the
4 New Jersey Transit Police Department, at all times while in the
5 State of New Jersey, provided that he has passed an approved police
6 academy training program consisting of at least 280 hours. The
7 training program shall include, but need not be limited to, the
8 handling of firearms, community relations, and juvenile relations;
- 9 (10) A campus police officer appointed under P.L.1970, c.211
10 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
11 a firearm, a campus police officer shall take and successfully
12 complete a firearms training course administered by the Police
13 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
14 seq.), and shall annually qualify in the use of a revolver or similar
15 weapon prior to being permitted to carry a firearm;
- 16 (11) (Deleted by amendment, P.L.2003, c.168).
- 17 (12) A transit police officer of the New Jersey Transit Police
18 Department, at all times while in the State of New Jersey, provided
19 the officer has satisfied the training requirements of the Police
20 Training Commission, pursuant to subsection c. of section 2 of
21 P.L.1989, c.291 (C.27:25-15.1);
- 22 (13) A parole officer employed by the State Parole Board at all
23 times. Prior to being permitted to carry a firearm, a parole officer
24 shall take and successfully complete a basic course for regular
25 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
28 prior to being permitted to carry a firearm;
- 29 (14) A Human Services police officer at all times while in the
30 State of New Jersey, as authorized by the Commissioner of Human
31 Services;
- 32 (15) A person or employee of any person who, pursuant to and as
33 required by a contract with a governmental entity, supervises or
34 transports persons charged with or convicted of an offense;
- 35 (16) A housing authority police officer appointed under
36 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
37 State of New Jersey; or
- 38 (17) A probation officer assigned to the "Probation Officer
39 Community Safety Unit" created by section 2 of P.L.2001, c.362
40 (C.2B:10A-2) while in the actual performance of the probation
41 officer's official duties. Prior to being permitted to carry a firearm,
42 a probation officer shall take and successfully complete a basic
43 course for regular police officer training administered by the Police
44 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
45 seq.), and shall annually qualify in the use of a revolver or similar
46 weapon prior to being permitted to carry a firearm.
- 47 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
48 antique firearms, provided that the antique firearms are unloaded or

1 are being fired for the purposes of exhibition or demonstration at an
2 authorized target range or in another manner approved in writing by
3 the chief law enforcement officer of the municipality in which the
4 exhibition or demonstration is held, or if not held on property under
5 the control of a particular municipality, the superintendent.

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

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

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

27 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
28 N.J.S.2C:39-5 do not apply to the transportation of unloaded
29 antique cannons directly to or from exhibitions or demonstrations
30 authorized under paragraph (4) of subsection d. of this section,
31 provided that the transportation is in compliance with safety
32 regulations the superintendent may promulgate. Those subsections
33 shall not apply to transportation directly to or from exhibitions or
34 demonstrations authorized under the law of another jurisdiction,
35 provided that the superintendent has been given 30 days' notice and
36 that the transportation is in compliance with safety regulations the
37 superintendent may promulgate.

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

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

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

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

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

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

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

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

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

46 g. Any weapon being transported under paragraph (2) of
47 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
48 of this section shall be carried unloaded and contained in a closed

1 and fastened case, gunbox, securely tied package, or locked in the
2 trunk of the automobile in which it is being transported, and in the
3 course of travel shall include only deviations as are reasonably
4 necessary under the circumstances.

5 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
6 to prevent any employee of a public utility, as defined in R.S.48:2-
7 13, doing business in this State or any United States Postal Service
8 employee, while in the actual performance of duties which
9 specifically require regular and frequent visits to private premises,
10 from possessing, carrying or using any device which projects,
11 releases or emits any substance specified as being noninjurious to
12 canines or other animals by the Commissioner of Health and which
13 immobilizes only on a temporary basis and produces only
14 temporary physical discomfort through being vaporized or
15 otherwise dispensed in the air for the sole purpose of repelling
16 canine or other animal attacks.

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

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

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

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

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

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

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

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

1 the Division of Taxation; a full-time Human Services police officer;
2 a full-time transit police officer of the New Jersey Transit Police
3 Department; a full-time campus police officer exempted pursuant to
4 paragraph (10) of subsection c. of this section; a full-time State
5 conservation officer exempted pursuant to paragraph (4) of
6 subsection a. of this section; a full-time Palisades Interstate Park
7 officer appointed pursuant to R.S.32:14-21; a full-time Burlington
8 County Bridge police officer appointed pursuant to section 1 of
9 P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police
10 officer exempted pursuant to paragraph (16) of subsection c. of this
11 section; a full-time juvenile **【corrections】** correctional police
12 officer exempted pursuant to paragraph (9) of subsection a. of this
13 section; a full-time parole officer exempted pursuant to paragraph
14 (13) of subsection c. of this section; a full-time railway policeman
15 exempted pursuant to paragraph (9) of subsection c. of this section;
16 a full-time county prosecutor's detective or investigator; a full-time
17 federal law enforcement officer; or is a qualified retired law
18 enforcement officer, as used in the federal "Law Enforcement
19 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
20 State from carrying a handgun in the same manner as law
21 enforcement officers exempted under paragraph (7) of subsection a.
22 of this section under the conditions provided herein:

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

27 (2) Upon receipt of the written application of the retired law
28 enforcement officer, the superintendent shall request a verification
29 of service from the chief law enforcement officer of the
30 organization in which the retired officer was last regularly
31 employed as a full-time law enforcement officer prior to retiring.
32 The verification of service shall include:

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

34 (b) The date that the retired officer was hired and the date that
35 the officer retired;

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

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

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

41 (3) If the superintendent approves a retired officer's application
42 or reapplication to carry a handgun pursuant to the provisions of
43 this subsection, the superintendent shall notify in writing the chief
44 law enforcement officer of the municipality wherein that retired
45 officer resides. In the event the retired officer resides in a
46 municipality which has no chief law enforcement officer or law
47 enforcement agency, the superintendent shall maintain a record of
48 the approval.

1 (4) The superintendent shall issue to an approved retired officer
2 an identification card permitting the retired officer to carry a
3 handgun pursuant to this subsection. This identification card shall
4 be valid for one year from the date of issuance and shall be valid
5 throughout the State. The identification card shall not be
6 transferable to any other person. The identification card shall be
7 carried at all times on the person of the retired officer while the
8 retired officer is carrying a handgun. The retired officer shall
9 produce the identification card for review on the demand of any law
10 enforcement officer or authority.

11 (5) Any person aggrieved by the denial of the superintendent of
12 approval for a permit to carry a handgun pursuant to this subsection
13 may request a hearing in the Superior Court of New Jersey in the
14 county in which he resides by filing a written request for a hearing
15 within 30 days of the denial. Copies of the request shall be served
16 upon the superintendent and the county prosecutor. The hearing
17 shall be held within 30 days of the filing of the request, and no
18 formal pleading or filing fee shall be required. Appeals from the
19 determination of the hearing shall be in accordance with law and the
20 rules governing the courts of this State.

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

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

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

43 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
44 be construed to prevent duly authorized personnel of the New
45 Jersey Division of Fish and Wildlife, while in the actual
46 performance of duties, from possessing, transporting or using hand
47 held pistol-like devices, rifles or shotguns that launch pyrotechnic
48 missiles for the sole purpose of frightening, hazing or aversive

1 conditioning of nuisance or depredating wildlife; from possessing,
2 transporting or using rifles, pistols or similar devices for the sole
3 purpose of chemically immobilizing wild or non-domestic animals;
4 or, provided the duly authorized person complies with the
5 requirements of subsection j. of this section, from possessing,
6 transporting or using rifles or shotguns, upon completion of a Police
7 Training Commission approved training course, in order to dispatch
8 injured or dangerous animals or for non-lethal use for the purpose
9 of frightening, hazing or aversive conditioning of nuisance or
10 depredating wildlife.

