

30:4-14.1

LEGISLATIVE HISTORY CHECKLIST
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(Human Services Police Officers--
powers)

NJSA: 30:4-14.1

LAWS OF: 1995 **CHAPTER:** 273

BILL NO: A2177

SPONSOR(S): Roma

DATE INTRODUCED: September 29, 1994

COMMITTEE: **ASSEMBLY** Judiciary

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: Yes
Second reprint enacted

DATE OF PASSAGE: **ASSEMBLY:** February 27, 1995

SENATE: October 19, 1995

DATE OF APPROVAL: December 8, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

Also attached:
statements adopted
6-26-95

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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Legislative History Checklist
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Synopsis: Accords full police powers to certain trained Human Services police officers.

Bill No.: A2177

P.L. 1995, c. 273

Identical to: S2027
Substituted for: S2027
Combined with:
Last Session Bill No.:

See Above Bill(s) for Additional History

NJSA: 30:4-14.1

Sponsor(s): Roma/Heck

Date Introduced: 09/29/94

Committee Reference:

Statement:

Public Hearing:

Assembly:

Judiciary, Law and Public Safety

Yes

No

Senate:

Law and Public Safety

Yes

No

Sponsor Statement: Yes

Fiscal Note: No

Dates of Passage:

Assembly:

02/27/95 (74-2)
11/30/95 (62-8)

Senate:

10/19/95 (21-11)

Amended During Passage: Yes

Governor's Action:

Veto: No

Date of Veto:

Date of Approval: 12/08/95

Message on Signing: No

Additional Information:

P.L.1995. CHAPTER 273, *approved December 8, 1995*

1994 Assembly No. 2777 (*Second Reprint*)

CORRECTED COPY

1 AN ACT concerning the powers of Department of Human
2 Services police officers, ²supplementing chapter 4 of Title 30
3 of the Revised Statutes,² and amending R.S.30:4-14 and
4 N.J.S.2C:39-6.

5

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

8 1. R.S.30:4-14 is amended to read as follows:

9 30:4-14. a. The Commissioner of [the Department of
10 Institutions and Agencies] Human Services²,¹ [with the
11 approval of the [Attorney-General] Attorney General,]¹ may, in
12 writing, appoint ¹[as many [special] policemen for each State
13 institution as [he] the commissioner may consider necessary to
14 preserve order in and about the institution] persons to the
15 position of police officer to serve as law enforcement officers for
16 the Department of Human Services in accordance with applicable
17 statutory law, rules and regulations¹. [Such appointments shall be
18 made on written application of the president of the board of
19 managers or trustees. A person so appointed shall serve without
20 expense to the State. Within the territory prescribed and for the
21 time limited he shall have the same powers as a constable of the
22 county or police officer of a city in criminal cases. His special
23 duty shall be to preserve order in and about the institution with
24 power to arrest and hold any offender against the public peace
25 within the limits of his commission.]

26 b. A Human ¹[Service] Services¹ police officer appointed
27 pursuant to this section shall ²[while going to and from his place
28 of duty and while in the actual performance of his official duties
29 within the State,]² be empowered to act as an officer for the
30 detection, apprehension, arrest and conviction of offenders
31 against the law ¹, except that police officers shall be permitted
32 to carry firearms or other weapons only when authorized to do so
33 by the Commissioner of Human Services¹.

34 c. ²[In addition to the powers set forth in subsection b. of this
35 section, any Human Services police officer who has satisfactorily
36 completed a basic training course approved by the Police Training
37 Commission, as provided by P.L.¹[1969] 1961¹, c.56 (C.52:17B-66
38 et seq.), shall have full power of arrest for any crime committed
39 in his presence anywhere within the territorial limits of the State
40 of New Jersey.] No person may be appointed as a Human Services
41 police officer unless the person:

42 (1) Is able to read, write and speak the English language well
43 and intelligently and has a high school diploma or its equivalent;

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:

¹ Assembly AJL committee amendments adopted January 19, 1995.

² Senate floor amendments adopted June 26, 1995.

- 1 (2) Is sound in body and of good health;
2 (3) Is of good moral character;
3 (4) Has not been convicted of any offense involving dishonesty
4 or which would make the person unfit to perform the duties of
5 this office; and
6 (5) Has successfully undergone a program of psychological
7 testing.

8 d. Every applicant for the position of Human Services police
9 officer appointed pursuant to this section shall have fingerprints
10 taken, which fingerprints shall be filed with the Division of State
11 Police and the Federal Bureau of Investigation.

12 e. The Commissioner of Human Services, in consultation with
13 the Attorney General and the Director of the Division of
14 Criminal Justice in the Department of Law and Public Safety,
15 shall promulgate rules and regulations to effectuate the purposes
16 of this section.²

17 (cf: P.L.1957, c.60, s.1)

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

19 2C:39-5. a. Provided a person complies with the requirements
20 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

28 (3) Members of the State Police and, under conditions
29 prescribed by the superintendent, members of the Marine Law
30 Enforcement Bureau of the Division of State Police;

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

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

50 (6) A civilian employee of the United States Government under
51 the supervision of the commanding officer of any post, camp,
52 station, base or other military or naval installation located in this
53 State who is required, in the performance of his official duties, to
54 carry firearms, and who is authorized to carry such firearms by

1 said commanding officer, while in the actual performance of his
2 official duties;

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

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

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

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

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

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

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

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

49 (1) A special agent of the Division of Taxation who has passed
50 an examination in an approved police training program testing
51 proficiency in the handling of any firearm which he may be
52 required to carry, while in the actual performance of his official
53 duties and while going to or from his place of duty, or any other
54 police officer, while in the actual performance of his official
55 duties;

