

40A:14-146.10

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:14-146.10

(Resort
municipalities--contracts)

LAWS OF: 1991

CHAPTER: 46

Bill No: A868

Sponsor(s): Villapiano

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Law, Public Safety & Defense

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: April 30, 1990

Senate: January 24, 1991

Date of Approval: March 4, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[FIRST REPRINT]
ASSEMBLY, No. 868

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen VILLAPIANO, SALMON and Jacobson

1 AN ACT ¹[authorizing limited special law enforcement
2 cooperative assistance compacts in certain instances, and
3 amending and supplementing the "Special Law Enforcement
4 Officers' Act," P.L.1985, c.439 (C.40A:14-146.8 et seq.)]
5 concerning the jurisdictional authority of special law
6 enforcement officers and amending P.L. 1985, c. 439¹.
7

8 BE IT ENACTED *by the Senate and General Assembly of the*
9 *State of New Jersey:*

10 ¹[1. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
11 to read as follows:

12 3. a. Any local unit may, as it deems necessary, appoint
13 special law enforcement officers sufficient to perform the duties
14 and responsibilities permitted by local ordinances authorized by
15 N.J.S.40A:14-118 and within the conditions and limitations as
16 may be established pursuant to this act.

17 b. No person may be appointed as a special law enforcement
18 officer unless the person:

- 19 (1) Is a resident of this State during the term of appointment;
20 (2) Is able to read, write and speak the English language well
21 and intelligently and has a high school diploma or its equivalent;
22 (3) Is sound in body and of good health;
23 (4) Is of good moral character;
24 (5) Has not been convicted of any offense involving dishonesty
25 or which would make him unfit to perform the duties of his office;
26 (6) Has successfully undergone the same psychological testing
27 that is required of all full-time police officers in the municipality
28 or, with regard to a special law enforcement officer hired for a
29 seasonal period by a resort municipality which requires
30 psychological testing of its full-time police officers, has
31 successfully undergone a program of psychological testing
32 approved by the commission.

33 c. Every applicant for the position of special law enforcement
34 officer appointed pursuant to this act shall have fingerprints
35 taken, which fingerprints shall be filed with the Division of State
36 Police and the Federal Bureau of Investigation.

37 d. [No] Except as otherwise may be provided pursuant to the
38 provisions of section 3 of P.L....., c.... (C.....) (now pending before

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 April 23, 1990.

1 the legislature as this bill), no person shall be appointed to serve
2 as a special law enforcement officer in more than one local unit
3 at the same time, nor shall any permanent, regularly appointed
4 full-time police officer of any local unit be appointed as a special
5 law enforcement officer in any local unit. No public official with
6 responsibility for setting law enforcement policy or exercising
7 authority over the budget of the local unit or supervision of the
8 police department of a local unit shall be appointed as a special
9 law enforcement officer.

10 e. Before any special law enforcement officer is appointed
11 pursuant to this act, the chief of police, or, in the absence of the
12 chief, other chief law enforcement officer of the local unit shall
13 ascertain the eligibility and qualifications of the applicant and
14 report these determinations in writing to the appointing authority.

15 f. Any person who at any time prior to his appointment had
16 served as a duly qualified, fully-trained, full-time officer in any
17 municipality of this State and who was separated from that prior
18 service in good standing, shall be eligible to serve as a special law
19 enforcement officer consistent with guidelines promulgated by
20 the commission. The training requirements set forth in section 4
21 of this act may be waived by the commission with regard to any
22 person eligible to be appointed as a special law enforcement
23 officer pursuant to the provisions of this subsection.

24 (cf: P.L.1985, c.439, s.3)]¹

25 ¹[2.] 1.¹ Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is
26 amended to read as follows:

27 7. a. Special law enforcement officers may be appointed for
28 terms not to exceed one year, and the appointments may be
29 revoked by the local unit for cause after adequate hearing, unless
30 the appointment is for four months or less, in which event the
31 appointment may be revoked without cause or hearing. Nothing
32 herein shall be construed to require reappointment upon the
33 expiration of the term. The special law enforcement officers so
34 appointed shall not be members of the police force of the local
35 unit, and their powers and duties as determined pursuant to this
36 act shall cease at the expiration of the term for which appointed.

37 b. No special law enforcement officer may carry a firearm
38 except while engaged in the actual performance of the officer's
39 official duties and when specifically authorized by the chief of
40 police, or, in the absence of the chief, other chief law
41 enforcement officer of the local unit to carry a firearm and
42 provided that the officer has satisfactorily completed the basic
43 firearms course required by the commission for regular police
44 officers and annual requalification examinations as required for
45 permanent, regularly appointed full-time officers in the local
46 unit.