11 (cf: P.L.2017, c.293, s.3)

12

13 7. Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read
14 as follows:

15 1. A person shall not be removed from employment or a
16 position as a county **【corrections】** correctional police officer, or
17 suspended, fined or reduced in rank for a violation of the internal
18 rules and regulations established for the conduct of employees of
19 the county corrections department, unless a complaint charging a
20 violation of those rules and regulations is filed no later than the
21 45th day after the date on which the person filing the complaint
22 obtained sufficient information to file the matter upon which the
23 complaint is based. A failure to comply with this section shall
24 require a dismissal of the complaint. The 45-day time limit shall not
25 apply if an investigation of a county **【corrections】** correctional
26 police officer for a violation of the internal rules and regulations of
27 the county corrections department is included directly or indirectly
28 within a concurrent investigation of that officer for a violation of
29 the criminal laws of this State; the 45-day limit shall begin on the
30 day after the disposition of the criminal investigation. The 45-day
31 requirement in this section for the filing of a complaint against a
32 county **【corrections】** correctional police officer shall not apply to a
33 filing of a complaint by a private individual.

34 (cf: P. L.2006, c.54, s.1)

35

36 8. Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to
37 read as follows:

38 2. a. The provisions of any other law to the contrary
39 notwithstanding, the appointing authority of a county correctional
40 facility, be that the governing body of the county pursuant to
41 R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a
42 county correctional police officer any person who:

43 (1) was serving as a county correctional police officer in good
44 standing in any county correctional facility in this State; and

45 (2) satisfactorily completed a working test period in a county
46 correctional police officer title or in a county which has adopted
47 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
48 completed a comparable, documented probationary period in a

1 county correctional title in a county which has not adopted Title
2 11A, Civil Service; and

3 (3) was, for reasons of economy, terminated as a county
4 correctional police officer within 60 months prior to the
5 appointment.

6 b. The appointing authority of a county correctional facility
7 may employ such a person notwithstanding that:

8 (1) Title 11A, Civil Service, of the New Jersey Statutes is
9 operative in that county;

10 (2) the appointing authority has available to it an eligible or
11 regular reemployment list of **【corrections】** correctional police
12 officers eligible for **【such】** appointments; and

13 (3) the appointed person is not on any eligible list. If the county
14 appointing authority is subject to the provisions of Title 11A, Civil
15 Service, it may not employ **【such a】** the person if a special
16 reemployment list is in existence for the county **【corrections】**
17 correctional police officer title to be filled.

18 c. If the county appointing authority determines to appoint a
19 person pursuant to the provisions of this act, it shall give first
20 priority in making **【such】** the appointments to residents of the
21 county.

22 d. The seniority, seniority-related privileges, and rank a county
23 **【corrections】** correctional police officer possessed with the
24 employer who terminated the officer's employment for reasons of
25 economy shall not be transferable to a new position when the
26 officer is appointed to a county **【corrections】** correctional police
27 officer position pursuant to the provisions of this section.

28 (cf: P.L.2010, c.103, s.2)

29

30 9. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read
31 as follows:

32 2. As used in this act:

33 "Approved school" shall mean a school approved and authorized
34 by the Police Training Commission to give police training courses
35 or a training course for State and county **【corrections】** correctional
36 police officers and juvenile detention officers as prescribed in this
37 act.

38 "Commission" shall mean the Police Training Commission or
39 officers or employees thereof acting on its behalf.

40 "County" shall mean any county which within its jurisdiction has
41 or shall have a law enforcement unit as defined in this act.

42 "Law enforcement unit" shall mean any police force or
43 organization in a municipality or county which has by statute or
44 ordinance the responsibility of detecting crime and enforcing the
45 general criminal laws of this State.

46 "Municipality" shall mean a city of any class, township, borough,
47 village, camp meeting association, or any other type of municipality

1 in this State which, within its jurisdiction, has or shall have a law
2 enforcement unit as defined in this act.

3 "Permanent appointment" shall mean an appointment having
4 permanent status as a police officer in a law enforcement unit as
5 prescribed by Title 11A of the New Jersey Statutes, Civil Service
6 Commission Rules and Regulations, or of any other law of this
7 State, municipal ordinance, or rules and regulations adopted
8 thereunder.

9 "Police officer" shall mean any employee of a law enforcement
10 unit, including sheriff's officers and county investigators in the
11 office of the county prosecutor, other than civilian heads thereof,
12 assistant prosecutors and legal assistants, persons appointed
13 pursuant to the provisions of R.S.40:47-19, persons whose duties do
14 not include any police function, court attendants, State and county
15 **【corrections】** correctional police officers, juvenile **【corrections】**
16 correctional police officers, and juvenile detention officers.
17 (cf: P.L.1995, c.280, s.54)

18

19 10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to
20 read as follows:

21 6. The commission is vested with the power, responsibility and
22 duty:

23 a. To prescribe standards for the approval and continuation of
24 approval of schools at which police training courses authorized by
25 this act and in-service police training courses shall be conducted,
26 including but not limited to **【presently】** currently existing regional,
27 county, municipal, and police chief association police training
28 schools or at which basic training courses and in-service training
29 courses shall be conducted for State and county juvenile and adult
30 **【corrections】** correctional police officers and juvenile detention
31 officers;

32 b. To approve and issue certificates of approval to **【such】** these
33 schools, to inspect **【such】** the schools from time to time, and to
34 revoke any approval or certificate issued to **【such】** the schools;

35 c. To prescribe the curriculum, the minimum courses of study,
36 attendance requirements, equipment and facilities, and standards of
37 operation for **【such】** these schools. Courses of study in crime
38 prevention may be recommended to the Police Training
39 Commission by the Crime Prevention Advisory Committee,
40 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The
41 Police Training Commission may prescribe psychological and
42 psychiatric examinations for police recruits while in **【such】** the
43 schools;

44 d. To prescribe minimum qualifications for instructors at **【such】**
45 these schools and to certify, as qualified, instructors for approved
46 police training schools and to issue appropriate certificates to
47 **【such】** the instructors;

- 1 e. To certify police officers, **【corrections】** correctional police
2 officers, juvenile **【corrections】** correctional police officers, and
3 juvenile detention officers who have satisfactorily completed
4 training programs and to issue appropriate certificates to **【such】** the
5 police officers, **【corrections】** correctional police officers, juvenile
6 **【corrections】** correctional police officers, and juvenile detention
7 officers;
- 8 f. To advise and consent in the appointment of an administrator
9 of police services by the Attorney General pursuant to section 8 of
10 P.L.1961, c.56 (C.52:17B-73);
- 11 g. (Deleted by amendment, P.L.1985, c.491.
- 12 h. To make **【such】** rules and regulations as may be reasonably
13 necessary or appropriate to accomplish the purposes and objectives
14 of this act;
- 15 i. To make a continuous study of police training methods and
16 training methods for **【corrections】** correctional police officers,
17 juvenile **【corrections】** correctional police officers, and juvenile
18 detention officers and to consult and accept the cooperation of any
19 recognized federal or State law enforcement agency or educational
20 institution;
- 21 j. To consult and cooperate with universities, colleges, and
22 institutes in the State for the development of specialized courses of
23 study for police officers in police science and police administration;
- 24 k. To consult and cooperate with other departments and agencies
25 of the State concerned with police training or the training of
26 **【corrections】** correctional police officers, juvenile **【corrections】**
27 correctional police officers, and juvenile detention officers;
- 28 l. To participate in unified programs and projects relating to
29 police training and the training of **【corrections】** correctional police
30 officers, juvenile **【corrections】** correctional police officers, and
31 juvenile detention officers sponsored by any federal, State, or other
32 public or private agency;
- 33 m. To perform such other acts as may be necessary or
34 appropriate to carry out its functions and duties as set forth in this
35 act;
- 36 n. To extend the time limit for satisfactory completion of police
37 training programs or programs for the training of **【corrections】**
38 correctional police officers, juvenile **【corrections】** correctional
39 police officers, and juvenile detention officers upon a finding that
40 health, extraordinary workload, or other factors have, singly or in
41 combination, effected a delay in the satisfactory completion of
42 **【such】** the training program;
- 43 o. To furnish approved schools, for inclusion in their regular
44 police training courses and curriculum, with information concerning
45 the advisability of high speed chases, the risk caused **【thereby】** by
46 them, and the benefits resulting **【therefrom】** from them;

1 p. To review and approve new standards and course curricula
2 developed by the Department of Corrections for both basic and in-
3 service training of State and county **【corrections】** correctional
4 police officers and juvenile detention officers. These courses for
5 the State **【corrections】** correctional police officers and juvenile
6 detention officers shall be centrally provided at the Corrections
7 Officers' Training Academy of the Department of Corrections.
8 Courses for the county **【corrections】** correctional police officers
9 and juvenile detention officers shall also be centrally provided at
10 the Corrections Officers' Training Academy unless an off-grounds
11 training program is established by the county. A county may elect
12 to establish and conduct a basic training program for **【corrections】**
13 correctional police officers and juvenile detention officers seeking
14 permanent appointment in that county. The Corrections Officers'
15 Training Academy shall develop the curriculum of the basic
16 training program to be conducted by a county;

17 q. To administer and distribute the monies in the Law
18 Enforcement Officers Training and Equipment Fund established by
19 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make **【such】** rules
20 and regulations for the administration and distribution of the monies
21 as may be necessary or appropriate to accomplish the purpose for
22 which the fund was established.

