



# ***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:**61

**NJSA:**15:8-4

"Fire Police -- Jurisdiction, Training"

**BILL NO:** S402 (Substituted for A2307)

**SPONSOR(S):** Littell

**DATE INTRODUCED:** January 20, 1998

**COMMITTEE:**

***ASSEMBLY:*** ~~~~

***SENATE:***Law and Public Safety

**AMENDED DURING PASSAGE:**Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** June 29, 1998; Re-Enacted July 30, 1998

***SENATE:*** June 25, 1998; Re-Enacted July 30, 1998

**DATE OF APPROVAL:** July 30, 1998

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## **THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 1<sup>st</sup> reprint

(Amendments during passage denoted by superscript numbers)

**S402**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)

**COMMITTEE STATEMENT:**

***ASSEMBLY:****No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

**A2307**

**SPONSORS STATEMENT:** *Yes* (Begins on page 3 of original bill)  
(Bill and Sponsors Statement identical to S402)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *Yes*

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

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**THE FOLLOWING WERE PRINTED:**

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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[First Reprint]

**SENATE, No. 402**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED JANUARY 20, 1998

**Sponsored by:**

**Senator ROBERT E. LITTELL**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Assemblymen Gregg and Garrett**

**SYNOPSIS**

Requires training, expands jurisdiction of fire police.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/1998)**

1 AN ACT concerning fire police and amending R.S.15:8-4.

2

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

5

6 1. R.S.15:8-4 is amended to read as follows:

7 15:8-4. Any duly organized volunteer fire company may provide for  
8 the appointment of certain of its members to perform certain police  
9 duties at fires and fire drills, for a term of office not exceeding five  
10 years from the date of the appointment. **[Such]** The appointed  
11 members shall, before entering upon their duties, qualify by:

12 (1) Successfully completing a basic fire police training course  
13 formulated or approved by the Division of Fire Safety.

14 (2) **[taking]** Taking and subscribing an oath that they will justly,  
15 impartially and faithfully discharge their duties according to the best  
16 of their ability and understanding. **[Said]** The oath shall be  
17 administered by the municipal clerk and subscribed to in duplicate. The  
18 original copy of **[said]** the oath shall be filed with the municipal clerk  
19 and the copy thereof filed with the secretary of the fire company  
20 making **[such]** the appointment.

21 After appointment, a qualified member shall be eligible as a fire  
22 police officer and shall have full power and authority to act as **[such]**  
23 a fire police officer anywhere in the county in which he is appointed or  
24 in any other county in which he is called upon to act.

25 It shall be the duty of a member of the fire police to perform his  
26 duties under the supervision of the fire officer in charge of the fire or  
27 fire drill <sup>1</sup> **[.]**, until the arrival of a duly authorized police officer, who  
28 shall assume responsibility for the supervision of the performance of  
29 traffic duties, preservation of evidence and all other law enforcement  
30 duties. Nothing in this paragraph shall diminish the powers of the  
31 chief or other superior officer of any volunteer fire company in the  
32 exercise of his duties pursuant to section 1 of P.L.1981, c.435  
33 (C.40A:14-54.1).<sup>1</sup>

34 The duties of said fire police subject to the supervision aforesaid  
35 shall be to:

36 (1) Protect property and contents.

37 (2) Establish and maintain fire lines.

38 (3) Perform such traffic duties as necessary, from the fire station  
39 to and at the vicinity of the fire, fire drill or other emergency call,  
40 <sup>1</sup> until the arrival of a duly authorized police officer<sup>1</sup> or at any public

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate amendments adopted in accordance with Governor's recommendations July 30, 1998.

1 event where fire police services may be requested to protect the  
2 public. <sup>1</sup> **【until the arrival of a duly authorized police officer】** subject  
3 to the approval of and supervision by the chief law enforcement  
4 officer of the municipality in which the public event takes place, or the  
5 Superintendent of State Police if the municipality does not have a  
6 police department<sup>1</sup>.

