

52:17B-4.4

LEGISLATIVE HISTORY CHECKLIST

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(Body Armor Replacement--fund)

NJSA: 52:17B-4.4; 39:5-41

LAWS OF: 1997 **CHAPTER:** 177

BILL NO: A1856

SPONSOR(S): Blee and others

DATE INTRODUCED: May 2, 1996

COMMITTEE: **ASSEMBLY:** Law & Public Safety; Appropriations
SENATE: Budget

AMENDED DURING PASSAGE: Yes Amendments during passage
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** May 8, 1997
SENATE: June 26, 1997

DATE OF APPROVAL: July 31, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
adopted 3-13-97

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 12-16-96 & 3-3-97
SENATE:

FISCAL NOTE: Yes

VETO MESSAGE:

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: Yes

See attached:
974.90 New Jersey. Law Enforcement Officers Study Commission.
P766 Final report..., October 26, 1995.
1995

See attached:
"Vests for prison guards on order," 8-1-97, Atlantic City Press.

KBP:pp

[Passed Both Houses]

[Third Reprint]

ASSEMBLY, No. 1856

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblymen BLEE, T. SMITH, LeFevre, Assemblywoman Crecco, Assemblymen Holzapfel, Zecker, Assemblywoman Farragher, Assemblymen Steele, O'Toole, Bucco, Assemblywoman Heck, Assemblyman Talarico, Assemblywoman Pou, Senators Inverso, Cafiero, Sinagra, Bubba, Matheussen, Kosco, Kyrillos and Gormley

1 AN ACT establishing a grant program to provide body vests for certain
2 law enforcement officers, supplementing chapter 17B of Title 52 of
3 the Revised Statutes and amending R.S.39:5-41.

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

7
8 1. (New section) There is created in the Department of Law and
9 Public Safety a nonlapsing revolving fund to be known as the "Body
10 Armor Replacement" fund. This fund shall be the repository for
11 moneys provided pursuant to subsection d. of R.S.39:5-41 and shall
12 be administered by the Attorney General. Moneys deposited in the
13 fund, and any interest earned thereon, shall be used exclusively for the
14 purpose of making grants to local law enforcement agencies ², the
15 Division of State Police and the Department of Corrections² for the
16 purchase of body vests for the law enforcement officers ² and
17 corrections officers² of those agencies. ³ Of the moneys deposited
18 into the fund, an amount not to exceed \$75,000 shall be allocated
19 annually to the Department of Law and Public Safety exclusively for
20 the administration of the grant program.³

21 The grant program shall be designed to effectuate a five-year vest
22 replacement cycle, to the extent practicable, for local law enforcement

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:

¹ Assembly ALP committee amendments adopted December 16, 1996.

² Assembly floor amendments adopted March 13, 1997.

³ Senate SBA committee amendments adopted June 12, 1997.

1 officers ², the officers and troopers of the State Police and State
 2 corrections officers². The Attorney General shall provide for the
 3 distribution of the initial grants in a manner which is conducive to
 4 establishing a balance among the number of local law enforcement
 5 officers who are eligible for vest replacement grants in each year of the
 6 five year cycle. ²In the same manner and to the greatest extent
 7 practicable, the Attorney General shall establish a grant distribution
 8 schedule for the officers and troopers of the State Police that provides
 9 for a balance among the number of officers and troopers receiving vest
 10 replacements in each year of the five year cycle. In establishing a
 11 distribution schedule for State corrections officers, the Attorney
 12 General shall give first priority to those State corrections officers
 13 assigned inmate supervision and control responsibilities in the State's
 14 maximum security correctional facilities and second priority to those
 15 officers assigned inmate supervision and control responsibilities in the
 16 State's medium security correctional facilities. The distribution
 17 schedule for State corrections officers shall be based on a five year
 18 cycle, but need not provide for a balance among the number of officers
 19 receiving vests in each year of the five year cycle.²

20 The Attorney General shall promulgate rules and regulations to
 21 implement this grant program. Those rules and regulations shall
 22 include, but not be limited to ³[.]³ application procedures for local
 23 law enforcement agencies seeking vest replacement grants; criteria ,
 24 such as crime rates and the age and condition of the body vests
 25 currently utilized by a local law enforcement agency's officers, to
 26 prioritize the awarding of grants; and guidelines identifying those body
 27 vests, by manufacturer or brand name, which may be purchased with
 28 grant moneys. ³ [²The schedules governing the distribution of vests
 29 to the officers and troopers of the State Police and State corrections
 30 officers shall be developed in consultation with the Superintendent of
 31 State Police and the Commissioner of Corrections.²]³