23 (cf: P.L.1996, c.115, s.6)

24
25 11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended
26 to read as follows:

27 1. As used in this act:

28 "Family" means the spouse, parent, children or other person who
29 pays the funeral expenses of a public safety employee who is killed
30 in the line of duty; and

31 "Public safety employee" means a permanent, full-time member
32 of a State, county or municipal law enforcement agency or a county
33 sheriff's office who is statutorily empowered to act for the
34 detection, apprehension, arrest, and conviction of offenders against
35 the laws of this State; an active member in good standing of a paid,
36 part-paid or volunteer fire department or of a duly incorporated first
37 aid, emergency, ambulance or rescue squad; or a State or county
38 correctional police officer.

39 (cf: P.L.2013, c.177, s.1)

40
41 12. This act shall take effect on the first day of the fourth month
42 next following enactment.

43

44 STATEMENT

45

46 This bill directs the Civil Service Commission to retitle county
47 corrections officer positions as county correctional police officer

1 positions. The title changes in this bill are to apply to all
2 corrections officers employed by the counties in this State,
3 including counties in which Title 11A, Civil Service, of the New
4 Jersey Statutes, is not operative.

5 The bill further updates statutory references to county
6 corrections officers as county correctional police officers.

7 The bill requires any fees associated with this retitling to be
8 borne by the county corrections officer whose title has been
9 changed. Examples of this fee may include any cost associated with
10 an updated uniform, badge, or equipment as a result of the title
11 change.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[Second Reprint] **SENATE, No. 1739**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1739 (2R).

As reported by the committee, Senate Bill No. 1739 (2R) directs the Civil Service Commission to retitle county corrections officers as county correctional police officers. The amended bill also directs the commission to retitle wardens as county correctional police wardens and deputy wardens as county correctional deputy police wardens.

The title changes in this amended bill are to apply to all corrections officers, wardens, and deputy wardens employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative. This amended bill further updates statutory references to county corrections officers, wardens, and deputy wardens.

The amended bill requires any fees associated with this retitling to be borne by the county corrections officer, warden, or deputy warden whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This amended bill similarly retitles county corrections officers, wardens, and deputy wardens.

As amended and reported by the committee, Senate Bill 1739 (2R) is identical to Assembly Bill No. 3236 which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

- 1) remove the section of the bill related to certain retirement beneficiaries; as introduced, this section of the bill was amended to update references to corrections officers as correctional police officers; and
- 2) update the provisions of N.J.S.2C:39-6 to reflect the changes made by P.L.2017, c.331.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1739

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1739.

As amended and reported by the committee, this bill directs the Civil Service Commission to retitle county corrections officer positions as county correctional police officer positions. The title changes in this bill are to apply to all corrections officers employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative.

The bill further updates statutory references to county corrections officers as county correctional police officers.

The bill requires any fees associated with this retitling to be borne by the county corrections officer whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This bill similarly retitles county corrections officers to county correctional police officers.

COMMITTEE AMENDMENTS:

The committee made technical corrections to the bill.

STATEMENT TO
[First Reprint]
SENATE, No. 1739

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: FEBRUARY 26, 2018

Senate Bill No. 1739 (1R) retitles county corrections officers as county correctional police officers.

These Senate amendments retitle warden as county correctional police warden and deputy warden as county correctional deputy police warden.

ASSEMBLY, No. 3236

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblymen Giblin and Johnson

SYNOPSIS

Renames county corrections officers as county correctional police officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/25/2018)

1 AN ACT concerning county corrections officers, supplementing
2 Title 40A of the New Jersey Statutes, and amending various
3 parts of the statutory law.

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

7
8 1. (New section) a. The Civil Service Commission shall
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county
15 correctional police officer; and

16 (4) County correction sergeant shall be retitled as county
17 correctional police sergeant.

18 b. In a county in which Title 11A, Civil Service, of the New
19 Jersey Statutes, is not operative, every county corrections officer
20 title shall be changed to a county correctional police officer title.

21 c. Any fees associated with the retitling pursuant to subsections
22 a. and b. of this section shall be borne by the county corrections
23 officer whose title is changed.

24
25 2. N.J.S.2A:154-3 is amended to read as follows:

26 2A:154-3. a. All court attendants, sheriff's officers, and county
27 **correction** correctional police officers in the competitive class of
28 civil service who have been or who may hereafter be appointed by
29 the sheriff or board of chosen freeholders of any county in this State
30 shall, by virtue of **such** the appointment and in addition to any
31 other power or authority, be empowered to act as officers for the
32 detection, apprehension, arrest, and conviction of offenders against
33 the law.

34 b. In addition to the powers set forth in subsection a. of this
35 section, any county **correction** correctional police officer who has
36 satisfactorily completed a basic training course approved by the
37 Police Training Commission, as provided by P.L.1961, c.56
38 (C.52:17B-66 et seq.), shall have full power of arrest for any crime
39 committed in **his** the officer's presence anywhere within the
40 territorial limits of the State of New Jersey.

41 c. A county **correction** correctional police officer who has
42 full power of arrest pursuant to subsection b. of this section, and is
43 acting under lawful authority beyond the territorial limits of **his**
44 the employing county, shall have all of the immunities from tort

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 liability and shall have all of the pension, relief, disability, workers'
2 compensation, insurance, and other benefits enjoyed while
3 performing duties within the employing county.

4 (cf: P.L.1996, c.40, s.1)

5

6 3. Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to
7 read as follows:

8 1. a. The following are eligible, regardless of age, to become
9 members of the Police and Firemen's Retirement System of New
10 Jersey (PFRS) as provided in this supplementary act:

11 (1) any policeman or fireman employed on the effective date of
12 this supplementary act by a municipality, which was not required to
13 participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-
14 3) and has not adopted that act, who meets the requirements for
15 membership in PFRS as set forth in the definitions of "Policeman"
16 and "Fireman" in section 1 of that act, as amended and
17 supplemented, and who is enrolled in the Public Employees'
18 Retirement System of New Jersey (PERS) on that date;

19 (2) any policeman employed on the effective date of this
20 supplementary act by a county who is enrolled in PERS on that
21 date;

22 (3) any sheriff's officer, sergeant sheriff's officer, lieutenant
23 sheriff's officer, captain sheriff's officer, chief sheriff's officer, or
24 sheriff's investigator employed on the effective date of this
25 supplementary act in the offices of the county sheriffs who is
26 enrolled in PERS on that date;

27 (4) any **【correction】** State correctional police officer, senior
28 **【correction】** correctional police officer, **【correction officer】**
29 correctional police sergeant, **【correction officer】** correctional police
30 lieutenant, **【correction officer】** correctional police captain,
31 investigator, senior investigator, principal investigator, assistant
32 chief investigator, chief investigator, or director of custody
33 operations I, II, III employed on the effective date of this
34 supplementary act in the Department of Corrections who is enrolled
35 in PERS on that date;

36 (5) any county **【correction】** correctional police officer, county
37 **【correction】** correctional police sergeant, county **【correction】**
38 correctional police lieutenant, county **【correction】** correctional
39 police captain, or county deputy warden employed on the effective
40 date of this supplementary act in the several county jails who is
41 enrolled in PERS on that date;

42 (6) any principal inspector employed on the effective date of
43 this supplementary act in the Alcoholic Beverage Control
44 Enforcement Bureau, Department of Law and Public Safety who is
45 enrolled in PERS on that date;

46 (7) any police officer, police sergeant, or police lieutenant
47 employed on the effective date of this supplementary act in the

1 Department of Human Services who is enrolled in PERS on that
2 date; and

3 (8) any fireman employed on the effective date of this
4 supplementary act by a fire district in which the provisions of
5 P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets
6 the requirements for membership in PFRS as set forth in the
7 definition of "Fireman" in section 1 of that act, as amended and
8 supplemented, and who is enrolled in PERS on that date.