7 (4) In the absence of investigating authorities, fire police shall  
8 investigate all causes of fires and preserve all evidence pertaining to  
9 questionable fires and turn evidence over to proper investigating  
10 authorities.

11 (5) Wear the authorized fire police badge on the left breast of the  
12 outermost garment while on duty.

13 Provided, however, nothing herein contained shall give the fire  
14 police or any of them the right to supersede a duly authorized police  
15 officer.

16 If any person shall unreasonably refuse to obey the orders of the fire  
17 police, **【such】** a fire police officer may arrest him and keep him under  
18 arrest until the fire is extinguished or the drill completed. If the  
19 offender is found guilty by a municipal court or Superior Court, he  
20 shall be sentenced to pay a fine not exceeding **【\$200.00】** \$200 and  
21 costs.

22 (cf: P.L.1991, c.91, s.230)

23

24 2. This act shall take effect immediately, but the training  
25 requirement shall apply only to fire police officers initially appointed  
26 on or after the effective date.

# SENATE, No. 402

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 20, 1998

**Sponsored by:**

**Senator ROBERT E. LITTELL**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Assemblymen Gregg and Garrett**

**SYNOPSIS**

Requires training, expands jurisdiction of fire police.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/1998)**

S402 LITTELL

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2

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7 15:8-4. Any duly organized volunteer fire company may provide for  
8 the appointment of certain of its members to perform certain police  
9 duties at fires and fire drills, for a term of office not exceeding five  
10 years from the date of the appointment. **[Such]** The appointed  
11 members shall, before entering upon their duties, qualify by:

12 (1) Successfully completing a basic fire police training course  
13 formulated or approved by the Division of Fire Safety.

14 (2) **[taking]** Taking and subscribing an oath that they will justly,  
15 impartially and faithfully discharge their duties according to the best  
16 of their ability and understanding. **[Said]** The oath shall be  
17 administered by the municipal clerk and subscribed to in duplicate. The  
18 original copy of **[said]** the oath shall be filed with the municipal clerk  
19 and the copy thereof filed with the secretary of the fire company  
20 making **[such]** the appointment.

21 After appointment, a qualified member shall be eligible as a fire  
22 police officer and shall have full power and authority to act as **[such]**  
23 a fire police officer anywhere in the county in which he is appointed or  
24 in any other county in which he is called upon to act.

25 It shall be the duty of a member of the fire police to perform his  
26 duties under the supervision of the fire officer in charge of the fire or  
27 fire drill.

28 The duties of said fire police subject to the supervision aforesaid  
29 shall be to:

30 (1) Protect property and contents.

31 (2) Establish and maintain fire lines.

32 (3) Perform such traffic duties as necessary, from the fire station  
33 to and at the vicinity of the fire, fire drill or other emergency call, or  
34 at any public event where fire police services may be requested to  
35 protect the public, until the arrival of a duly authorized police officer.

36 (4) In the absence of investigating authorities, fire police shall  
37 investigate all causes of fires and preserve all evidence pertaining to  
38 questionable fires and turn evidence over to proper investigating  
39 authorities.

40 (5) Wear the authorized fire police badge on the left breast of the  
41 outermost garment while on duty.

42 Provided, however, nothing herein contained shall give the fire

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

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S402 LITTELL

1 police or any of them the right to supersede a duly authorized police  
2 officer.

3 If any person shall unreasonably refuse to obey the orders of the fire  
4 police, ~~such~~ a fire police officer may arrest him and keep him under  
5 arrest until the fire is extinguished or the drill completed. If the  
6 offender is found guilty by a municipal court or Superior Court, he  
7 shall be sentenced to pay a fine not exceeding ~~[\$200.00]~~ \$200 and  
8 costs.