- 1 (2) A State deputy conservation officer or a full-time
2 employee of the Division of Parks and Forestry having the power
3 of arrest and authorized to carry weapons, while in the actual
4 performance of his official duties;
- 5 (3) (Deleted by amendment, P.L.1986, c.150.)
- 6 (4) A court attendant serving as such under appointment by the
7 sheriff of the county or by the judge of any municipal court or
8 other court of this State, while in the actual performance of his
9 official duties;
- 10 (5) A guard in the employ of any railway express company,
11 banking or building and loan or savings and loan institution of this
12 State, while in the actual performance of his official duties;
- 13 (6) A member of a legally recognized military organization
14 while actually under orders or while going to or from the
15 prescribed place of meeting and carrying the weapons prescribed
16 for drill, exercise or parade;
- 17 (7) An officer of the Society for the Prevention of Cruelty to
18 Animals, while in the actual performance of his duties;
- 19 (8) An employee of a public utilities corporation actually
20 engaged in the transportation of explosives;
- 21 (9) A railway policeman, except a transit police officer of the
22 New Jersey Transit Police Department, at all times while in the
23 State of New Jersey, provided that he has passed an approved
24 police academy training program consisting of at least 280 hours.
25 The training program shall include, but need not be limited to,
26 the handling of firearms, community relations, and juvenile
27 relations;
- 28 (10) A campus police officer appointed under P.L.1970, c.211
29 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to
30 carry a firearm, a campus police officer shall take and
31 successfully complete a firearms training course administered by
32 the Police Training Commission, pursuant to P.L.1961, c.56
33 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
34 revolver or similar weapon prior to being permitted to carry a
35 firearm;
- 36 (11) A person who has not been convicted of a crime under the
37 laws of this State or under the laws of another state or the
38 United States, and who is employed as a full-time security guard
39 for a nuclear power plant under the license of the Nuclear
40 Regulatory Commission, while in the actual performance of his
41 official duties;
- 42 (12) A transit police officer of the New Jersey Transit Police
43 Department, at all times while in the State of New Jersey,
44 provided the officer has satisfied the training requirements of the
45 Police Training Commission, pursuant to subsection c. of section
46 2 of P.L.1989, c.291 (C.27:25-15.1); ¹[or]¹
- 47 (13) A parole officer employed by the Bureau of Parole in the
48 Department of Corrections at all times. Prior to being permitted
49 to carry a firearm, a parole officer shall take and successfully
50 complete a basic course for regular police officer training
51 administered by the Police Training Commission, pursuant to
52 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in
53 the use of a revolver or similar weapon prior to being permitted
54 to carry a firearm¹;

1 (14) A Human Services police officer ²[having the powers
2 afforded under subsection b. of R.S.30:4-14]² at all times while in
3 the State of New Jersey, ²[provided the officer has successfully
4 completed a firearms training course ¹[administered] approved¹
5 by the Police Training Commission, pursuant to P.L.1961, c.56
6 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
7 handgun or similar weapon prior to being permitted to carry a
8 firearm] as authorized by the Commissioner of Human Services².

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

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

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

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

39 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
40 N.J.S.2C:39-5 do not apply to the transportation of unloaded
41 antique cannons directly to or from exhibitions or demonstrations
42 authorized under paragraph (4) of subsection d. of this section,
43 provided that the transportation is in compliance with safety
44 regulations the superintendent may promulgate. Nor do those
45 subsections apply to transportation directly to or from exhibitions
46 or demonstrations authorized under the law of another
47 jurisdiction, provided that the superintendent has been given 30
48 days' notice and that the transportation is in compliance with
49 safety regulations the superintendent may promulgate.

50 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
51 construed to prevent a person keeping or carrying about his place
52 of business, residence, premises or other land owned or possessed
53 by him, any firearm, or from carrying the same, in the manner
54 specified in subsection g. of this section, from any place of

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

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

9 (1) A member of any rifle or pistol club organized in
10 accordance with the rules prescribed by the National Board for
11 the Promotion of Rifle Practice, in going to or from a place of
12 target practice, carrying such firearms as are necessary for said
13 target practice, provided that the club has filed a copy of its
14 charter with the superintendent and annually submits a list of its
15 members to the superintendent and provided further that the
16 firearms are carried in the manner specified in subsection g. of
17 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
22 has in his possession a valid hunting license, or, with respect to
23 fresh 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
27 or 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
31 of 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
34 Statutes and any amendments thereto and all rules and
35 regulations promulgated thereunder; or

36 (c) In the case of a firearm, directly to or from any exhibition
37 or display of firearms which is sponsored by any law enforcement
38 agency, any rifle or pistol club, or any firearms collectors club,
39 for 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
44 sponsor has complied with such reasonable safety regulations as
45 the superintendent may promulgate. Any firearms transported
46 pursuant to this section shall be transported in the manner
47 specified in subsection g. of this section;

48 (4) A person from keeping or carrying about a private or
49 commercial aircraft or any boat, or from transporting to or from
50 such vessel for the purpose of installation or repair a visual
51 distress signalling device approved by the United States Coast
52 Guard.

53 g. All weapons being transported under paragraph (2) of
54 subsection b., subsection e., or paragraph (1) or (3) of subsection

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

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

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

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

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

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

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

54 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed

1 to prevent any financial institution, or any duly authorized
2 personnel of the institution, from possessing, carrying or using for
3 the protection of money or property, any device which projects,
4 releases or emits tear gas or other substances intended to
5 produce temporary physical discomfort or temporary
6 identification.

7 (cf: P.L.1993, c.246, s.2)

8 23. (New section) No Human Services police officer shall
9 carry a firearm unless specifically authorized by the
10 Commissioner of Human Services and provided that the officer
11 has satisfactorily completed a basic firearms course required by
12 the Police Training Commission.²

13 24. (New section) Human Services police officers appointed
14 pursuant to R.S.30:4-14 shall satisfy the training requirements
15 established by the Police Training Commission as follows:

16 a. All officers appointed pursuant to this section after the
17 effective date of this act shall successfully complete, within one
18 year of the date of their appointment, a training course approved
19 by the Police Training Commission;

20 b. All officers appointed and in employment on the effective
21 date of this act may continue in employment if, within 18 months
22 of the effective date of this act, they have satisfied the training
23 requirements of the Police Training Commission; and

24 c. The Commissioner of Human Services may request from the
25 Police Training Commission an exemption from all or part of the
26 training requirements of this section on behalf of a current or
27 prospective officer who demonstrates successful completion of a
28 police training course conducted by any federal, state or other
29 public or private agency, the requirements of which are
30 substantially equivalent to the requirements of the Police
31 Training Commission.²

32 ¹[3.] 5.¹ This act shall take effect immediately.