9 b. Any person eligible pursuant to subsection a. of this section
10 to become a member of PFRS may, regardless of age, transfer
11 membership from PERS to PFRS in accordance with the provisions
12 of the law and regulations governing the retirement system relative
13 to interfund transfers by waiving, within 90 days of the effective
14 date of this supplementary act, all rights and benefits which would
15 otherwise be provided by PERS. If an eligible person does not file
16 a timely waiver of PERS benefits, the person's pension status shall
17 remain unchanged and the person's membership shall not be
18 transferred to PFRS. Transfers under this section shall take effect
19 on the first day of the first full calendar month following the
20 effective date of this supplementary act by at least 180 days. PERS
21 shall transmit to PFRS an amount equal to the present value of the
22 benefit under PERS accrued to the date of transfer by each person
23 transferring to PFRS. The service credit accrued in PERS to the
24 date of transfer shall be transferred to PFRS and may be used to
25 meet any service credit requirement for benefits under PFRS. Any
26 benefit of a member who transfers membership from PERS to PFRS
27 under this supplementary act based upon service credit shall be the
28 amount of benefit determined as provided under PFRS based upon
29 the total amount of service credit multiplied by the ratio of the
30 service credit under PFRS from the date of transfer to the total
31 amount of service credit, plus a benefit comparable to a PERS
32 deferred, early or regular service retirement benefit, as appropriate,
33 based upon the age of the member at the time of retirement and the
34 amount of PERS service credit transferred to PFRS, determined as
35 provided under the law and regulations governing PERS for the
36 benefit. The total amount of service credit in PFRS, including the
37 transferred PERS service credit, may be used to meet the service
38 credit requirement for the benefit comparable to a PERS deferred or
39 early retirement benefit, but the benefit shall be calculated only on
40 the transferred PERS service credit.

41 Active and retired death benefits, accidental death benefits, and
42 ordinary and accidental disability retirement benefits for members
43 transferring to PFRS under this supplementary act shall be the
44 benefits provided under PFRS.

45 For members transferring to PFRS under this supplementary act,
46 the widows' or widowers' pensions provided under section 26 of
47 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit
48 determined as provided in section 26 multiplied by the ratio of the

1 service credit under PFRS from the date of transfer to the total
2 amount of service credit. Transferring members shall be entitled to
3 elect optional retirement allowances for the portions of their
4 retirement benefits based upon their PERS service credit as
5 provided under the laws and regulations governing selection of
6 optional retirement allowances under PERS.

7 (cf: P.L.1993, c.247, s.1)

8

9 4. N.J.S.2C:12-1 is amended to read as follows:

10 2C:12-1. Assault. a. Simple assault. A person is guilty of
11 assault if **[he]** the person:

12 (1) Attempts to cause or purposely, knowingly or recklessly
13 causes bodily injury to another; or

14 (2) Negligently causes bodily injury to another with a deadly
15 weapon; or

16 (3) Attempts by physical menace to put another in fear of
17 imminent serious bodily injury.

18 Simple assault is a disorderly persons offense unless committed
19 in a fight or scuffle entered into by mutual consent, in which case it
20 is a petty disorderly persons offense.

21 b. Aggravated assault. A person is guilty of aggravated assault
22 if **[he]** the person:

23 (1) Attempts to cause serious bodily injury to another, or causes
24 **[such]** injury purposely or knowingly or under circumstances
25 manifesting extreme indifference to the value of human life
26 recklessly causes such injury; or

27 (2) Attempts to cause or purposely or knowingly causes bodily
28 injury to another with a deadly weapon; or

29 (3) Recklessly causes bodily injury to another with a deadly
30 weapon; or

31 (4) Knowingly under circumstances manifesting extreme
32 indifference to the value of human life points a firearm, as defined
33 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
34 whether or not the actor believes it to be loaded; or

35 (5) Commits a simple assault as defined in paragraph (1), (2) or
36 (3) of subsection a. of this section upon:

37 (a) Any law enforcement officer acting in the performance of
38 **[his]** the officer's duties while in uniform or exhibiting evidence of
39 **[his]** authority or because of **[his]** the officer's status as a law
40 enforcement officer; or

41 (b) Any paid or volunteer **[fireman]** firefighter acting in the
42 performance of **[his]** the firefighter's duties while in uniform or
43 otherwise clearly identifiable as being engaged in the performance
44 of the duties of a **[fireman]** firefighter; or

45 (c) Any person engaged in emergency first-aid or medical
46 services acting in the performance of **[his]** the person's duties

- 1 while in uniform or otherwise clearly identifiable as being engaged
2 in the performance of emergency first-aid or medical services; or
- 3 (d) Any school board member, school administrator, teacher,
4 school bus driver, or other employee of a public or nonpublic
5 school or school board while clearly identifiable as being engaged
6 in the performance of **【his】** the person's duties or because of **【his】**
7 the person's status as a member or employee of a public or
8 nonpublic school or school board or any school bus driver
9 employed by an operator under contract to a public or nonpublic
10 school or school board while clearly identifiable as being engaged
11 in the performance of **【his】** the person's duties or because of **【his】**
12 the person's status as a school bus driver; or
- 13 (e) Any employee of the Division of Child Protection and
14 Permanency while clearly identifiable as being engaged in the
15 performance of **【his】** the employee's duties or because of **【his】** the
16 status as an employee of the division; or
- 17 (f) Any justice of the Supreme Court, judge of the Superior
18 Court, judge of the Tax Court or municipal judge while clearly
19 identifiable as being engaged in the performance of judicial duties
20 or because of **【his】** the status as a member of the judiciary; or
- 21 (g) Any operator of a motorbus or the operator's supervisor or
22 any employee of a rail passenger service while clearly identifiable
23 as being engaged in the performance of **【his】** the person's duties or
24 because of **【his】** the status as an operator of a motorbus or as the
25 operator's supervisor or as an employee of a rail passenger service;
26 or
- 27 (h) Any Department of Corrections employee, county
28 **【corrections】** correctional police officer, juvenile **【corrections】**
29 correctional police officer, State juvenile facility employee, juvenile
30 detention staff member, juvenile detention officer, probation officer
31 or any sheriff, undersheriff, or sheriff's officer acting in the
32 performance of **【his】** the person's duties while in uniform or
33 exhibiting evidence of **【his】** the person's authority or because of
34 **【his】** the status as a Department of Corrections employee, county
35 **【corrections】** correctional police officer, juvenile **【corrections】**
36 correctional police officer, State juvenile facility employee, juvenile
37 detention staff member, juvenile detention officer, probation
38 officer, sheriff, undersheriff, or sheriff's officer; or
- 39 (i) Any employee, including any person employed under
40 contract, of a utility company as defined in section 2 of P.L.1971,
41 c.224 (C.2A:42-86) or a cable television company subject to the
42 provisions of the "Cable Television Act," P.L.1972, c.186
43 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
44 the performance of **【his】** the employee's duties in regard to
45 connecting, disconnecting, or repairing or attempting to connect,
46 disconnect, or repair any gas, electric, or water utility, or cable
47 television or telecommunication service; or