9 (cf: P.L.1991, c.91, s.230)

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11 2. This act shall take effect immediately, but the training  
12 requirement shall apply only to fire police officers initially appointed  
13 on or after the effective date.

14

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16

STATEMENT

17

18 This bill authorizes fire police to perform traffic duties at public  
19 events where their services may be requested to protect the public.  
20 Currently, fire police are specifically authorized to perform traffic  
21 duties from the fire station to, and at the vicinity of, a fire, fire drill or  
22 other emergency call, such as at the scene of a motor vehicle accident,  
23 downed wires, malfunctioning traffic signals or flooded roads, until the  
24 arrival of a duly authorized police officer. Under the bill, fire police  
25 would also be authorized to provide crowd control services when  
26 requested to do so at public events, including, but not limited to,  
27 parades, fireworks displays, fairs, field days and dedications of fire  
28 apparatus, equipment and buildings.

29 The bill would also require all members of a volunteer fire company  
30 appointed to the fire police to successfully complete a basic fire police  
31 officer training course before commencing their duties. The course  
32 would be required to be formulated or approved by the Division of  
33 Fire Safety in the Department of Community Affairs. A basic fire  
34 police officer training course has been developed by the division and  
35 is currently being offered on a voluntary basis.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 402**

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 1998

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 402.

This bill authorizes fire police to perform traffic duties at public events where their services may be requested to protect the public. Currently, fire police are specifically authorized to perform traffic duties from the fire station to, and at the vicinity of, a fire, fire drill or other emergency call, such as at the scene of a motor vehicle accident, downed wires, malfunctioning traffic signals or flooded roads, until the arrival of a duly authorized police officer. Under the bill, fire police would also be authorized to provide crowd control services when requested to do so at public events, such as parades, fireworks displays, fairs, field days and dedications of fire apparatus, equipment and buildings. It is the committee's understanding that fire police currently provide these services.

The bill would also require all members of a volunteer fire company appointed to the fire police to successfully complete a basic fire police officer training course before commencing their duties. The course would be required to be formulated or approved by the Division of Fire Safety in the Department of Community Affairs. A basic fire police officer training course has been developed by the division and is currently being offered on a voluntary basis.

## FISCAL NOTE

### **SENATE, No. 402**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: JULY 20, 1998

Senate Bill No. 402 of 1998 authorizes fire police to perform traffic duties at public events where their services may be requested to protect the public. Currently, fire police are specifically authorized to perform traffic duties from the fire station to, and at the vicinity of, a fire, fire drill or other emergency call, such as at the scene of a motor vehicle accident, downed wires, malfunctioning traffic signals or flooded roads, until the arrival of a duly authorized police officer. Under the bill, fire police would also be authorized to provide crowd control services when requested to do so at public events, including, but not limited to, parades, fireworks displays, fairs, field days and dedications of fire apparatus, equipment and buildings.

The bill would also require all members of a volunteer fire company appointed to the fire police to successfully complete a basic fire police officer training course before commencing their duties. The course would be required to be formulated or approved by the Division of Fire Safety in the Department of Community Affairs.

The Department of Community Affairs in its fiscal note to this bill indicates that there is no State fiscal impact to implementing this initiative because a basic fire police officer training course has been developed by the Division of Fire Safety and is currently being offered on a voluntary basis free-of-charge by the Department of Community Affairs. The Office of Legislative Services (OLS) concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 2307

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 29, 1998

**Sponsored by:**

**Assemblyman GUY R. GREGG**

**District 24 (Sussex, Hunterdon and Morris)**

**Assemblyman E. SCOTT GARRETT**

**District 24 (Sussex, Hunterdon and Morris)**

**SYNOPSIS**

Requires training, expands jurisdiction of fire police.

**CURRENT VERSION OF TEXT**

As introduced.



A2307 GREGG, GARRETT

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#### STATEMENT

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33 Fire Safety in the Department of Community Affairs. A basic fire  
34 police officer training course has been developed by the division and  
35 is currently being offered on a voluntary basis.