32 As used in this section, "body vest" means bullet resistant body
 33 armor which is intended to provide ballistic and trauma protection.
 34

35 2. R.S.39:5-41 is amended to read as follows:

36 39:5-41. a. All fines, penalties and forfeitures imposed and
 37 collected under authority of law for any violations of R.S.39:4-63 and
 38 R.S.39:4-64 shall be forwarded by the judge to whom the same have
 39 been paid to the proper financial officer of a county, if the violation
 40 occurred within the jurisdiction of that county's central municipal
 41 court, established pursuant to N.J.S.2B:12-1 et seq. or the
 42 municipality wherein the violation occurred, to be used by the county
 43 or municipality to help finance litter control activities in addition to or
 44 supplementing existing litter pickup and removal activities in the
 45 municipality.

46 b. Except as otherwise provided by subsection a. of this section, all

1 fines, penalties and forfeitures imposed and collected under authority
2 of law for any violations of the provisions of this Title, other than
3 those violations in which the complaining witness is the director, a
4 member of his staff, a member of the State Police, a member of a
5 county police department and force or a county park police system in
6 a county that has established a central municipal court, an inspector of
7 the Board of Public Utilities, or a law enforcement officer of any other
8 State agency, shall be forwarded by the judge to whom the same have
9 been paid as follows: one-half of the total amount collected to the
10 financial officer, as designated by the local governing body, of the
11 respective municipalities wherein the violations occurred, to be used
12 by the municipality for general municipal use and to defray the cost of
13 operating the municipal court; and one-half of the total amount
14 collected to the proper financial officer of the county wherein they
15 were collected, to be used by the county as a fund for the
16 construction, reconstruction, maintenance and repair of roads and
17 bridges, snow removal, the acquisition and purchase of rights-of-way,
18 and the purchase, replacement and repair of equipment for use on said
19 roads and bridges therein. Up to 25% of the money received by a
20 municipality pursuant to this subsection, but not more than the actual
21 amount budgeted for the municipal court, whichever is less, may be
22 used to upgrade case processing.

23 All fines, penalties and forfeitures imposed and collected under
24 authority of law for any violations of the provisions of this Title, in
25 which the complaining witness is a member of a county police
26 department and force or a county park police system in a county that
27 has established a central municipal court, shall be forwarded by the
28 judge to whom the same have been paid to the financial officer,
29 designated by the governing body of the county, for all violations
30 occurring within the jurisdiction of that court, to be used for general
31 county use and to defray the cost of operating the central municipal
32 court.

33 Whenever any county has deposited moneys collected pursuant to
34 this section in a special trust fund in lieu of expending the same for the
35 purposes authorized by this section, it may withdraw from said special
36 trust fund in any year an amount which is not in excess of the amount
37 expended by the county over the immediately preceding three-year
38 period from general county revenues for said purposes. Such moneys
39 withdrawn from the trust fund shall be accounted for and used as are
40 other general county revenues.

41 c. (Deleted by amendment, PL, 1993, c. 293.)

42 d. Notwithstanding the provisions of subsection a. and b. of this
43 section, \$1.00 shall be added to the amount of each fine ³[.] and³
44 penalty ³[and forfeiture]³ imposed and collected [by a judge] ³
45 under authority of any law for any violation of the provisions of Title
46 39 of the Revised Statutes or any other motor vehicle or traffic

1 violation in this State and shall be forwarded by the ³[judge] person³
2 to whom the same are paid to the State Treasurer ¹[for deposit].
3 ²[From those moneys, the] ³In addition, upon the forfeiture of bail,
4 \$1.00 of that forfeiture shall be forwarded to the State Treasurer. ³
5 The State Treasurer shall annually deposit those moneys so forwarded
6 in the "Body Armor Replacement" fund established pursuant to section
7 1 of P.L. , c. (C.) (now pending before the Legislature as this
8 bill). Beginning in ³the³ fiscal year next following the effective date
9 of this act, the² State Treasurer annually shall allocate ²[the first]
10 from those moneys so forwarded an amount not to exceed² \$250,000
11 ²[so received] ² to the Department of Personnel to be expended
12 exclusively for the purposes of funding the operation of the "Law
13 Enforcement Officer Crisis Intervention Services" telephone hotline
14 established and maintained under the provisions of P.L. , c. ,
15 (C.)(now pending before the Legislature as Assembly, No. 806 of
16 1996). ²[The remainder of the moneys so forwarded shall be
17 deposited by the State Treasurer¹ in the "Body Armor Replacement"
18 fund established pursuant to section 1 of PL. , c. (C.)(now
19 pending before the Legislature as this bill).]²
20 (cf: P.L.1996, c.95, s.16)

21

22 3. This act shall take effect on the first day of the second month
23 following enactment.