1 (j) Any health care worker employed by a licensed health care
2 facility to provide direct patient care, any health care professional
3 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
4 the Revised Statutes to practice a health care profession, except a
5 direct care worker at a State or county psychiatric hospital or State
6 developmental center or veterans' memorial home, while clearly
7 identifiable as being engaged in the duties of providing direct
8 patient care or practicing the health care profession; or

9 (k) Any direct care worker at a State or county psychiatric
10 hospital or State developmental center or veterans' memorial home,
11 while clearly identifiable as being engaged in the duties of
12 providing direct patient care or practicing the health care
13 profession, provided that the actor is not a patient or resident at the
14 facility who is classified by the facility as having a mental illness or
15 developmental disability; or

16 (6) Causes bodily injury to another person while fleeing or
17 attempting to elude a law enforcement officer in violation of
18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
19 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
20 other provision of law to the contrary, a person shall be strictly
21 liable for a violation of this paragraph upon proof of a violation of
22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
23 violation of subsection c. of N.J.S.2C:20-10 which resulted in
24 bodily injury to another person; or

25 (7) Attempts to cause significant bodily injury to another or
26 causes significant bodily injury purposely or knowingly or, under
27 circumstances manifesting extreme indifference to the value of
28 human life recklessly causes such significant bodily injury; or

29 (8) Causes bodily injury by knowingly or purposely starting a
30 fire or causing an explosion in violation of N.J.S.2C:17-1 which
31 results in bodily injury to any emergency services personnel
32 involved in fire suppression activities, rendering emergency
33 medical services resulting from the fire or explosion or rescue
34 operations, or rendering any necessary assistance at the scene of the
35 fire or explosion, including any bodily injury sustained while
36 responding to the scene of a reported fire or explosion. For
37 purposes of this paragraph, "emergency services personnel" shall
38 include, but not be limited to, any paid or volunteer **fireman**
39 firefighter, any person engaged in emergency first-aid or medical
40 services and any law enforcement officer. Notwithstanding any
41 other provision of law to the contrary, a person shall be strictly
42 liable for a violation of this paragraph upon proof of a violation of
43 N.J.S.2C:17-1 which resulted in bodily injury to any emergency
44 services personnel; or

45 (9) Knowingly, under circumstances manifesting extreme
46 indifference to the value of human life, points or displays a firearm,
47 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
48 a law enforcement officer; or

1 (10) Knowingly points, displays or uses an imitation firearm, as
2 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
3 law enforcement officer with the purpose to intimidate, threaten, or
4 attempt to put the officer in fear of bodily injury or for any unlawful
5 purpose; or

6 (11) Uses or activates a laser sighting system or device, or a
7 system or device which, in the manner used, would cause a
8 reasonable person to believe that it is a laser sighting system or
9 device, against a law enforcement officer acting in the performance
10 of **[his]** the officer's duties while in uniform or exhibiting evidence
11 of **[his]** the officer's authority. As used in this paragraph, "laser
12 sighting system or device" means any system or device that is
13 integrated with or affixed to a firearm and emits a laser light beam
14 that is used to assist in the sight alignment or aiming of the firearm;
15 or

16 (12) Attempts to cause significant bodily injury or causes
17 significant bodily injury purposely or knowingly or, under
18 circumstances manifesting extreme indifference to the value of
19 human life, recklessly causes significant bodily injury to a person
20 who, with respect to the actor, meets the definition of a victim of
21 domestic violence, as defined in subsection d. of section 3 of
22 P.L.1991, c.261 (C.2C:25-19); or

23 (13) Knowingly or, under circumstances manifesting extreme
24 indifference to the value of human life, recklessly obstructs the
25 breathing or blood circulation of a person who, with respect to the
26 actor, meets the definition of a victim of domestic violence, as
27 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
28 19), by applying pressure on the throat or neck or blocking the nose
29 or mouth of such person, thereby causing or attempting to cause
30 bodily injury.

31 Aggravated assault under paragraphs (1) and (6) of subsection b.
32 of this section is a crime of the second degree; under paragraphs
33 (2), (7), (9) and (10) of subsection b. of this section is a crime of the
34 third degree; under paragraphs (3) and (4) of subsection b. of this
35 section is a crime of the fourth degree; and under paragraph (5) of
36 subsection b. of this section is a crime of the third degree if the
37 victim suffers bodily injury, otherwise it is a crime of the fourth
38 degree. Aggravated assault under paragraph (8) of subsection b. of
39 this section is a crime of the third degree if the victim suffers bodily
40 injury; if the victim suffers significant bodily injury or serious
41 bodily injury it is a crime of the second degree. Aggravated assault
42 under paragraph (11) of subsection b. of this section is a crime of
43 the third degree. Aggravated assault under paragraph (12) or (13)
44 of subsection b. of this section is a crime of the third degree but the
45 presumption of non-imprisonment set forth in subsection e. of
46 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
47 not apply.

1 c. (1) A person is guilty of assault by auto or vessel when the
2 person drives a vehicle or vessel recklessly and causes either
3 serious bodily injury or bodily injury to another. Assault by auto or
4 vessel is a crime of the fourth degree if serious bodily injury results
5 and is a disorderly persons offense if bodily injury results. Proof
6 that the defendant was operating a hand-held wireless telephone
7 while driving a motor vehicle in violation of section 1 of P.L.2003,
8 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
9 was driving recklessly.

10 (2) Assault by auto or vessel is a crime of the third degree if the
11 person drives the vehicle while in violation of R.S.39:4-50 or
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
13 injury results and is a crime of the fourth degree if the person drives
14 the vehicle while in violation of R.S.39:4-50 or section 2 of
15 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

16 (3) Assault by auto or vessel is a crime of the second degree if
17 serious bodily injury results from the defendant operating the auto
18 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
19 c.512 (C.39:4-50.4a) while:

20 (a) on any school property used for school purposes which is
21 owned by or leased to any elementary or secondary school or school
22 board, or within 1,000 feet of such school property;

23 (b) driving through a school crossing as defined in R.S.39:1-1 if
24 the municipality, by ordinance or resolution, has designated the
25 school crossing as such; or

26 (c) driving through a school crossing as defined in R.S.39:1-1
27 knowing that juveniles are present if the municipality has not
28 designated the school crossing as such by ordinance or resolution.

29 Assault by auto or vessel is a crime of the third degree if bodily
30 injury results from the defendant operating the auto or vessel in
31 violation of this paragraph.

32 A map or true copy of a map depicting the location and
33 boundaries of the area on or within 1,000 feet of any property used
34 for school purposes which is owned by or leased to any elementary
35 or secondary school or school board produced pursuant to section 1
36 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
37 subparagraph (a) of paragraph (3) of this subsection.

38 It shall be no defense to a prosecution for a violation of
39 subparagraph (a) or (b) of paragraph (3) of this subsection that the
40 defendant was unaware that the prohibited conduct took place while
41 on or within 1,000 feet of any school property or while driving
42 through a school crossing. Nor shall it be a defense to a prosecution
43 under subparagraph (a) or (b) of paragraph (3) of this subsection
44 that no juveniles were present on the school property or crossing
45 zone at the time of the offense or that the school was not in session.

46 (4) Assault by auto or vessel is a crime of the third degree if the
47 person purposely drives a vehicle in an aggressive manner directed
48 at another vehicle and serious bodily injury results and is a crime of

1 the fourth degree if the person purposely drives a vehicle in an
2 aggressive manner directed at another vehicle and bodily injury
3 results. For purposes of this paragraph, "driving a vehicle in an
4 aggressive manner" shall include, but is not limited to,
5 unexpectedly altering the speed of the vehicle, making improper or
6 erratic traffic lane changes, disregarding traffic control devices,
7 failing to yield the right of way, or following another vehicle too
8 closely.

9 As used in this subsection, "vessel" means a means of
10 conveyance for travel on water and propelled otherwise than by
11 muscular power.

12 d. A person who is employed by a facility as defined in section
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
14 defined in paragraph (1) or (2) of subsection a. of this section upon
15 an institutionalized elderly person as defined in section 2 of
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
17 degree.