33
34
35
36
37 Accords full police powers to certain trained Human Services
38 police officers.

ASSEMBLY, No. 2177

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1994

By Assemblyman ROMA and Assemblywoman HECK

1 AN ACT concerning the powers of Department of Human
2 Services police officers, and amending R.S.30:4-14 and
3 N.J.S.2C:39-6.

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

7 1. R.S.30:4-14 is amended to read as follows:

8 30:4-14. a. The Commissioner of [the Department of
9 Institutions and Agencies] Human Services, with the approval of
10 the [Attorney-General] Attorney General, may, in writing,
11 appoint as many [special] policemen for each State institution as
12 [he] the commissioner may consider necessary to preserve order
13 in and about the institution. [Such appointments shall be made on
14 written application of the president of the board of managers or
15 trustees. A person so appointed shall serve without expense to
16 the State. Within the territory prescribed and for the time
17 limited he shall have the same powers as a constable of the
18 county or police officer of a city in criminal cases. His special
19 duty shall be to preserve order in and about the institution with
20 power to arrest and hold any offender against the public peace
21 within the limits of his commission.]

22 b. A Human Service police officer appointed pursuant to this
23 section shall, while going to and from his place of duty and while
24 in the actual performance of his official duties within the State,
25 be empowered to act as an officer for the detection,
26 apprehension, arrest and conviction of offenders against the law.

27 c. In addition to the powers set forth in subsection b. of this
28 section, any Human Services police officer who has satisfactorily
29 completed a basic training course approved by the Police Training
30 Commission, as provided by P.L.1969, c.56 (C.52:17B-66 et seq.),
31 shall have full power of arrest for any crime committed in his
32 presence anywhere within the territorial limits of the State of
33 New Jersey.

34 (cf: P.L.1957, c.60, s.1)

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

36 2C:39-6. a. Provided a person complies with the requirements
37 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

4 (4) A sheriff, undersheriff, sheriff's officer, county
5 prosecutor, assistant prosecutor, prosecutor's detective or
6 investigator, deputy attorney general or State investigator
7 employed by the Division of Criminal Justice of the Department
8 of Law and Public Safety, investigator employed by the State
9 Commission of Investigation, inspector of the Alcoholic Beverage
10 Control Enforcement Bureau of the Division of State Police in
11 the Department of Law and Public Safety authorized to carry
12 such weapons by the Superintendent of State Police, State park
13 ranger, or State conservation officer;

14 (5) A prison or jail warden of any penal institution in this State
15 or his deputies, or an employee of the Department of Corrections
16 engaged in the interstate transportation of convicted offenders,
17 while in the performance of his duties, and when required to
18 possess the weapon by his superior officer, or a correction officer
19 or keeper of a penal institution in this State at all times while in
20 the State of New Jersey, provided he annually passes an
21 examination approved by the superintendent testing his
22 proficiency in the handling of firearms;

23 (6) A civilian employee of the United States Government under
24 the supervision of the commanding officer of any post, camp,
25 station, base or other military or naval installation located in this
26 State who is required, in the performance of his official duties, to
27 carry firearms, and who is authorized to carry such firearms by
28 said commanding officer, while in the actual performance of his
29 official duties;

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

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

38 (c) An airport security officer or a special law enforcement
39 officer appointed by the governing body of any county or
40 municipality, except as provided in subsection b. of this section,
41 or by the commission, board or other body having control of a
42 county park or airport or boulevard police force, while engaged in
43 the actual performance of his official duties and when
44 specifically authorized by the governing body to carry weapons; or

45 (8) A full-time, paid member of a paid or part-paid fire
46 department or force of any municipality who is assigned full-time
47 or part-time to an arson investigation unit created pursuant to
48 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
49 investigation unit in the county prosecutor's office, while either
50 engaged in the actual performance of arson investigation duties
51 or while actually on call to perform arson investigation duties and
52 when specifically authorized by the governing body or the county
53 prosecutor, as the case may be, to carry weapons. Prior to being
54 permitted to carry a firearm, such a member shall take and

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

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

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

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

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

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

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

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

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

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

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

45 (7) An officer of the Society for the Prevention of Cruelty to
46 Animals, while in the actual performance of his duties:

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

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

1 relations;

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

10 (11) A person who has not been convicted of a crime under the
11 laws of this State or under the laws of another state or the
12 United States, and who is employed as a full-time security guard
13 for a nuclear power plant under the license of the Nuclear
14 Regulatory Commission, while in the actual performance of his
15 official duties;

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

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

29 (14) A Human Services police officer having the powers
30 afforded under subsection b. of R.S.30:4-14 at all times while in
31 the State of New Jersey, provided the officer has successfully
32 completed 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 handgun or similar
35 weapon prior to being permitted to carry a firearm.

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

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

51 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
52 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
53 being transported by one eligible to possess it, in compliance with
54 regulations the superintendent may promulgate, between its

1 permanent location and place of purchase or repair.

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

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

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

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

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

45 (2) A person carrying a firearm or knife in the woods or fields
46 or upon the waters of this State for the purpose of hunting, target
47 practice or fishing, provided that the firearm or knife is legal and
48 appropriate for hunting or fishing purposes in this State and he
49 has in his possession a valid hunting license, or, with respect to
50 fresh water fishing, a valid fishing license:

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

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

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

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

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

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

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

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

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

52 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
53 person who is 18 years of age or older and who has not been
54 convicted of a felony, from possession for the purpose of personal

1 self-defense of one pocket-sized device which contains and
2 releases not more than three-quarters of an ounce of chemical
3 substance not ordinarily capable of lethal use or of inflicting
4 serious bodily injury, but rather, is intended to produce temporary
5 physical discomfort or disability through being vaporized or
6 otherwise dispensed in the air. Any person in possession of any
7 device in violation of this subsection shall be deemed and
8 adjudged to be a disorderly person, and upon conviction thereof,
9 shall be punished by a fine of not less than \$100.00.