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27

28 Establishes "Body Armor Replacement" fund; provides grants to
29 replace protective body vests for local law enforcement officers, State
30 Police and State corrections officers every five years.

1 pending before the Legislature as this bill).

2 (cf: P.L.1993, c.293, s.5.)

3 3. This act shall take effect on the first day of the second month
4 following enactment.

5

6

7

STATEMENT

8

9 This bill establishes a body vest replacement program for local law
10 enforcement officers.

11 Under the provisions of the bill, the Attorney General is to
12 administer a grant program to provide replacement body vests for
13 local law enforcement officers. The program is to operate on a five
14 year cycle, with approximately 20 percent of the State's nearly 25,000
15 local law enforcement officers scheduled to receive replacement vests
16 each year. The five year cycle is important because, on average, the
17 effective life span of a body vest is five to seven years.

18 The Attorney General is to promulgate appropriate rules and
19 regulations. In developing those rules and regulations, the Attorney
20 General is directed to adopt grant application procedures for local law
21 enforcement agencies which wish to participate in the program and
22 criteria (such as crime rates and the age and conditions of the vest
23 currently used by the applicant agency's officers) to be used to
24 prioritize grant requests. To ensure that local law enforcement
25 officers are obtaining the highest quality protective gear, the Attorney
26 General's guidelines would identify the specific brands of vests that
27 may be purchased with grant moneys.

28 Funding for the program is to come from a \$1 fee added to all
29 motor vehicle fines. These moneys are to be forwarded by the court
30 collecting the motor vehicle fine to the State Treasurer and deposited
31 in a special fund, the "Body Armor Replacement" fund. The moneys
32 deposited in this fund are to be used exclusively for the purpose of
33 providing grants to enable local law enforcement agencies secure new
34 body vests for their officers every five years.

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39 Establishes "Body Armor Replacement" fund; provides grants to
40 replace protective body vests for local law enforcement officers every
41 five years.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1856

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 1996

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1856.

Assembly Bill No. 1856 supplements chapter 17B of Title 52 of the Revised Statutes to establish the "Body Armor Replacement" fund. The moneys in the fund are to be used to purchase protective body vests for local law enforcement officers.

Under the provisions of the bill, the Attorney General is to administer a grant program to provide replacement body vests for local law enforcement officers. The program is to operate on a five year cycle, with approximately 20 percent of the State's nearly 25,000 local law enforcement officers scheduled to receive replacement vests each year. The five year cycle is important because, on average, the effective life span of a body vest is five to seven years.

The Attorney General is to promulgate appropriate rules and regulations concerning grant application procedures to be followed by local law enforcement agencies which wish to participate in the program and criteria (such as crime rates and the age and condition of vests currently available to the applicant agency's officers) to be used to prioritize grant requests. To ensure that local law enforcement officers are obtaining the highest quality protective gear, the Attorney General is to develop guidelines identifying specific brands of vests that may be purchased with grant moneys.

To fund the program, the bill amends R.S.39:5-41 to place a \$1 fee on all motor vehicle fines.

As introduced, all of the fee moneys were to be forwarded to the State Treasurer and deposited in a special "Body Armor Replacement" fund.

The committee amended the bill: (1) to clarify that the fee is to be imposed only on those fines imposed and collected by a judge and (2) to restructure the allocation of those funds. The provisions of the amendment direct the State Treasurer to allocate annually the first \$250,000 to the Department of Personnel to fund the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained pursuant to Assembly Bill No. 806.

All the moneys collected after that initial amount are to be deposited in the "Body Armor Replacement" fund and used to provide grants to assist local law enforcement agencies in securing vests for their officers.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1856

STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1856 (1R).

Assembly Bill No. 1856 (1R) establishes a body vest replacement program for local law enforcement officers. The program is to operate on a five year cycle, with approximately 20 percent of the State's nearly 25,000 local law enforcement officers scheduled to receive replacement vests each year. Funding for the program is to come from a \$1 fee added to all motor vehicle fines imposed and collected by judges. The money is to be deposited in a newly created "Body Armor Replacement Fund" to be used exclusively for providing grants to local law enforcement agencies to purchase the new body vests.