18 e. (Deleted by amendment, P.L.2001, c.443).

19 f. A person who commits a simple assault as defined in
20 paragraph (1), (2) or (3) of subsection a. of this section in the
21 presence of a child under 16 years of age at a school or community
22 sponsored youth sports event is guilty of a crime of the fourth
23 degree. The defendant shall be strictly liable upon proof that the
24 offense occurred, in fact, in the presence of a child under 16 years
25 of age. It shall not be a defense that the defendant did not know
26 that the child was present or reasonably believed that the child was
27 16 years of age or older. The provisions of this subsection shall not
28 be construed to create any liability on the part of a participant in a
29 youth sports event or to abrogate any immunity or defense available
30 to a participant in a youth sports event. As used in this act, "school
31 or community sponsored youth sports event" means a competition,
32 practice, or instructional event involving one or more
33 interscholastic sports teams or youth sports teams organized
34 pursuant to a nonprofit or similar charter or which are member
35 teams in a youth league organized by or affiliated with a county or
36 municipal recreation department and shall not include collegiate,
37 semi-professional or professional sporting events.

38 (cf: P.L.2017, c.240, s.1)

39

40 5. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
41 read as follows:

42 2. A person who throws a bodily fluid at a Department of
43 Corrections employee, county **【corrections】** correctional police
44 officer, juvenile **【corrections】** correctional police officer, State
45 juvenile facility employee, juvenile detention staff member,
46 probation officer, any sheriff, undersheriff or sheriff's officer or any
47 municipal, county, or State law enforcement officer while in the
48 performance of **【his】** the person's duties or otherwise purposely

1 subjects such employee to contact with a bodily fluid commits an
2 aggravated assault. If the victim suffers bodily injury, this shall be
3 a crime of the third degree. Otherwise, this shall be a crime of the
4 fourth degree. A term of imprisonment imposed for this offense
5 shall run consecutively to any term of imprisonment currently being
6 served and to any other term imposed for another offense
7 committed at the time of the assault. Nothing herein shall be
8 deemed to preclude, if the evidence so warrants, an indictment and
9 conviction for a violation or attempted violation of chapter 11 of
10 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
11 1 or any other provision of the criminal laws.

12 (cf: P.L.2003, c.283, s.1)

13

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

15 2C:39-6. a. Provided a person complies with the requirements of
16 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

1 (6) A civilian employee of the United States Government under
2 the supervision of the commanding officer of any post, camp,
3 station, base or other military or naval installation located in this
4 State who is required, in the performance of **【his】** the employee's
5 official duties, to carry firearms, and who is authorized to carry
6 firearms by the commanding officer, while in the actual
7 performance of his official duties;

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

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

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

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

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

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

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

6 (11) A county **【corrections】** correctional police officer at all
7 times while in the State of New Jersey, provided **【he】** the officer
8 annually passes an examination approved by the superintendent
9 testing **【his】** the officer's proficiency in the handling of firearms.

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

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

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

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

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

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

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

38 (4) A court attendant appointed by the sheriff of the county or
39 by the judge of any municipal court or other court of this State,
40 while in the actual performance of **【his】** the attendant's official
41 duties;

42 (5) A guard employed by any railway express company, banking
43 or building and loan or savings and loan institution of this State,
44 while in the actual performance of **【his】** the guard's official duties;

45 (6) A member of a legally recognized military organization
46 while actually under orders or while going to or from the prescribed

1 place of meeting and carrying the weapons prescribed for drill,
2 exercise or parade;

3 (7) A humane law enforcement officer of the New Jersey
4 Society for the Prevention of Cruelty to Animals or of a county
5 society for the prevention of cruelty to animals, while in the actual
6 performance of **[his]** the officer's duties;

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

9 (9) A railway policeman, except a transit police officer of the
10 New Jersey Transit Police Department, at all times while in the
11 State of New Jersey, provided that **[he]** the person has passed an
12 approved police academy training program consisting of at least
13 280 hours. The training program shall include, but need not be
14 limited to, the handling of firearms, community relations, and
15 juvenile relations;

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

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

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

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

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

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

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

45 (17) A probation officer assigned to the "Probation Officer
46 Community Safety Unit" created by section 2 of P.L.2001, c.362
47 (C.2B:10A-2) while in the actual performance of the probation
48 officer's official duties. Prior to being permitted to carry a firearm,

1 a probation officer shall take and successfully complete a basic
2 course for regular police officer training administered by the Police
3 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
4 seq.), and shall annually qualify in the use of a revolver or similar
5 weapon prior to being permitted to carry a firearm.

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

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

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

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

34 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
35 N.J.S.2C:39-5 do not apply to the transportation of unloaded
36 antique cannons directly to or from exhibitions or demonstrations
37 authorized under paragraph (4) of subsection d. of this section,
38 provided that the transportation is in compliance with safety
39 regulations the superintendent may promulgate. Those subsections
40 shall not apply to transportation directly to or from exhibitions or
41 demonstrations authorized under the law of another jurisdiction,
42 provided that the superintendent has been given 30 days' notice and
43 that the transportation is in compliance with safety regulations the
44 superintendent may promulgate.

45 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
46 be construed to prevent a person keeping or carrying about his place
47 of business, residence, premises or other land owned or possessed
48 by him, any firearm, or from carrying the same, in the manner

1 specified in subsection g. of this section, from any place of
2 purchase to his residence or place of business, between his dwelling
3 and his place of business, between one place of business or
4 residence and another when moving, or between his dwelling or
5 place of business and place where the firearms are repaired, for the
6 purpose of repair. For the purposes of this section, a place of
7 business shall be deemed to be a fixed location.

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (2) Notwithstanding the provisions of paragraph (1) of this
45 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
46 health inspector or investigator operating pursuant to the provisions
47 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
48 inspector from possessing a device which is capable of releasing

1 more than three-quarters of an ounce of a chemical substance, as
2 described in paragraph (1), while in the actual performance of the
3 inspector's or investigator's duties, provided that the device does not
4 exceed the size of those used by law enforcement.

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

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

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

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

1 the actual costs associated with those semi-annual qualifications,
2 who is 75 years of age or younger, and who was regularly employed
3 as a full-time member of the State Police; a full-time member of an
4 interstate police force; a full-time member of a county or municipal
5 police department in this State; a full-time member of a State law
6 enforcement agency; a full-time sheriff, undersheriff or sheriff's
7 officer of a county of this State; a full-time State correctional police
8 officer or county **【corrections】** correctional police officer; a full-
9 time State or county park police officer; a full-time special agent of
10 the Division of Taxation; a full-time Human Services police officer;
11 a full-time transit police officer of the New Jersey Transit Police
12 Department; a full-time campus police officer exempted pursuant to
13 paragraph (10) of subsection c. of this section; a full-time State
14 conservation officer exempted pursuant to paragraph (4) of
15 subsection a. of this section; a full-time Palisades Interstate Park
16 officer appointed pursuant to R.S.32:14-21; a full-time Burlington
17 County Bridge police officer appointed pursuant to section 1 of
18 P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police
19 officer exempted pursuant to paragraph (16) of subsection c. of this
20 section; a full-time juvenile **【corrections】** correctional police
21 officer exempted pursuant to paragraph (9) of subsection a. of this
22 section; a full-time parole officer exempted pursuant to paragraph
23 (13) of subsection c. of this section; a full-time railway policeman
24 exempted pursuant to paragraph (9) of subsection c. of this section;
25 a full-time county prosecutor's detective or investigator; a full-time
26 federal law enforcement officer; or is a qualified retired law
27 enforcement officer, as used in the federal "Law Enforcement
28 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
29 State from carrying a handgun in the same manner as law
30 enforcement officers exempted under paragraph (7) of subsection a.
31 of this section under the conditions provided herein:

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

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

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

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

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

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

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

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

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

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

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

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

43 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent duly authorized personnel of the New Jersey Division of
45 Fish and Wildlife, while in the actual performance of duties, from
46 possessing, transporting or using any device that projects, releases
47 or emits any substance specified as being non-injurious to wildlife
48 by the Director of the Division of Animal Health in the Department

1 of Agriculture, and which may immobilize wildlife and produces
2 only temporary physical discomfort through being vaporized or
3 otherwise dispensed in the air for the purpose of repelling bear or
4 other animal attacks or for the aversive conditioning of wildlife.