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

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

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

34 (cf: P.L.1993, c.246, s.2)

35 3. This act shall take effect immediately.

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STATEMENT

39

40 This bill gives Human Services police officers who successfully
41 complete a Police Training Commission training program full
42 police powers throughout the State. Currently, Human Services
43 police officers may exercise police powers only while in the
44 actual performance of their duties. Under this bill, Human
45 Services police officers who complete an approved training
46 program would be authorized to exercise full police powers
47 throughout the State including the power of arrest for crimes
48 committed in their presence.

49 The bill also authorizes those officers who have statewide
50 police powers to carry a firearm while off-duty. The authority to
51 carry a firearm off-duty is contingent, however, upon the officer
52 successfully completing a Police Training Commission firearms
53 course and annually requalifying in the use of that firearm.

A2177

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3 **Accords full police powers to certain trained Human Services**
4 **police officers.**

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2177

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2177.

This bill gives Human Services police officers who successfully complete a Police Training Commission training program full police powers throughout the State. Currently, Human Services police officers may exercise police powers only while in the actual performance of their duties. Under this bill, Human Services police officers who complete an approved training program would be authorized to exercise full police powers throughout the State including the power of arrest for crimes committed in their presence. As originally introduced, the bill amended R.S.30:4-14 to provide that the Commissioner of Human Services may, in writing, appoint as many policemen for each State institution as the commissioner may consider necessary to preserve order in and about the institution. The committee amended this section of the bill to omit the approval of the Attorney General. The reference to appointing as many policemen as may be necessary to preserve order was changed to in accordance with the applicable statutory law, rules and regulations.

The committee added language in subsection b. of R.S.30:4-14 to provide that these officers are authorized to carry firearms or other weapons only when so authorized by the Commissioner of Human Services.

The bill also authorizes those officers who have Statewide police powers and are authorized to carry a firearm to carry a firearm while off-duty by amending N.J.S.2C:39-6. The authority to carry a firearm off-duty is contingent, however, upon the officer successfully completing a Police Training Commission firearms course and annually requalifying in the use of that firearm.

The committee amended section 2 of the bill to clarify that the Human Services officer must successfully complete a firearms training course which is approved rather than administered by the Police Training Commission.

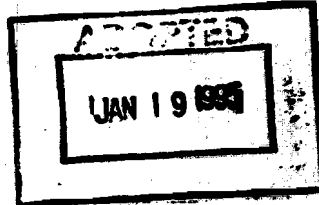
ASSEMBLY AIL COMMITTEE

AMENDMENTS

to

ASSEMBLY, No. 2177

(Sponsored by Assemblyman Roma and Assemblywoman Heck)



REPLACE SECTION 1 TO READ:

1. R.S.30:4-14⁰⁹ is amended to read as follows:

30:4-14. a. The Commissioner of [the Department of Institutions and Agencies] Human Services,¹ [with the approval of the [Attorney-General] Attorney General.]¹ may, in writing, appoint ¹[as many [special] policemen for each State institution as [he] the commissioner may consider necessary to preserve order in and about the institution]¹ persons to the position of Police Officer to serve as law enforcement officers for the Department of Human Services in accordance with applicable statutory law, rules and regulations¹. [Such appointments shall be made on written application of the president of the board of managers or trustees. A person so appointed shall serve without expense to the State. Within the territory prescribed and for the time limited he shall have the same powers as a constable of the county or police officer of a city in criminal cases. His special duty shall be to preserve order in and about the institution with power to arrest and hold any offender against the public peace within the limits of his commission.]

lower case

b. A Human ¹[Service] Services¹ police officer appointed pursuant to this section shall, while going to and from his place of duty and while in the actual performance of his official duties within the State, be empowered to act as an officer for the detection, apprehension, arrest and conviction of offenders against the law 1. except that police officers shall be permitted to carry firearms or other weapons only when authorized to do so by the Commissioner of Human Services¹.

c. In addition to the powers set forth in subsection b. of this section, any Human Services police officer who has satisfactorily completed a basic training course approved by the Police Training Commission, as provided by P.L. 1967, c. 56 (C.52:17B-66 et seq.), shall have full power of arrest for any crime committed in his presence anywhere within the territorial limits of the State of New Jersey.

PL (1967) 1961

(cf: P.L.1967, c.60, s.1)¹

REPLACE SECTION 2 TO READ:

2. N.J.S.2C:39-6⁰⁸ is amended to read as follows:

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

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

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

relations:

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.)⁴ at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(11) A person who has not been convicted of a crime under the laws of this State or under the laws of another state or the United States, and who is employed as a full-time security guard for a nuclear power plant under the license of the Nuclear Regulatory Commission, while in the actual performance of his official duties;

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1)⁵ or ¹

(13) A parole officer employed by the Bureau of Parole in the Department of Corrections at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm⁷; ¹

(14) A Human Services police officer having the powers afforded under subsection b. of R.S.30:4-14⁸ at all times while in the State of New Jersey, provided the officer has successfully completed a firearms training course ¹[administered] approved¹ by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a handgun or similar weapon prior to being permitted to carry a firearm.

and including when permitted

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

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

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

permanent location and place of purchase or repair.

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

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

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

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

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

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

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

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

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

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

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

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

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13,³ doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

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

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

i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal

self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

(cf: P.L.1993, c.246, s.2)[←]

[FIRST REPRINT]
ASSEMBLY, No. 2177

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1994

By Assemblyman ROMA and Assemblywoman HECK

1 AN ACT concerning the powers of Department of Human
2 Services police officers, and amending R.S.30:4-14 and
3 N.J.S.2C:39-6.

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

7 1. R.S.30:4-14 is amended to read as follows:
8 30:4-14. a. The Commissioner of [the Department of
9 Institutions and Agencies] Human Services,¹ [with the approval of
10 the [Attorney-General] Attorney General,]¹ may, in writing,
11 appoint ¹[as many [special] policemen for each State institution
12 as [he] the commissioner may consider necessary to preserve
13 order in and about the institution] persons to the position of
14 police officer to serve as law enforcement officers for the
15 Department of Human Services in accordance with applicable
16 statutory law, rules and regulations¹. [Such appointments shall be
17 made on written application of the president of the board of
18 managers or trustees. A person so appointed shall serve without
19 expense to the State. Within the territory prescribed and for the
20 time limited he shall have the same powers as a constable of the
21 county or police officer of a city in criminal cases. His special
22 duty shall be to preserve order in and about the institution with
23 power to arrest and hold any offender against the public peace
24 within the limits of his commission.]

