

# 40A:9-117.2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 149

**NJSA:** 40A:9-117.2 (Authorizes appointment of unpaid deputy sheriffs)

**BILL NO:** S330 (Substituted for A1448)

**SPONSOR(S):** Sarlo and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:**  
**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 17, 2004

**SENATE:** May 20, 2004

**DATE OF APPROVAL:** September 14, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) 2<sup>nd</sup> reprint enacted

**S330**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**A1448**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 149, *approved September 14, 2004*  
Senate, No. 330 (*Second Reprint*)

1 AN ACT concerning uncompensated deputy sheriffs and amending  
2 P.L.1975, c.272.

3

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

6

7 1. Section 1 of P.L.1975, c.272 (C.40A:9-117.2) is amended to  
8 read as follows:

9 1. In addition to the deputies authorized to be appointed pursuant  
10 to N.J.S.40A:9-117, the sheriff of any county <sup>1</sup>[having a population  
11 of more than ~~[850,000]~~ 250,000 inhabitants, according to the latest  
12 federal decennial census,]<sup>1</sup> may designate and appoint <sup>2</sup>deputy  
13 sheriffs<sup>2</sup> to serve at the pleasure of the sheriff without compensation  
14 <sup>2</sup>[up to]. The sheriff may appoint the lesser of either<sup>2</sup> 85 <sup>2</sup>[persons  
15 to the positions of deputy sheriffs] deputy sheriffs or one deputy  
16 sheriff for every 10,000 inhabitants of the county, according to the  
17 latest federal decennial census. At the time of or prior to their  
18 appointment, all deputy sheriffs shall have completed an appropriate  
19 course of training approved by the Police Training Commission<sup>2</sup>. As  
20 an auxiliary force of the sheriff's office, they shall assist in providing  
21 for the health, safety and welfare of the people of the State of New  
22 Jersey and aid in the prevention of damage to and the destruction of  
23 property during any emergency and such other duties as may be  
24 prescribed and directed by the sheriff.

25 <sup>1</sup>No sheriff <sup>2</sup>[who has been empowered to appoint deputy sheriffs  
26 pursuant to the provisions of P.L. c. (now pending before the  
27 Legislature as this bill) shall appoint such deputy sheriffs] shall  
28 appoint or continue the designation of any deputy sheriff pursuant to  
29 this section<sup>2</sup> unless the governing body of the county shall appropriate  
30 moneys for the entire cost of effecting and maintaining insurance with  
31 any insurance company authorized to do business in this State for acts  
32 or omissions committed by such deputy sheriffs in the course of their  
33 official duties.<sup>1</sup>

34 (cf: P.L.1981, c.462, s.47)

35

36 2. This act shall take effect immediately.

37

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39

40

41 Authorizes appointment of unpaid deputy sheriffs in certain counties.

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 SLP committee amendments adopted March 1, 2004.

<sup>2</sup> Senate floor amendments adopted March 29, 2004.

# SENATE, No. 330

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

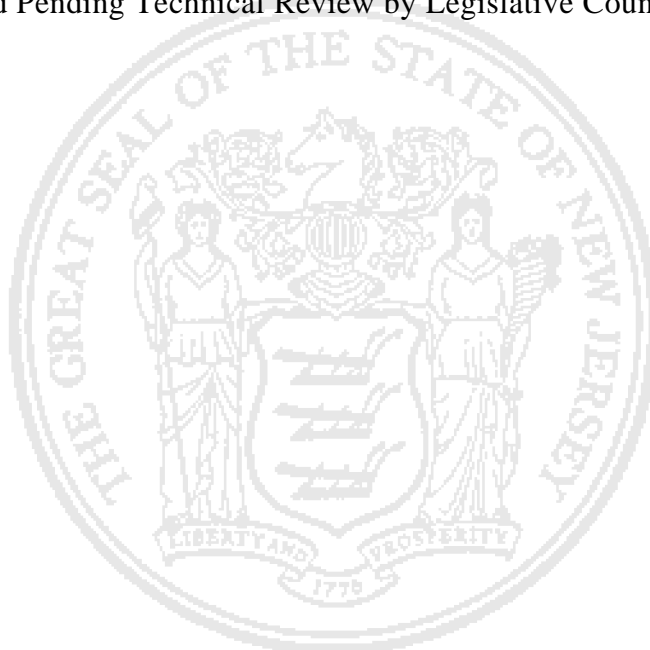
**Senator Sacco**

**SYNOPSIS**

Authorizes appointment of unpaid deputy sheriffs in certain counties.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/2/2004)**

1 AN ACT concerning uncompensated deputy sheriffs and amending  
2 P.L.1975, c.272.

3

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

6

7 1. Section 1 of P.L.1975, c.272 (C.40A:9-117.2) is amended to  
8 read as follows:

9 1. In addition to the deputies authorized to be appointed pursuant  
10 to N.J.S.40A:9-117, the sheriff of any county having a population of  
11 more than **[850,000]** 250,000 inhabitants, according to the latest  
12 federal decennial census, may designate and appoint to serve at the  
13 pleasure of the sheriff without compensation up to 85 persons to the  
14 positions of deputy sheriffs. As an auxiliary force of the sheriff's  
15 office, they shall assist in providing for the health, safety and welfare  
16 of the people of the State of New Jersey and aid in the prevention of  
17 damage to and the destruction of property during any emergency and  
18 such other duties as may be prescribed and directed by the sheriff.  
19 (cf: P.L.1981, c.462, s.47)

20

21 2. This act shall take effect immediately.