FISCAL IMPACT:

According to the fiscal note on this bill, the Administrative Office of the Courts (AOC) stated that of the 3.7 million judgements for motor vehicle offenses occurring yearly, approximately 72% would be adjudicated to generate a surcharge or \$2.66 million the first year. In the second year, \$3.26 million is estimated to be collected and \$3.52 million in the third year. The cost for a vest is estimated at \$528. On a five year cycle, 20% of the 25,000 local law enforcement officers would need 5,000 vests, for an approximate cost of \$2.64 million.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 1856

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1856 (2R) with amendments.

Assembly Bill No. 1856 (2R), as amended, establishes a body vest replacement program for local law enforcement officers, officers and troopers of the State Police, and State corrections officers. The program will involve the awarding of grants to local law enforcement agencies, the Division of State Police and the Department of Corrections which will then purchase the vests for their officers and troopers. The distribution schedule for the program is to be designed to effectuate a five-year vest replacement cycle; according to the sponsor, the effective life span of a body vest is five to seven years.

The Attorney General will promulgate appropriate rules and regulations for grant application procedures for law enforcement agencies that wish to participate in the program, identifying criteria (such as crime rates and the age and condition of the vest currently used by the applicant agency's officers) to be used to prioritize grant requests. The Attorney General's guidelines also would identify the specific brands of vests that may be purchased with grant moneys.

The Attorney General, with the assistance of the Superintendent of State Police and the Commissioner of Corrections, is to establish a vest distribution schedule for the State Police and the Department of Corrections that will, to the greatest extent practicable, provide for a balance among the number of State Police officers receiving vests in each of the five years of the cycle. In the case of State corrections officers, the schedule is to give first priority to those officers assigned supervision and control responsibilities in the State's maximum security prisons. Second priority is to be given those officers assigned supervision and control duties in the State's medium security prisons.

Funding for the grants will be provided through the collection of an additional fee of \$1 added by the bill to all vehicle fines, penalties and forfeitures of bail relating to violations of the State's motor vehicle laws. The money will be deposited into a newly created "Body Armor Replacement Fund" from which the Attorney General will make the grants. Up to \$75,000 from the fund may be used annually by the Attorney General for administrative costs.

Finally, the bill provides that an amount not to exceed \$250,000 from this fund will be allocated annually for the operation of the "law Enforcement Officer Crisis Intervention Services" telephone hotline; this hotline would be established upon the enactment of Assembly Bill No. 806 (2R) (Farragher/Corodemus).

As amended and reported, this bill is identical to Senate Bill No. 1118 (1R) (Inverso/Cafiero) as amended and reported by this committee on June 12, 1997.

COMMITTEE AMENDMENTS:

The committee amended the bill to correct the wording of subsection d. of section 2 to ensure that the amount of funds needed for the program are collected; to permit the Department of Law and Public Safety to use up to \$75,000 annually from the monies deposited into the fund for administrative costs; and to remove a provision requiring the Attorney General to consult with the Superintendent of State Police and the Commissioner of Corrections on the vest distribution.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) estimates that the surcharge will generate approximately \$2.66 million the first year following enactment, \$3.26 million in the second year and \$3.52 million in the third year.

The average cost for a vest is approximately \$528. On a five year cycle, 20 percent of the 25,000 local law enforcement officers would need 5,000 vests for an approximate annual cost of \$2.64 million for local law enforcement grants; twenty percent of the 2,590 State troopers would need 518 vests for an approximate annual cost of \$273,504; and twenty percent of the approximately 5,000 State corrections officers would need 1,000 vests for an approximate annual cost of \$528,000. The maximum total annual cost may be \$3.4 million.

The bill permits the Department of Law and Public Safety to use up to \$75,000 annually from the monies collected for administrative costs.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1856

with Assembly Floor Amendments
(Proposed By Assemblyman BLEE)

ADOPTED: MARCH 13, 1997

These Assembly amendments adds the officers and troopers of the State Police and State corrections officers to those who are eligible to participate in the "Body Armor Replacement Fund" program.