25 b. A Human ¹[Service] Services¹ police officer appointed
26 pursuant to this section shall, while going to and from his place of
27 duty and while in the actual performance of his official duties
28 within the State, be empowered to act as an officer for the
29 detection, apprehension, arrest and conviction of offenders
30 against the law 1, except that police officers shall be permitted
31 to carry firearms or other weapons only when authorized to do so
32 by the Commissioner of Human Services¹.

33 c. In addition to the powers set forth in subsection b. of this
34 section, any Human Services police officer who has satisfactorily
35 completed a basic training course approved by the Police Training
36 Commission, as provided by P.L.¹[1969] 1961¹, c.56 (C.52:17B-66
37 et seq.), shall have full power of arrest for any crime committed
38 in his presence anywhere within the territorial limits of the State
39 of New Jersey.

40 (cf: P.L.1957, c.60, s.1)

41 2. N.J.S.2C:39-6 is amended to read as follows:
42 2C:39-6. a. Provided a person complies with the requirements
43 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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:
¹ Assembly AIN committee amendments adopted January 19, 1995.

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

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

8 (3) Members of the State Police and, under conditions
9 prescribed by the superintendent, members of the Marine Law
10 Enforcement Bureau of the Division of State Police;

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

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

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

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

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

45 (c) An airport security officer or a special law enforcement
46 officer appointed by the governing body of any county or
47 municipality, except as provided in subsection b. of this section,
48 or by the commission, board or other body having control of a
49 county park or airport or boulevard police force, while engaged in
50 the actual performance of his official duties and when
51 specifically authorized by the governing body to carry weapons; or

52 (8) A full-time, paid member of a paid or part-paid fire
53 department or force of any municipality who is assigned full-time
54 or part-time to an arson investigation unit created pursuant to

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

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

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

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

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

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

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

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

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

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

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

52 (7) An officer of the Society for the Prevention of Cruelty to
53 Animals, while in the actual performance of his duties;

54 (8) An employee of a public utilities corporation actually

1 engaged in the transportation of explosives;

2 (9) A railway policeman, except a transit police officer of the
3 New Jersey Transit Police Department, at all times while in the
4 State of New Jersey, provided that he has passed an approved
5 police academy training program consisting of at least 280 hours.
6 The training program shall include, but need not be limited to,
7 the handling of firearms, community relations, and juvenile
8 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
11 carry a firearm, a campus police officer shall take and
12 successfully complete a firearms training course administered by
13 the Police Training Commission, pursuant to P.L.1961, c.56
14 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
15 revolver or similar weapon prior to being permitted to carry a
16 firearm;

17 (11) A person who has not been convicted of a crime under the
18 laws of this State or under the laws of another state or the
19 United States, and who is employed as a full-time security guard
20 for a nuclear power plant under the license of the Nuclear
21 Regulatory Commission, while in the actual performance of his
22 official duties;

23 (12) A transit police officer of the New Jersey Transit Police
24 Department, at all times while in the State of New Jersey,
25 provided the officer has satisfied the training requirements of the
26 Police Training Commission, pursuant to subsection c. of section
27 2 of P.L.1989, c.291 (C.27:25-15.1); ¹[or]¹

28 (13) A parole officer employed by the Bureau of Parole in the
29 Department of Corrections at all times. Prior to being permitted
30 to carry a firearm, a parole officer shall take and successfully
31 complete a basic course for regular police officer training
32 administered by the Police Training Commission, pursuant to
33 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in
34 the use of a revolver or similar weapon prior to being permitted
35 to carry a firearm¹[.];¹

36 (14) A Human Services police officer having the powers
37 afforded under subsection b. of R.S.30:4-14 at all times while in
38 the State of New Jersey, provided the officer has successfully
39 completed a firearms training course ¹[administered] approved¹
40 by the Police Training Commission, pursuant to P.L.1961, c.56
41 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
42 handgun or similar weapon prior to being permitted to carry a
43 firearm.

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

52 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
53 N.J.S.2C:39-5 do not apply to an antique cannon that is capable
54 of being fired but that is unloaded and immobile, provided that

1 the antique cannon is possessed by (a) a scholastic institution, a
2 museum, a municipality, a county or the State, or (b) a person
3 who obtained a firearms purchaser identification card as
4 specified in N.J.S.2C:58-3.

5 (3) 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 unloaded antique cannon that is
7 being transported by one eligible to possess it, in compliance with
8 regulations the superintendent may promulgate, between its
9 permanent location and place of purchase or repair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 The device shall be used solely to repel only those canine or
54 other animal attacks when the canines or other animals are not

1 restrained in a fashion sufficient to allow the employee to
2 properly perform his duties.

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

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

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

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

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

42 (cf: P.L.1993, c.246, s.2)

43 3. This act shall take effect immediately.

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48 Accords full police powers to certain trained Human Services
49 police officers.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 2177

STATE OF NEW JERSEY

DATED: JUNE 1, 1995

The Senate Law and Public Safety Committee favorably reports Assembly Bill No. 2177 (1R).

This bill gives Department of Human Services police officers who successfully complete a Police Training Commission training program full police powers throughout the State. Currently, Human Services police officers may exercise police powers only while in the actual performance of their duties. Under the provisions of this bill, Human Services police officers who complete an approved training program would be authorized to exercise full police powers throughout the State including the power of arrest for crimes committed in their presence. The bill provides that these police officers must be appointed in accordance with the applicable statutory law, rules and regulations. It also removes the approval of the Attorney General as a precondition for such appointments. The bill further provides that these officers are authorized to carry firearms or other weapons only when so authorized by the Commissioner of Human Services.