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

21 (cf: P.L.2017, c.293, s.3)

22

23 7. Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read
24 as follows:

25 1. A person shall not be removed from employment or a
26 position as a county **【corrections】** correctional police officer, or
27 suspended, fined or reduced in rank for a violation of the internal
28 rules and regulations established for the conduct of employees of
29 the county corrections department, unless a complaint charging a
30 violation of those rules and regulations is filed no later than the
31 45th day after the date on which the person filing the complaint
32 obtained sufficient information to file the matter upon which the
33 complaint is based. A failure to comply with this section shall
34 require a dismissal of the complaint. The 45-day time limit shall not
35 apply if an investigation of a county **【corrections】** correctional
36 police officer for a violation of the internal rules and regulations of
37 the county corrections department is included directly or indirectly
38 within a concurrent investigation of that officer for a violation of
39 the criminal laws of this State; the 45-day limit shall begin on the
40 day after the disposition of the criminal investigation. The 45-day
41 requirement in this section for the filing of a complaint against a
42 county **【corrections】** correctional police officer shall not apply to a
43 filing of a complaint by a private individual.

44 (cf: P.L.2006, c.54, s.1)

45

46 8. Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to
47 read as follows:

1 2. a. The provisions of any other law to the contrary
2 notwithstanding, the appointing authority of a county correctional
3 facility, be that the governing body of the county pursuant to
4 R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a
5 county correctional police officer any person who:

6 (1) was serving as a county correctional police officer in good
7 standing in any county correctional facility in this State; and

8 (2) satisfactorily completed a working test period in a county
9 correctional police officer title or in a county which has adopted
10 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
11 completed a comparable, documented probationary period in a
12 county correctional title in a county which has not adopted Title
13 11A, Civil Service; and

14 (3) was, for reasons of economy, terminated as a county
15 correctional police officer within 60 months prior to the
16 appointment.

17 b. The appointing authority of a county correctional facility
18 may employ such a person notwithstanding that:

19 (1) Title 11A, Civil Service, of the New Jersey Statutes is
20 operative in that county;

21 (2) the appointing authority has available to it an eligible or
22 regular reemployment list of **【corrections】** correctional police
23 officers eligible for **【such】** appointments; and

24 (3) the appointed person is not on any eligible list. If the county
25 appointing authority is subject to the provisions of Title 11A, Civil
26 Service, it may not employ **【such a】** the person if a special
27 reemployment list is in existence for the county **【corrections】**
28 correctional police officer title to be filled.

29 c. If the county appointing authority determines to appoint a
30 person pursuant to the provisions of this act, it shall give first
31 priority in making **【such】** the appointments to residents of the
32 county.

33 d. The seniority, seniority-related privileges, and rank a county
34 **【corrections】** correctional police officer possessed with the
35 employer who terminated the officer's employment for reasons of
36 economy shall not be transferable to a new position when the
37 officer is appointed to a county **【corrections】** correctional police
38 officer position pursuant to the provisions of this section.

39 (cf: P.L.2010, c.103, s.2)

40
41 9. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to
42 read as follows:

43 2. As used in this act:

44 "Approved school" shall mean a school approved and authorized
45 by the Police Training Commission to give police training courses
46 or a training course for State and county **【corrections】** correctional

1 police officers and juvenile detention officers as prescribed in this
2 act.

3 "Commission" shall mean the Police Training Commission or
4 officers or employees thereof acting on its behalf.

5 "County" shall mean any county which within its jurisdiction has
6 or shall have a law enforcement unit as defined in this act.

7 "Law enforcement unit" shall mean any police force or
8 organization in a municipality or county which has by statute or
9 ordinance the responsibility of detecting crime and enforcing the
10 general criminal laws of this State.

11 "Municipality" shall mean a city of any class, township, borough,
12 village, camp meeting association, or any other type of municipality
13 in this State which, within its jurisdiction, has or shall have a law
14 enforcement unit as defined in this act.

15 "Permanent appointment" shall mean an appointment having
16 permanent status as a police officer in a law enforcement unit as
17 prescribed by Title 11A of the New Jersey Statutes, Civil Service
18 Commission Rules and Regulations, or of any other law of this
19 State, municipal ordinance, or rules and regulations adopted
20 thereunder.

21 "Police officer" shall mean any employee of a law enforcement
22 unit, including sheriff's officers and county investigators in the
23 office of the county prosecutor, other than civilian heads thereof,
24 assistant prosecutors and legal assistants, persons appointed
25 pursuant to the provisions of R.S.40:47-19, persons whose duties do
26 not include any police function, court attendants, State and county
27 **【corrections】** correctional police officers, juvenile **【corrections】**
28 correctional police officers, and juvenile detention officers.

29 (cf: P.L.1995, c.280, s.54)

30

31 10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to
32 read as follows:

33 6. The commission is vested with the power, responsibility and
34 duty:

35 a. To prescribe standards for the approval and continuation of
36 approval of schools at which police training courses authorized by
37 this act and in-service police training courses shall be conducted,
38 including but not limited to **【presently】** currently existing regional,
39 county, municipal, and police chief association police training
40 schools or at which basic training courses and in-service training
41 courses shall be conducted for State and county juvenile and adult
42 **【corrections】** correctional police officers and juvenile detention
43 officers;

44 b. To approve and issue certificates of approval to **【such】** these
45 schools, to inspect **【such】** the schools from time to time, and to
46 revoke any approval or certificate issued to **【such】** the schools;

- 1 c. To prescribe the curriculum, the minimum courses of study,
2 attendance requirements, equipment and facilities, and standards of
3 operation for **[such]** these schools. Courses of study in crime
4 prevention may be recommended to the Police Training
5 Commission by the Crime Prevention Advisory Committee,
6 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The
7 Police Training Commission may prescribe psychological and
8 psychiatric examinations for police recruits while in **[such]** the
9 schools;
- 10 d. To prescribe minimum qualifications for instructors at
11 **[such]** these schools and to certify, as qualified, instructors for
12 approved police training schools and to issue appropriate
13 certificates to **[such]** the instructors;
- 14 e. To certify police officers, **[corrections]** correctional police
15 officers, juvenile **[corrections]** correctional police officers, and
16 juvenile detention officers who have satisfactorily completed
17 training programs and to issue appropriate certificates to **[such]** the
18 police officers, **[corrections]** correctional police officers, juvenile
19 **[corrections]** correctional police officers, and juvenile detention
20 officers;
- 21 f. To advise and consent in the appointment of an
22 administrator of police services by the Attorney General pursuant to
23 section 8 of P.L.1961, c.56 (C.52:17B-73);
- 24 g. (Deleted by amendment, P.L.1985, c.491.
- 25 h. To make **[such]** rules and regulations as may be reasonably
26 necessary or appropriate to accomplish the purposes and objectives
27 of this act;
- 28 i. To make a continuous study of police training methods and
29 training methods for **[corrections]** correctional police officers,
30 juvenile **[corrections]** correctional police officers, and juvenile
31 detention officers and to consult and accept the cooperation of any
32 recognized federal or State law enforcement agency or educational
33 institution;
- 34 j. To consult and cooperate with universities, colleges, and
35 institutes in the State for the development of specialized courses of
36 study for police officers in police science and police administration;
- 37 k. To consult and cooperate with other departments and
38 agencies of the State concerned with police training or the training
39 of **[corrections]** correctional police officers, juvenile **[corrections]**
40 correctional police officers, and juvenile detention officers;
- 41 l. To participate in unified programs and projects relating to
42 police training and the training of **[corrections]** correctional police
43 officers, juvenile **[corrections]** correctional police officers, and
44 juvenile detention officers sponsored by any federal, State, or other
45 public or private agency;

1 m. To perform **【such】** other acts as may be necessary or
2 appropriate to carry out its functions and duties as set forth in this
3 act;