Under the provisions of the amendments, the Attorney General, with the assistance of the Superintendent of State Police and the Commissioner of Corrections, is to establish a vest distribution schedule for the State Police and State corrections. Like the local law enforcement officer program, these schedules are to be based on a five year replacement cycle. To the greatest extent practicable, the State Police schedule is to provide for a balance among the number of State Police officers receiving vests in each of the five years of the cycle. In the case of State corrections officers, the schedule is to give first priority to those officers assigned supervision and control responsibilities in the State's maximum security prisons. Second priority is to be given those officers assigned supervision and control duties in the State's medium security prisons. Due to this prioritization, the amendments specify that the distribution schedule for the State's corrections officers does not have to provide for a balance among the number of officers receiving vests in each of the five years of the cycle.

Finally, the amendments postpone until the next fiscal year the amount to be annually allocated to fund and operate the "Law Enforcement Officer Crisis Intervention Services" telephone hotline. The amendments also clarify the amount so allocated is not to exceed \$250,000 annually.

FISCAL NOTE TO
ASSEMBLY, No. 1856
STATE OF NEW JERSEY

DATED: SEPTEMBER 5, 1996

Assembly Bill No. 1856 of 1996 establishes a body vest replacement program for local law enforcement officers. Under the provisions of the bill, the Attorney General would administer a grant program to provide replacement body vests for local law enforcement officers. The program is to operate on a five-year cycle, with approximately 20 percent of the State's nearly 25,000 local law enforcement officers scheduled to receive replacement vests each year. Funding for the program is to come from a \$1 fee added to all motor vehicle fines. These moneys are to be forwarded by the court collecting the motor vehicle fine to the State Treasurer and deposited in the "Body Armor Replacement" fund. The money in this fund is to be used exclusively for the purpose of providing grants to local law enforcement agencies for the purchase of new body vests for their officers.

The Administrative Office of the Courts (AOC) states that based on information supplied through the Judiciary's database, there will be approximately 3.7 million judgments of convictions for motor vehicle offenses during the first year after the bill's enactment. It is estimated that this number will remain consistent during the second and third year after the bill's enactment.

The AOC notes that it is estimated that approximately 72 percent of all tickets adjudicated during the first year following enactment would be adjudicated in such a way as to generate a surcharge. It is estimated that during the second year 88 percent of all matters disposed would be eligible for collection of the surcharge, and during the third year 95 percent of all matters disposed would be eligible. Based on this, the AOC adds that approximately \$2.66 million would be generated during the first year for the replacement vest program; \$3.26 million during the second year; and \$3.52 million during the third year. The AOC states that the bill would not generate any revenues for the county or local jurisdiction.

With regards to the cost of operating the program, the AOC states that it would require a one time expenditure of about \$12,000 to \$15,000 to reprogram the Automated Traffic System computer program to accommodate the surcharge. There would be no cost to the counties or municipalities.

The Office of Legislative Services concurs.

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

7/31/97
EG



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

TRENTON, NJ 08625

**CONTACT: Becky Taylor
Julie Plocinik
(609)777-2600**

RELEASE: Thurs., July 31, 1997

GOV. WHITMAN SIGNS LEGISLATION TO PROVIDE REPLACEMENT CORRECTIVE VESTS FOR LAW ENFORCEMENT AND CORRECTIONS OFFICERS

Gov. Whitman today signed legislation that establishes a "Body Armor Replacement" fund which will provide grants to replace protective bulletproof body vests to protect local law enforcement officers, State Police and State Corrections officers.

"Law enforcement officials and corrections officers perform one of the most difficult jobs, often involving a great amount of danger," said Gov. Whitman. "They are a special breed. They risk their safety and their lives to protect the public, protect our neighborhoods and families. I am fully committed protecting their safety."

The fund will provide replacement grants every five years, based on the average life of a protective vest. The fund will be supported by the imposition of a one dollar increase on all violations of motor vehicle traffic laws. Additionally, upon the forfeiture of bail, one dollar of the forfeiture of the bail will go toward that fund. It is anticipated that these surcharges will generate between \$2.6 and \$3.5 million per year. The bill will take effect on September 2.

This action follows yesterday's announcement by Gov. Whitman that the state is immediately purchasing protective vests for all 6,500 corrections officers in the state at an estimated cost of \$2.6 million. New Jersey is the first state in the country to provide vests for all of its corrections officers.

The legislation, A-1856, was sponsored by Assembly members Francis Blee (R-Atlantic) and Tom Smith (R-Monmouth) and Senators Peter Inverso (R-Mercer/Middlesex) and James Cafiero (R-Cape May/Atlantic/Cumberland).