The bill also authorizes those officers who have statewide police powers and are authorized to carry a firearm to carry a firearm while off-duty by amending N.J.S.2C:39-6. The authority to carry a firearm off-duty is contingent, however, upon the officer successfully completing a firearms training course which is approved by the Police Training Commission and upon the officer annually requalifying in the use of that firearm.

This bill is identical to Senate Bill No. 2027 which, also was released by the committee on this date.

STATEMENT TO
[FIRST REPRINT]
ASSEMBLY, No. 2177

with Senate Floor Amendments
(Proposed by Senator Kosco)

ADOPTED JUNE 26, 1995

Assembly Bill No. 2177 [1R] gives Department of Human Services police officers who successfully complete a Police Training Commission training program full police powers throughout the State. Currently, Human Services police officers may exercise police powers only while in the actual performance of their duties. Under these Senate amendments, these police officers could exercise these powers at all times. As introduced, the bill permitted a Human Services police officer to exercise these powers only while going to and from his place of duty and while in the actual performance of his official duties.

The amendments further provide that no person may be appointed as a Human Services police officer unless the person: (1) is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent; (2) is sound in body and of good health; (3) is of good moral character; (4) has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of this office; and (5) has successfully undergone a program of psychological testing.

The amendments also provide that every applicant for the position of Human Services police officer must have fingerprints taken, which would be filed with the Division of State Police and the Federal Bureau of Investigation.

The amendments further provide that Human Services police officers appointed pursuant to R.S.30:4-14 must satisfy the training requirements established by the Police Training Commission. All officers appointed after the effective date of the bill must successfully complete, within one year of the date of their appointment, a training course approved by the Police Training Commission. All officers appointed and in employment on the effective date of the bill may continue in employment if, within 18 months of the effective date, they have satisfied the training requirements of the Police Training Commission. In addition, the Commissioner of Human Services may request from the Police Training Commission an exemption from all or part of the training requirements for a current or prospective officer who demonstrates successful completion of a police training course conducted by any federal, state or other public or private agency, which is substantially equivalent to the requirements of the Police Training Commission.

The amendments also permit these officers to carry a firearm at all times while in the State of New Jersey as authorized by the Commissioner of Human Services. As introduced, the bill authorized those officers who have Statewide police powers and are authorized to carry a firearm to carry a firearm while off-duty. The authority to carry a firearm off-duty is contingent, however, upon the officer successfully completing a firearms training course which is approved by the Police Training Commission and upon the officer annually requalifying in the use of that firearm.

SENATE Amendments
(Proposed by Senator KOSCO)

ADOPTED
JUN 26 1995

to

ASSEMBLY, No. 2177(1R)

(Sponsored by Assemblyman ROMA AND Assemblywoman HECK)

REPLACE TITLE TO READ:

AN ACT concerning the powers of Department of Human Services police officers. ²supplementing chapter 4 of Title 30 of the Revised Statutes,² and amending R.S.30:4-14 and N.J.S.2C:39-6.

REPLACE SECTION 1 TO READ:

1. R.S.30:4-14 is amended to read as follows:

30:4-14. a. The Commissioner of [the Department of Institutions and Agencies] Human Services²[.]² ¹[with the approval of the [Attorney-General] Attorney General.]¹ may, in writing, appoint ¹[as many [special] policemen for each State institution as [he] the commissioner may consider necessary to preserve order in and about the institution] persons to the position of police officer to serve as law enforcement officers for the Department of Human Services in accordance with applicable statutory law, rules and regulations¹. [Such appointments shall be made on written application of the president of the board of managers or trustees. A person so appointed shall serve without expense to the State. Within the territory prescribed and for the time limited he shall have the same powers as a constable of the county or police officer of a city in criminal cases. His special duty shall be to preserve order in and about the institution with power to arrest and hold any offender against the public peace within the limits of his commission.]

b. A Human ¹[Service] Services¹ police officer appointed pursuant to this section shall ²[while going to and from his place of duty and while in the actual performance of his official duties within the State.]² be empowered to act as an officer for the detection, apprehension, arrest and conviction of offenders against the law ¹, except that police officers shall be permitted to carry firearms or other weapons only when authorized to do so by the Commissioner of Human Services¹.

c. ²[In addition to the powers set forth in subsection b. of this section, any Human Services police officer who has satisfactorily completed a basic training course approved by the Police Training Commission, as provided by P.L.¹[1969] 1961¹, c.56 (C.52:17B-66 et seq.), shall have full power of arrest for any crime committed in his presence anywhere within the territorial limits of the State of New Jersey.] No person may be appointed as a Human Services police officer unless the person:

(1) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;

(2) Is sound in body and of good health;

(3) Is of good moral character;

(4) Has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of this office; and

(5) Has successfully undergone a program of psychological testing.

d. Every applicant for the position of Human Services police officer appointed pursuant to this section shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.

e. The Commissioner of Human Services, in consultation with the Attorney General and the Director of the Division of Criminal Justice in the Department of Law and Public Safety, shall promulgate rules and regulations to effectuate the purposes of this section.²

(cf: P.L.1957, c.60, s.1)

REPLACE SECTION 2 TO READ:

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

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

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

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

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

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

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties;

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

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

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

(11) A person who has not been convicted of a crime under the laws of this State or under the laws of another state or the United States, and who is employed as a full-time security guard for a nuclear power plant under the license of the Nuclear Regulatory Commission, while in the actual performance of his official duties;

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1); ¹[or]¹

(13) A parole officer employed by the Bureau of Parole in the Department of Corrections at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm¹.;¹

(14) A Human Services police officer ²[having the powers afforded under subsection b. of R.S.30:4-14]² at all times while in the State of New Jersey, ²[provided the officer has successfully completed a firearms training course ¹[administered] approved¹ by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a handgun or similar weapon prior to being permitted to carry a firearm] as authorized by the Commissioner of Human Services².

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.49:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

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

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

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

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

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

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

(cf: P.L.1993, c.246, s.2)

INSERT NEW SECTION 3 TO READ:

3. (New section) No Human Services police officer shall carry a firearm unless specifically authorized by the Commissioner of Human Services and provided that the officer has satisfactorily completed a basic firearms course required by the Police Training Commission.