47 A special law enforcement officer shall be deemed to be on
48 duty only while he is performing the public safety functions on
49 behalf of the local unit pursuant to this act and when he is

1 receiving compensation, if any, from the local unit at the rates or
2 stipends as shall be established by ordinance. A special law
3 enforcement officer shall not be deemed to be on duty for
4 purposes of this act while performing private security duties for
5 private employers, which duties are not assigned by the chief of
6 police, or, in the absence of the chief, other chief law
7 enforcement officer of the local unit, or while receiving
8 compensation for those duties from a private employer. A
9 special law enforcement officer may, however, be assigned by the
10 chief of police or, in the absence of the chief, other chief law
11 enforcement officer, to perform public safety functions for a
12 private entity if the chief of police or other chief law
13 enforcement officer supervises the performance of the public
14 safety functions. If the chief of police or other chief law
15 enforcement officer assigns the public safety duties and
16 supervises the performance of those duties, then, notwithstanding
17 that the local unit is reimbursed for the cost of assigning a
18 special law enforcement officer at a private entity, the special
19 law enforcement officer shall be deemed to be on duty.

20 The reimbursement for the duties of a special law enforcement
21 officer, which is made to a municipality with a population in
22 excess of 300,000, according to the 1980 federal decennial
23 census, may be by direct payments from the employer to the
24 special law enforcement officer, provided that records of the
25 hours worked are forwarded to and maintained by the chief of
26 police or other chief law enforcement officer responsible for
27 assigning the special law enforcement officer those public safety
28 duties.

29 Any firearm utilized by a special law enforcement officer shall
30 be returned at the end of the officer's workday to the officer in
31 charge of the stationhouse, unless the firearm is owned by the
32 special law enforcement officer and was acquired in compliance
33 with a condition of employment established by the local unit.
34 Any special law enforcement officer first appointed after the
35 effective date of this act shall only use a firearm supplied by the
36 local unit. No such special police officer shall carry a revolver or
37 other similar weapon when off duty; but if any such special police
38 officer appointed by the governing body of any municipality
39 having a population in excess of 300,000, according to the 1980
40 federal census, who is a resident of the municipality and is
41 employed as a special police officer at least 35 hours per week,
42 or less at the discretion of the chief of police and mayor, shall, at
43 the direction of the chief of police, have taken and successfully
44 completed a firearms training course administered by the Police
45 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
46 seq.), and has successfully completed within three years of the
47 effective date of P.L.1985, c.45 or three years of the date of
48 appointment of the special police officer, whichever is later, 280
49 hours of training in arrest, search and seizure, criminal law, and

1 the use of deadly force, and shall annually qualify in the use of a
2 revolver or similar weapon, said special police officer shall be
3 permitted to carry a revolver or other similar weapon when off
4 duty within the municipality where he is employed. Specific
5 authorization shall be in the form of a permit which shall not be
6 unreasonably withheld, which is subject to renewal annually and
7 may be revoked at any time by the chief of police. The permit
8 shall be on the person of the special police officer whenever a
9 revolver or other similar weapon is carried off duty. No permit
10 shall be issued until the special police officer has successfully
11 completed all training courses required under this section. Any
12 training courses completed by a special police officer under the
13 direction of the chief of police in a school and a curriculum
14 approved by the Police Training Commission, pursuant to
15 P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards
16 the 280 hours of training required to be completed by this
17 section. Any training required by this section shall commence
18 within 90 days of the effective date of P.L.1985, c.45 or within
19 90 days of the date of the appointment of the special police
20 officer, whichever is later.

21 c. ¹[A] Except as otherwise may be provided pursuant to the
22 provisions of section 3 of P.L..., c.... (C....) (now pending before
23 the Legislature as this bill), a] A¹ special law enforcement
24 officer shall be under the supervision and direction of the chief of
25 police or, in the absence of the chief, other chief law
26 enforcement officer of the local unit wherein the officer is
27 appointed, and shall perform his duties only in the local unit
28 ¹[unless] except when¹ in fresh pursuit of any person pursuant to
29 chapter 156 of Title 2A of the New Jersey Statutes ¹or when
30 authorized to perform duties in another unit pursuant to a mutual
31 aid agreement enacted in accordance with section 1 of P.L. 1976,
32 c. 45 (C.40A:14-156.1)¹.

33 d. The officer shall comply with the rules and regulations
34 applicable to the conduct and decorum of the permanent,
35 regularly appointed police officers of the local unit, as well as
36 any rules and regulations applicable to the conduct and decorum
37 of special law enforcement officers.