4 n. To extend the time limit for satisfactory completion of police
5 training programs or programs for the training of **【corrections】**
6 correctional police officers, juvenile **【corrections】** correctional
7 police officers, and juvenile detention officers upon a finding that
8 health, extraordinary workload, or other factors have, singly or in
9 combination, effected a delay in the satisfactory completion of
10 **【such】** the training program;

11 o. To furnish approved schools, for inclusion in their regular
12 police training courses and curriculum, with information concerning
13 the advisability of high speed chases, the risk caused **【thereby】** by
14 them, and the benefits resulting **【therefrom】** from them;

15 p. To review and approve new standards and course curricula
16 developed by the Department of Corrections for both basic and in-
17 service training of State and county **【corrections】** correctional
18 police officers and juvenile detention officers. These courses for
19 the State **【corrections】** correctional police officers and juvenile
20 detention officers shall be centrally provided at the Corrections
21 Officers' Training Academy of the Department of Corrections.
22 Courses for the county **【corrections】** correctional police officers
23 and juvenile detention officers shall also be centrally provided at
24 the Corrections Officers' Training Academy unless an off-grounds
25 training program is established by the county. A county may elect
26 to establish and conduct a basic training program for **【corrections】**
27 correctional police officers and juvenile detention officers seeking
28 permanent appointment in that county. The Corrections Officers'
29 Training Academy shall develop the curriculum of the basic
30 training program to be conducted by a county;

31 q. To administer and distribute the monies in the Law
32 Enforcement Officers Training and Equipment Fund established by
33 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make **【such】** rules
34 and regulations for the administration and distribution of the monies
35 as may be necessary or appropriate to accomplish the purpose for
36 which the fund was established.

37 (cf: P.L.1996, c.115, s.6)

38

39 11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended
40 to read as follows:

41 1. As used in this act:

42 "Family" means the spouse, parent, children or other person who
43 pays the funeral expenses of a public safety employee who is killed
44 in the line of duty**【; and】**.

45 "Public safety employee" means a permanent, full-time member
46 of a State, county or municipal law enforcement agency or a county
47 sheriff's office who is statutorily empowered to act for the

1 detection, apprehension, arrest, and conviction of offenders against
2 the laws of this State; an active member in good standing of a paid,
3 part-paid or volunteer fire department or of a duly incorporated first
4 aid, emergency, ambulance or rescue squad; or a State or county
5 correctional police officer.

6 (cf: P.L.2013, c.177, s.1)

7

8 12. This act shall take effect on the first day of the fourth month
9 next following enactment.

10

11

12

STATEMENT

13

14 This bill directs the Civil Service Commission to retitle county
15 corrections officer positions as county correctional police officer
16 positions. The title changes in this bill are to apply to all
17 corrections officers employed by the counties in this State,
18 including counties in which Title 11A, Civil Service, of the New
19 Jersey Statutes, is not operative.

20 The bill further updates statutory references to county
21 corrections officers as county correctional police officers.

22 The bill requires any fees associated with this retitling to be
23 borne by the county corrections officer whose title has been
24 changed. Examples of this fee may include any cost associated with
25 an updated uniform, badge, or equipment as a result of the title
26 change.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3236

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3236.

As amended and reported by the committee, Assembly Bill No. 3236 directs the Civil Service Commission to retitle county corrections officers as county correctional police officers. The amended bill also directs the commission to retitle wardens as county correctional police wardens and deputy wardens as county correctional deputy police wardens.

The title changes in this amended bill are to apply to all corrections officers, wardens, and deputy wardens employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative. This amended bill further updates statutory references to county corrections officers, wardens, and deputy wardens.

The amended bill requires any fees associated with this retitling to be borne by the county corrections officer, warden, or deputy warden whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This amended bill similarly retitles county corrections officers, wardens, and deputy wardens.

As reported by the committee, Assembly Bill No. 3236 is identical to Senate Bill No. 1739 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

1) require the Civil Service Commission to retitle warden positions as county correctional police warden and deputy warden positions as county correctional deputy police warden;

2) update the provisions of N.J.S.2C:39-6 to reflect the changes made by P.L.2017, c.331;

3) remove the section of the bill related to certain retirement beneficiaries; as introduced, this section of the bill was amended to update references to corrections officers as correctional police officers; and

4) make other technical and clarifying amendments.

Governor Murphy Takes Action on Legislation

08/9/2019

TRENTON - Today, Governor Phil Murphy signed the following bills into law:

A312 (Pinkin, Conaway, Giblin, Holley, Danielsen, Mukherji, Wimberly/Vitale, Rice) - Requires certain health care facilities to provide information concerning palliative care and hospice care services.

A841 (Land, Calabrese/Andrzejczak) - Provides for establishment of county college certificate programs to meet needs of certain regional employers.

A1700 (Dancer, Vainieri Huttie, Calabrese/Cruz-Perez, Cunningham) - Expands eligibility criteria for designating certain areas as being in need of redevelopment.

A2004 (Karabinchak, Mazzeo, Pinkin, Coughlin/Diegnan) - Requires municipality to pay certain nonresidential property tax appeal refunds in equal installments over period of three years.

A3937 (DeAngelo, Reynolds-Jackson, Verrelli/Turner) - Allows local government water system employees to reside in all municipalities served by water system.

A4115 (Benson, DeAngelo, Holley/Greenstein) - Clarifies that certain students are eligible for NJ STARS and NJ STARS II scholarship upon initial enrollment at institution of higher education on part-time basis.

A4223 (Johnson, Rooney/Weinberg, Lagana) - Requires State Treasurer to pay county prosecutor's expenses for overseeing certain law enforcement agencies.

A4938 (Tucker, Pinkin, Vainieri Huttie/Ruiz, Greenstein) - Requires DOH to establish "My Life, My Plan" program to support women of childbearing age in developing reproductive life plan.

A5021 (Quijano, Bramnick, Reynolds-Jackson, Pinkin, Downey/Vitale, Kean) - Requires Medicaid coverage for group prenatal care services under certain circumstances.

A5322 (Burzichelli, Milam, Houghtaling, Taliaferro/Sweeney, Oroho, Beach, Andrzejczak) - Establishes program for cultivation, handling, processing, transport, and sale of hemp; repeals New Jersey Industrial Hemp Pilot Program.

A5392 (Quijano, Murphy/Vitale, Scutari) - Establishes new liability standards in sexual abuse lawsuits filed against public entities and public employees.

A5595 (Milam, Houghtaling, Dancer, Wirths/Oroho, Pennacchio) - Expands eligibility for EDA small business loan program to specifically include certain farming operations and qualified dairy farmers.

S601 (Smith, Greenstein/Pinkin, McKeon) - Establishes "New Jersey Solar Panel Recycling Commission."

S781 (Sarlo, O'Scanlon/Giblin, DiMaso, Handlin) - Revises penalties for certain violations of law by public movers and warehousemen.

S984 (Vitale, Singleton/Conaway, Mukherji, Murphy) - Establishes certain requirements, including allowable fees, for provision of medical records to patients, legally authorized representatives, and authorized third parties.

S1109 (Ruiz/Munoz, Quijano) - Renames "Physician Orders for Life-Sustaining Treatment Act" as "Practitioner Orders for Life-Sustaining Treatment Act"; permits physician assistants to sign and modify POLST forms; requires continuing education concerning end-of-life care.

S1739 (Oroho, Andrzejczak/Land, Space, Milam) - Renames county corrections officers as county correctional police officers.

S2807 (Cryan, Cruz-Perez/Pinkin, Moriarty, Zwicker) - Concerns service of food or refreshments on mortuary premises.

S2858 (Gopal, Diegnan/Houghtaling, Downey, Johnson) - Prohibits issuance of certain badges to NJT board members, PANYNJ commissioners, and local and State elected officials.

S3212 (Ruiz, Rice/Pintor Marin, Holley) - Permits municipalities to establish temporary supplemental zoning boards of adjustment to address application backlogs.

S3334 (Diegnan, Vitale/Conaway, Pinkin) - Exempts certain surgical technologists from general educational and training requirements.