INSERT NEW SECTION 4 TO READ:

4. (New section) Human Services police officers appointed pursuant to R.S.30:4-14 shall satisfy the training requirements established by the Police Training Commission as follows:

a. All officers appointed pursuant to this section after the effective date of this act shall successfully complete, within one year of the date of their appointment, a training course approved by the Police Training Commission;

b. All officers appointed and in employment on the effective date of this act may continue in employment if, within 18 months of the effective date of this act, they have satisfied the training requirements of the Police Training Commission; and

c. The Commissioner of Human Services may request from the Police Training Commission an exemption from all or part of the training requirements of this section on behalf of a current or prospective officer who demonstrates successful completion of a police training course conducted by any federal, state or other public or private agency, the requirements of which are substantially equivalent to the requirements of the Police Training Commission.

RENUMBER SECTION 3 AS SECTION 5

STATEMENT

Assembly Bill No. 2177 (1R) gives Department of Human Services police officers who successfully complete a Police Training Commission training program full police powers throughout the State. Currently, Human Services police officers may exercise police powers only while in the actual performance of their duties. Under these Senate amendments, these police officers could exercise these powers at all times. As introduced, the bill permitted a Human Services police officer to exercise these powers only while going to and from his place of duty and while in the actual performance of his official duties.

The amendments further provide that no person may be appointed as a Human Services police officer unless the person: (1) is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent; (2) is sound in body and of good health; (3) is of good moral character; (4) has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of this office; and (5) has successfully undergone a program of psychological testing.

The amendments also provide that every applicant for the position of Human Services police officer must have fingerprints taken, which would be filed with the Division of State Police and the Federal Bureau of Investigation.

The amendments further provide that Human Services police officers appointed pursuant to R.S.30:4-14 must satisfy the training requirements established by the Police Training Commission. All officers appointed after the effective date of the bill must successfully complete, within one year of the date of their appointment, a training course approved by the Police Training Commission. All officers appointed and in employment on the effective date of the bill may continue in employment if, within 18 months of the effective date, they have satisfied the training requirements of the Police Training Commission. In addition, the Commissioner of Human Services may request from the Police Training Commission an exemption from all or part of the training requirements for a current or prospective officer who demonstrates successful completion of a police training course conducted by any federal, state or other public or private agency, which is substantially equivalent to the requirements of the Police Training Commission.

The amendments also permit these officers to carry a firearm at all times while in the State of New Jersey as authorized by the Commissioner of Human Services. As introduced, the bill authorized those officers who have Statewide police powers and are authorized to carry a firearm to carry a firearm while off-duty. The authority to carry a firearm off-duty is contingent, however, upon the officer successfully completing a firearms training course which is approved by the Police Training Commission and upon the officer annually requalifying in the use of that firearm.

[CORRECTED COPY]

[SECOND REPRINT]

ASSEMBLY, No. 2177

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1994

By Assemblyman ROMA and Assemblywoman HECK

1 AN ACT concerning the powers of Department of Human
2 Services police officers, ²supplementing chapter 4 of Title 30
3 of the Revised Statutes,² and amending R.S.30:4-14 and
4 N.J.S.2C:39-6.

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

8 1. R.S.30:4-14 is amended to read as follows:

9 30:4-14. a. The Commissioner of [the Department of
10 Institutions and Agencies] Human Services²[,]² ¹[with the
11 approval of the [Attorney-General] Attorney General,]¹ may, in
12 writing, appoint ¹[as many [special] policemen for each State
13 institution as [he] the commissioner may consider necessary to
14 preserve order in and about the institution] persons to the
15 position of police officer to serve as law enforcement officers for
16 the Department of Human Services in accordance with applicable
17 statutory law, rules and regulations¹. [Such appointments shall be
18 made on written application of the president of the board of
19 managers or trustees. A person so appointed shall serve without
20 expense to the State. Within the territory prescribed and for the
21 time limited he shall have the same powers as a constable of the
22 county or police officer of a city in criminal cases. His special
23 duty shall be to preserve order in and about the institution with
24 power to arrest and hold any offender against the public peace
25 within the limits of his commission.]

26 b. A Human ¹[Service] Services¹ police officer appointed
27 pursuant to this section shall ²[,while going to and from his place
28 of duty and while in the actual performance of his official duties
29 within the State,]² be empowered to act as an officer for the
30 detection, apprehension, arrest and conviction of offenders
31 against the law ¹, except that police officers shall be permitted
32 to carry firearms or other weapons only when authorized to do so
33 by the Commissioner of Human Services¹.

34 c. ²[In addition to the powers set forth in subsection b. of this
35 section, any Human Services police officer who has satisfactorily
36 completed a basic training course approved by the Police Training
37 Commission, as provided by P.L. ¹[1969] 1961¹, c.56 (C.52:17B-66
38 et seq.), shall have full power of arrest for any crime committed
39 in his presence anywhere within the territorial limits of the State
40 of New Jersey.] No person may be appointed as a Human Services
41 police officer unless the person:

42 (1) Is able to read, write and speak the English language well
43 and intelligently and has a high school diploma or its equivalent;

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:

¹ Assembly AIN committee amendments adopted January 19, 1995.

² Senate floor amendments adopted June 26, 1995.

1 (2) Is sound in body and of good health;
2 (3) Is of good moral character;
3 (4) Has not been convicted of any offense involving dishonesty
4 or which would make the person unfit to perform the duties of
5 this office; and

6 (5) Has successfully undergone a program of psychological
7 testing.

8 d. Every applicant for the position of Human Services police
9 officer appointed pursuant to this section shall have fingerprints
10 taken, which fingerprints shall be filed with the Division of State
11 Police and the Federal Bureau of Investigation.