**State of New Jersey**  
Executive Department

July 30, 1998

**SENATE BILL NO. 402**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 402 with my recommendations for reconsideration.

**A. Summary of Bill**

This bill amends N.J.S.A. 15:8-4 by expanding the authority of fire police to control crowds and traffic at public events and mandating fire police training offered by the Division of Fire Safety.

Fire police are certain designated members of organized volunteer fire companies who perform certain police duties at fires or fire drills, such as protecting property, maintaining fire lines and performing traffic duties at the fire station or fire scene. This bill would allow fire police to perform crowd control and traffic duties at public events under certain circumstances. The bill also mandates that the fire police take a two-day course approved by the Division of Fire Safety in the Department of Community Affairs. This course is presently being offered on a volunteer basis at no charge.

**B. Recommended Action**

I recognize the value and experience that fire police can offer to a county or municipality, but I am concerned that the bill does not clearly delineate the authority and respective responsibilities between the police and fire departments. To address this concern, I am proposing amendments to clarify that a duly authorized police officer shall approve and supervise the fire police officers' duties in appropriate circumstances, but shall not diminish the statutory powers of a fire police officer in the performance of his fire management duties as outlined in N.J.S.A. 40A:14-54.1.

Therefore, I herewith return Senate Bill No. 402 and recommend that it be amended as follows:

Page 2, Line 27:

Delete "." after "drill" and insert ", until the arrival of a duly authorized police officer, who shall assume responsibility for the supervision of the performance of traffic duties, preservation of evidence and all other law enforcement duties.  
Nothing in this paragraph shall

**State of New Jersey**  
Executive Department

diminish the powers of the chief or other superior officer of any volunteer fire company in the exercise of his duties pursuant to section 1 of P.L. 1981, c.435 (C.40A:14-54.1)."

Page 3, Line 33:

After "call," insert "until the arrival of a duly authorized police officer,".

Page 2, Line 35:

Delete "until the arrival of a duly authorized police officer."

Page 2, Line 35:

After "public," insert "subject to the approval of and supervision by the chief law enforcement officer of the municipality in which the public event takes place, or the Superintendent of State Police if the municipality does not have a police department."

Respectfully,  
/s/ Christine Todd Whitman  
GOVERNOR

[seal]

Attest:  
/s/ John J. Farmer, Jr.  
Chief Counsel to the Governor

(This document was created by Edith Beckett from copy provided by the staff of the Governor's Office.)

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
Wendi Patella  
609-777-2600

RELEASE: July 31, 1998

Gov. Christie Whitman today signed the following pieces of legislation:

**S-953**, sponsored by Senator Norman Robertson (R- Essex/Passaic) and Assemblywoman Marion Crecco (R-Essex/Passaic), makes certain members of the Police and Firemen's Retirement System eligible for disability retirement benefits if the officer dies before applying for retirement. The bill will benefit the widow of Robert Stengo, a policeman with 18 years of service in Bloomfield, who died of lung failure due to a rare medical condition. The bill will allow his widow to receive disability retirement benefits, rather than the ordinary death benefits, which are lower.

**S-402**, sponsored by Senator Robert Littell (R- Sussex/Hunterdon/Morris) and Assembly Members Guy Gregg and Scott Garrett (both R- Sussex/Hunterdon/Morris), would expand the authority of fire police, who are members of volunteer companies, to control traffic and crowds at public events. The bill was modified by the Governor to clarify that duly authorized police officers would have supervisory authority over fire police in crowd control situations.

**S-1252**, sponsored by Senator Peter Inverso (R- Mercer/Middlesex) and Assembly Member Leonard Lance (R- Warren/Hunterdon/Mercer), directs the Commissioner of Personnel to establish application fees for law enforcement officer and firefighter exams. The bill increases the application fee for open competitive and promotional examinations from \$5 to the actual cost of administering and scoring the test.