22

23

24

#### STATEMENT

25

26 This bill would authorize the sheriff of any county with a population  
27 over 250,000 to designate and appoint up to 85 persons to serve on an  
28 unpaid auxiliary force of deputy sheriffs. To be eligible for  
29 appointment, an individual must have completed an appropriate course  
30 of training approved by the police training commission. This measure  
31 will provide an additional layer of protection for New Jersey  
32 communities located in the more populous counties during times of  
33 emergency.

**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.**

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 330**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 1, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 330.

As amended and released by the committee, this bill would authorize county sheriffs to designate and appoint up to 85 persons to serve on an unpaid auxiliary force of deputy sheriffs. Under current law, sheriffs in counties with a population of more than 850,000 may appoint these auxiliary deputy sheriffs. To be eligible for appointment, an individual must have completed an appropriate course of training approved by the police training commission.

The committee amended the bill so that all county sheriffs would be authorized to make these appointments. As introduced, the bill authorized sheriffs in counties with a population of over 250,000 to make such appointments. In addition, the committee amended the bill to provide that sheriffs who have been empowered to appoint deputy sheriffs pursuant to the bill's provisions would not be permitted to appoint those deputy sheriffs unless the governing body of the county appropriates moneys for the entire cost of effecting and maintaining liability insurance for acts or omissions committed by those deputy sheriffs in the course of their official duties.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# STATEMENT TO

[First Reprint]

## **SENATE, No. 330**

with Senate Floor Amendments  
(Proposed By Senator SARLO)

ADOPTED: MARCH 29, 2004

Senate Bill No. 330 (1R) authorizes county sheriffs to designate and appoint up to 85 persons to serve on an unpaid auxiliary force of deputy sheriffs. Under current law, sheriffs in counties with a population of more than 850,000 may appoint these auxiliary deputy sheriffs.

This Senate amendment provides that county sheriffs may appoint the lesser of either 85 deputy sheriffs or one deputy sheriff for every 10,000 inhabitants, according to the latest federal decennial census. The amendments further clarify that all deputy sheriffs, at the time of or prior their appointment, must have completed an appropriate course of training approved by the Police Training Commission.

The amendments further provide that no sheriff is to appoint or continue the designation of any deputy sheriff unless the governing body of the county appropriates moneys for the entire cost of effecting and maintaining insurance with any insurance company authorized to do business in this State for acts or omissions committed by such deputy sheriffs in the course of their official duties. As reported by the Senate Law and Public Safety Committee and Veterans' Affairs Committee, the insurance requirement was applicable to county sheriffs empowered to appoint deputy sheriffs after the bill's effective date.

# ASSEMBLY, No. 1448

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Assemblyman Steele**

**SYNOPSIS**

Authorizes appointment of unpaid deputy sheriffs in certain counties.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/27/2004)**



**A1448 SCALERA**

2

1 **AN ACT** concerning uncompensated deputy sheriffs and amending  
2 P.L.1975, c.272.

3

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

6

7 1. Section 1 of P.L.1975, c.272 (C.40A:9-117.2) is amended to  
8 read as follows:

9 1. In addition to the deputies authorized to be appointed pursuant  
10 to N.J.S.40A:9-117, the sheriff of any county having a population of  
11 more than ~~[850,000]~~250,000 inhabitants, according to the latest  
12 federal decennial census, may designate and appoint to serve at the  
13 pleasure of the sheriff without compensation up to 85 persons to the  
14 positions of deputy sheriffs. As an auxiliary force of the sheriff's  
15 office, they shall assist in providing for the health, safety and welfare  
16 of the people of the State of New Jersey and aid in the prevention of  
17 damage to and the destruction of property during any emergency and  
18 such other duties as may be prescribed and directed by the sheriff.  
19 (cf: P.L.1981, c.462, s.47)

20

21 2. This act shall take effect immediately.

22

23

24

**STATEMENT**

25

26 This bill would authorize the sheriff of any county with a population  
27 over 250,000 to designate and appoint up to 85 persons to serve on an  
28 unpaid auxiliary force of deputy sheriffs. To be eligible for  
29 appointment, an individual must have completed an appropriate course  
30 of training approved by the police training commission. This measure  
31 will provide an additional layer of protection for New Jersey  
32 communities located in the more populous counties during times of  
33 emergency.

**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.**

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1448**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 3, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1448 with committee amendments. This bill, as amended, would authorize the sheriff of any county to designate and appoint the lesser of 85 persons or one deputy sheriff for every 10,000 inhabitants of the county to serve on an unpaid auxiliary force of deputy sheriffs. Under current law, sheriffs in counties with a population of more than 850,000 may appoint these auxiliary deputy sheriffs. To be eligible for appointment, an individual must have completed an appropriate course of training approved by the police training commission. The additional appointments will provide an additional layer of protection for New Jersey communities located in the more populous counties during times of emergency, or allow them to appoint persons who have a certain expertise, such as bomb detonation, to assist the sheriff.

Committee amendments

The committee amendments provide that county sheriffs may appoint the lesser of either 85 deputy sheriffs or one deputy sheriff for every 10,000 inhabitants, according to the latest federal decennial census. The amendments further clarify that all deputy sheriffs, at the time of or prior their appointment, must have completed an appropriate course of training approved by the Police Training Commission.

The amendments further provide that no sheriff is to appoint or continue the designation of any deputy sheriff without the approval of the governing body of the county.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 1448**

with Assembly Floor Amendments  
(Proposed By Assemblyman SCALERA)

ADOPTED: JUNE 10, 2004

These amendments require that a county sheriff shall not appoint or continue the designation of any deputy sheriff unless the governing body of the county shall appropriate moneys for the entire cost of effecting and maintaining insurance with any insurance company authorized to do business in this State for acts or omissions committed by those deputy sheriffs in the course of their official duties. These amendments remove the requirement that the county governing body must approve the appointment or continued designation of a deputy sheriff.