

LEGISLATIVE HISTORY CHECKLIST
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(Parole officers--firearms)

NJSA: 43:16A-1.4

LAWS OF: 1993 **CHAPTER:** 246

BILL NO: S687

SPONSOR(S) Kosco

DATE INTRODUCED: April 6, 1992

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

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

DATE OF PASSAGE: **ASSEMBLY:** May 20, 1993
SENATE: June 4, 1993

DATE OF APPROVAL: August 9, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes 4-19-92 & 6-14-93

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping-attached:
 "Pension plans extended to police, fire fighters..." 8-10-93, Star Ledger.

KBG:pp

[FIRST REPRINT]

SENATE, No. 687

STATE OF NEW JERSEY

INTRODUCED APRIL 6, 1992

By Senators KOSCO and Corman

1 AN ACT concerning the powers of parole officers and amending
2 N.J.S.2A:154-4 and N.J.S.2C:39-6.

3

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

6 1. Section 1 of P.L.1968, c.427 ¹[(C.2A:4A-154-4)]
7 (C.2A:154-4)¹ is amended to read as follows:

8 1. All correction officers of the State of New Jersey, parole
9 officers employed by the Bureau of Parole in the Department of
10 Corrections and investigators in the Department of Corrections,
11 who have been or who may hereafter be appointed or employed,
12 shall, by virtue of such appointment or employment and in
13 addition to any other power or authority, be empowered to act as
14 officers for the detection, apprehension, arrest and conviction of
15 offenders against the law.

16 (cf: P.L.1982, c.230, s.2)

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

18 2C:39-6. a. Provided a person complies with the requirements
19 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

40 (5) A prison or jail warden of any penal institution in this State
41 or his deputies, or an employee of the Department of Corrections

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 AAP committee amendments adopted May 6, 1993.

1 engaged in the interstate transportation of convicted offenders,
2 while in the performance of his duties, and when required to
3 possess the weapon by his superior officer, or a correction officer
4 or keeper of a penal institution in this State at all times while in
5 the State of New Jersey, provided he annually passes an
6 examination approved by the superintendent testing his
7 proficiency in the handling of firearms;

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

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

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

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

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

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

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

52 (2) A licensed dealer in firearms and his registered employees
53 during the course of their normal business while traveling to and
54 from their place of business and other places for the purpose of

1 demonstration, exhibition or delivery in connection with a sale,
2 provided, however, that the weapon is carried in the manner
3 specified in subsection g. of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be

1 construed to prevent a person keeping or carrying about his place
2 of business, residence, premises or other land owned or possessed
3 by him, any firearm, or from carrying the same, in the manner
4 specified in subsection g. of this section, from any place of
5 purchase to his residence or place of business, between his
6 dwelling and his place of business, between one place of business
7 or residence and another when moving, or between his dwelling or
8 place of business and place where such firearms are repaired, for
9 the purpose of repair. For the purposes of this section, a place of
10 business shall be deemed to be a fixed location.

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

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

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

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

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

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

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

52 (4) A person from keeping or carrying about a private or
53 commercial aircraft or any boat, or from transporting to or from
54 such vessel for the purpose of installation or repair a visual

1 distress signalling device approved by the United States Coast
2 Guard.

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

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

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

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

29 i. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
30 to prevent any person who is 18 years of age or older and who has
31 not been convicted of a felony, from possession for the purpose of
32 personal self-defense of one pocket-sized device which contains
33 and releases not more than three-quarters of an ounce of
34 chemical substance not ordinarily capable of lethal use or of
35 inflicting serious bodily injury, but rather, is intended to produce
36 temporary physical discomfort or disability through being
37 vaporized or otherwise dispensed in the air. Any person in
38 possession of any device in violation of this subsection shall be
39 deemed and adjudged to be a disorderly person, and upon
40 conviction thereof, shall be punished by a fine of not less than
41 \$100.00.

42 j. A person shall qualify for an exemption from the provisions
43 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
44 section, if the person has satisfactorily completed a firearms
45 training course approved by the Police Training Commission.
46 Such exempt person shall not possess or carry a firearm until the
47 person has satisfactorily completed a firearms training course
48 and shall annually qualify in the use of a revolver or similar
49 weapon. For purposes of this subsection, a "firearms training
50 course" means a course of instruction in the safe use,
51 maintenance and storage of firearms which is approved by the
52 Police Training Commission. The commission shall approve a
53 firearms training course if the requirements of the course are
54 substantially equivalent to the requirements for firearms training

1 provided by police training courses which are certified under
2 section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is
3 specified in paragraph (1), (2), (3) or (6) of subsection a. of this
4 section shall be exempt from the requirements of this subsection.

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

12 (cf: P.L.1991, c.386, s.3)]¹

13 ^{12.} N.J.S.2C:39-6 is amended to read as follows:

14 2C:39-6. a. Provided a person complies with the requirements
15 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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

52 (7) (a) A regularly employed member, including a detective, of
53 the police department of any county or municipality, or of any
54 State, interstate, municipal or county park police force or

1 boulevard police force, at all times while in the State of New
2 Jersey;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (12) A transit police officer of the New Jersey Transit Police
39 Department, at all times while in the State of New Jersey,
40 provided the officer has satisfied the training requirements of the
41 Police Training Commission, pursuant to subsection c. of section
42 2 of P.L.1989, c.291 (C.27:25-15.1).