12 e. The Commissioner of Human Services, in consultation with
13 the Attorney General and the Director of the Division of
14 Criminal Justice in the Department of Law and Public Safety,
15 shall promulgate rules and regulations to effectuate the purposes
16 of this section.²

17 (cf: P.L.1957, c.60, s.1)

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

19 2C:39-6. a. Provided a person complies with the requirements
20 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

28 (3) Members of the State Police and, under conditions
29 prescribed by the superintendent, members of the Marine Law
30 Enforcement Bureau of the Division of State Police;

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

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

50 (6) A civilian employee of the United States Government under
51 the supervision of the commanding officer of any post, camp,
52 station, base or other military or naval installation located in this
53 State who is required, in the performance of his official duties, to
54 carry firearms, and who is authorized to carry such firearms by

1 said commanding officer, while in the actual performance of his
2 official duties;

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

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

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

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

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

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

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

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

49 (1) A special agent of the Division of Taxation who has passed
50 an examination in an approved police training program testing
51 proficiency in the handling of any firearm which he may be
52 required to carry, while in the actual performance of his official
53 duties and while going to or from his place of duty, or any other
54 police officer, while in the actual performance of his official
55 duties;

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

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

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

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

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

17 (7) An officer of the Society for the Prevention of Cruelty to
18 Animals, while in the actual performance of his duties;

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

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

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

36 (11) A person who has not been convicted of a crime under the
37 laws of this State or under the laws of another state or the
38 United States, and who is employed as a full-time security guard
39 for a nuclear power plant under the license of the Nuclear
40 Regulatory Commission, while in the actual performance of his
41 official duties;

42 (12) A transit police officer of the New Jersey Transit Police
43 Department, at all times while in the State of New Jersey,
44 provided the officer has satisfied the training requirements of the
45 Police Training Commission, pursuant to subsection c. of section
46 2 of P.L.1989, c.291 (C.27:25-15.1); ¹[or]¹

47 (13) A parole officer employed by the Bureau of Parole in the
48 Department of Corrections at all times. Prior to being permitted
49 to carry a firearm, a parole officer shall take and successfully
50 complete a basic course for regular police officer training
51 administered by the Police Training Commission, pursuant to
52 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in
53 the use of a revolver or similar weapon prior to being permitted
54 to carry a firearm¹[.];¹

1 (14) A Human Services police officer ²[having the powers
2 afforded under subsection b. of R.S.30:4-14]² at all times while in
3 the State of New Jersey, ²[provided the officer has successfully
4 completed a firearms training course ¹[administered] approved¹
5 by the Police Training Commission, pursuant to P.L.1961, c.56
6 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
7 handgun or similar weapon prior to being permitted to carry a
8 firearm] as authorized by the Commissioner of Human Services².

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

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

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

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

39 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
40 N.J.S.2C:39-5 do not apply to the transportation of unloaded
41 antique cannons directly to or from exhibitions or demonstrations
42 authorized under paragraph (4) of subsection d. of this section,
43 provided that the transportation is in compliance with safety
44 regulations the superintendent may promulgate. Nor do those
45 subsections apply to transportation directly to or from exhibitions
46 or demonstrations authorized under the law of another
47 jurisdiction, provided that the superintendent has been given 30
48 days' notice and that the transportation is in compliance with
49 safety regulations the superintendent may promulgate.

50 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
51 construed to prevent a person keeping or carrying about his place
52 of business, residence, premises or other land owned or possessed
53 by him, any firearm, or from carrying the same, in the manner
54 specified in subsection g. of this section, from any place of

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

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

9 (1) A member of any rifle or pistol club organized in
10 accordance with the rules prescribed by the National Board for
11 the Promotion of Rifle Practice, in going to or from a place of
12 target practice, carrying such firearms as are necessary for said
13 target practice, provided that the club has filed a copy of its
14 charter with the superintendent and annually submits a list of its
15 members to the superintendent and provided further that the
16 firearms are carried in the manner specified in subsection g. of
17 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
22 has in his possession a valid hunting license, or, with respect to
23 fresh 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
27 or 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
31 of 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
34 Statutes and any amendments thereto and all rules and
35 regulations promulgated thereunder; or

36 (c) In the case of a firearm, directly to or from any exhibition
37 or display of firearms which is sponsored by any law enforcement
38 agency, any rifle or pistol club, or any firearms collectors club,
39 for 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
44 sponsor has complied with such reasonable safety regulations as
45 the superintendent may promulgate. Any firearms transported
46 pursuant to this section shall be transported in the manner
47 specified in subsection g. of this section;

48 (4) A person from keeping or carrying about a private or
49 commercial aircraft or any boat, or from transporting to or from
50 such vessel for the purpose of installation or repair a visual
51 distress signalling device approved by the United States Coast
52 Guard.

53 g. All weapons being transported under paragraph (2) of
54 subsection b., subsection e., or paragraph (1) or (3) of subsection

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

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

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

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

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

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

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

54 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed

1 to prevent any financial institution, or any duly authorized
2 personnel of the institution, from possessing, carrying or using for
3 the protection of money or property, any device which projects,
4 releases or emits tear gas or other substances intended to
5 produce temporary physical discomfort or temporary
6 identification.

7 (cf: P.L.1993, c.246, s.2)

8 23. (New section) No Human Services police officer shall
9 carry a firearm unless specifically authorized by the
10 Commissioner of Human Services and provided that the officer
11 has satisfactorily completed a basic firearms course required by
12 the Police Training Commission.²

13 24. (New section) Human Services police officers appointed
14 pursuant to R.S.30:4-14 shall satisfy the training requirements
15 established by the Police Training Commission as follows:

16 a. All officers appointed pursuant to this section after the
17 effective date of this act shall successfully complete, within one
18 year of the date of their appointment, a training course approved
19 by the Police Training Commission;

20 b. All officers appointed and in employment on the effective
21 date of this act may continue in employment if, within 18 months
22 of the effective date of this act, they have satisfied the training
23 requirements of the Police Training Commission; and

24 c. The Commissioner of Human Services may request from the
25 Police Training Commission an exemption from all or part of the
26 training requirements of this section on behalf of a current or
27 prospective officer who demonstrates successful completion of a
28 police training course conducted by any federal, state or other
29 public or private agency, the requirements of which are
30 substantially equivalent to the requirements of the Police
31 Training Commission.²

32 ¹[3.] 5.¹ This act shall take effect immediately.

33
34
35
36
37 Accords full police powers to certain trained Human Services
38 police officers.