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

51 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
52 antique firearms, provided that such antique firearms are
53 unloaded or are being fired for the purposes of exhibition or
54 demonstration at an authorized target range or in such other

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

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

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

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

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

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

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

51 (1) A member of any rifle or pistol club organized in
52 accordance with the rules prescribed by the National Board for
53 the Promotion of Rifle Practice, in going to or from a place of
54 target practice, carrying such firearms as are necessary for said

1 target practice, provided that the club has filed a copy of its
2 charter with the superintendent and annually submits a list of its
3 members to the superintendent and provided further that the
4 firearms are carried in the manner specified in subsection g. of
5 this section;

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

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

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

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

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

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

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

48 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
49 to prevent any employee of a public utility, as defined in
50 R.S.48:2-13, doing business in this State or any United States
51 Postal Service employee, while in the actual performance of
52 duties which specifically require regular and frequent visits to
53 private premises, from possessing, carrying or using any device
54 which projects, releases or emits any substance specified as being

1 noninjurious to canines or other animals by the Commissioner of
2 Health and which immobilizes only on a temporary basis and
3 produces only temporary physical discomfort through being
4 vaporized or otherwise dispensed in the air for the sole purpose of
5 repelling canine or other animal attacks.

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

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

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

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

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

42 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent any financial institution, or any duly authorized
44 personnel of the institution, from possessing, carrying or using for
45 the protection of money or property, any device which projects,
46 releases or emits tear gas or other substances intended to
47 produce temporary physical discomfort or temporary
48 identification.¹

49 (cf: P.L.1992, c.94, s.2)

50 13. (New section) If the Board of Trustees of the Police and
51 Fireman's Retirement System of New Jersey makes a
52 determination, pursuant to section 9 of P.L.1989, c.204
53 (C.43:16A-1.2), that the parole officers employed by the Bureau
54 of Parole in the Department of Corrections are eligible for

1 membership in the Police and Firemen's Retirement System
2 pursuant to section 1 of P.L.1944, c.255 (C. 43:16A-1), the
3 enrollment of those parole officers shall occur no earlier than one
4 year after the effective date of this section pursuant to P.L. ,
5 c. (C.) (now pending before the Legislature as this bill).¹

6 ¹[3.] 4.1 This act shall take effect immediately.

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Grants full police status to parole officers, authorizes parole officers to carry firearms, and limits time of enrollment of parole officers in PFRS.

1 provided by police training courses which are certified under
2 section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is
3 specified in paragraph (1), (2), (3) or (6) of subsection a. of this
4 section shall be exempt from the requirements of this subsection.

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

12 (cf: P.L.1991, c.386, s.3)

13 3. This act shall take effect immediately.

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STATEMENT

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18 This bill would grant full police status to parole officers
19 employed by the Bureau of Parole in the Department of
20 Corrections. This bill would also authorize parole officers to
21 carry firearms both on and off duty.

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26 Grants full police status to parole officers and authorizes parole
27 officers to carry firearms.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 687

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1993

The Assembly Appropriations Committee reports without recommendation Senate Bill No. 687, with committee amendments.

Senate Bill No. 687, as amended, grants police status to parole officers employed by the Bureau of Parole in the Department of Corrections (DOC). In addition to all correction officers and investigators in the DOC, parole officers shall be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

This bill is identical to Assembly Bill No. 1294, also as amended and reported by this committee without recommendation.

FISCAL IMPACT:

In a fiscal note, the DOC estimated a cost of approximately \$234,000 and \$120,000 in the first and second years of implementation, respectively. However, this was for the firearms qualification training and not the basic police officer training course as intended by the committee amendments.

COMMITTEE AMENDMENTS:

The intent of the committee's amendments is to ensure that if parole officers would have the powers of a police officer, that they should undertake basic police officer training. Also, if the board of trustees of the Police and Firemen's Retirement System (PFRS) determine that parole officers are eligible for membership, they would be allowed to enroll in PFRS no earlier than one year after the effective date of this legislation.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 687

STATE OF NEW JERSEY

DATED: APRIL 9, 1992

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 687.

This bill amends section 1 of P.L.1968, c.427 (C.2A:154-4) to grant full police status to parole officers employed by the Bureau of Parole in the Department of Corrections. This will provide parole officers with the same powers for the detection, apprehension, arrest and conviction of criminal offenders that corrections officers and investigators with the Department of Corrections currently have by virtue of their positions.

In addition, the bill amends N.J.S.2C:39-6 to authorize parole officers to carry handguns, rifles or shotguns, both on and off duty, without a firearms permit or license, provided the officers complete a firearms training course and qualify annually in the use of firearms.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 687

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 687 (1R).

Senate Bill No. 687 (1R) authorizes parole officers employed by the Bureau of Parole in the Department of Corrections (DOC), in addition to correction officers and investigators in the DOC, to act as officers for the detection, apprehension, arrest and conviction of offenders against the law and permits them to carry a firearm at all times. The bill requires parole officers to complete a basic police training course approved by the Police Training Commission and to annually qualify in the use of firearms prior to being permitted to carry firearms.

This bill may enable parole officers to successfully petition the board of the Police and Firemen's Retirement System (PFRS) for enrollment pursuant to the criteria set forth in N.J.S.A. 43:16A-1. However, the bill states that enrollment may only occur one year after the bill's effective date.

FISCAL IMPACT

In a fiscal note prepared by the Office of Legislative Services, the Department of Corrections estimates a cost of approximately \$234,000 and \$120,000 in the first and second years of implementation, respectively. However, this estimate was only for the firearms qualification training and not for the basic police officer training course required by the bill.