38 ¹e. Notwithstanding any provision of P.L. 1985, c. 439
39 (C.40A:14-146.8 et seq.) to the contrary, a special law
40 enforcement officer may travel through another local unit to
41 reach a noncontiguous area of the local unit in which his
42 appointment was issued or to transport persons to and from a
43 correctional facility.¹

44 (cf: P.L.1987, c.96, s.3)

45 ¹[3. (New section) The governing bodies of any two contiguous
46 resort municipalities may, by reciprocal ordinances, enter into a
47 limited special law enforcement cooperative assistance compact
48 to empower their special law enforcement officers to exercise
49 and perform their authorized law enforcement powers and duties

1 within certain delineated areas of each other's territorial
2 jurisdiction during the seasonal period.

3 Any such cooperative assistance compact shall provide for, but
4 not be limited to:

5 a. A delineation of the areas within each resort municipality's
6 territorial jurisdiction wherein the special law enforcement
7 officers of the other resort municipality may exercise and
8 perform their authorized law enforcement powers and duties.

9 b. The criteria for and conditions under which a special law
10 enforcement officer of one resort municipality may enter into
11 the delineated area of the other resort municipality and exercise
12 and perform his authorized law enforcement powers and duties.

13 c. An outline of the law enforcement powers and duties a
14 special law enforcement officer of one resort municipality may
15 exercise and perform within the delineated area of the other
16 resort municipality.

17 d. A joint meeting of the chief law enforcement officers of
18 the participating resort municipalities to promulgate the
19 necessary rules, regulations and procedures governing the
20 implementation and operation of the cooperative assistance
21 compact. All such rules, regulations and procedures shall, by
22 resolution, be approved by the governing bodies of the
23 participating resort municipalities.

24 A special law enforcement officer, while exercising and
25 performing his authorized law enforcement powers and duties in a
26 contiguous resort municipality pursuant to a cooperative
27 assistance compact entered into under this act, shall have all the
28 rights and immunities to which he is entitled in the resort
29 municipality of his appointment.]¹

30 ¹[4.] 2.¹ This act shall take effect immediately.

31

32

33

PUBLIC SAFETY

34

35 Permits special law enforcement officers to perform duties in or
36 to travel through other municipalities.

1 b. The criteria for and conditions under which a special law
2 enforcement officer of one resort municipality may enter into
3 the delineated area of the other resort municipality and exercise
4 and perform his authorized law enforcement powers and duties.

5 c. An outline of the law enforcement powers and duties a
6 special law enforcement officer of one resort municipality may
7 exercise and perform within the delineated area of the other
8 resort municipality.

9 d. A joint meeting of the chief law enforcement officers of
10 the participating resort municipalities to promulgate the
11 necessary rules, regulations and procedures governing the
12 implementation and operation of the cooperative assistance
13 compact. All such rules, regulations and procedures shall, by
14 resolution, be approved by the governing bodies of the
15 participating resort municipalities.

16 A special law enforcement officer, while exercising and
17 performing his authorized law enforcement powers and duties in a
18 contiguous resort municipality pursuant to a cooperative
19 assistance compact entered into under this act, shall have all the
20 rights and immunities to which he is entitled in the resort
21 municipality of his appointment.

22 4. This act shall take effect immediately.

23

24

STATEMENT

25

26 This bill is designed to address a troublesome law enforcement
27 problem faced by a number of resort municipalities. Many of
28 these municipalities utilize special law enforcement officers to
29 supplement their regular police forces during those seasonal
30 periods when they are inundated with large numbers of visitors.
31 Most of those special law enforcement officers are assigned to
32 routine duties, such as crowd control, traffic details and the
33 enforcement of municipal ordinances, and are authorized to issue
34 summonses for disorderly persons and petty disorderly persons
35 offenses. In certain areas of this State, the territorial boundaries
36 of two resort municipalities are separated by a street, with each
37 municipality having jurisdiction on its side of the street. In such
38 cases, the law enforcement efforts of the municipality's special
39 police are often frustrated when individuals involved in petty
40 disorderly persons and disorderly persons offenses can
41 successfully evade apprehension by simply crossing the street.

42 To address that problem, this bill would permit the governing
43 bodies of contiguous resort municipalities to enter into special
44 law enforcement cooperative assistance compacts that would
45 empower their special law enforcement officers to exercise and
46 perform their authorized law enforcement powers and duties
47 within certain delineated areas of each other's territorial
48 jurisdictions.

1 Under the provisions of the bill, the governing bodies may enter
2 into to such a cooperative assistance compact by adopting
3 reciprocal ordinances. The compact must contain at least the
4 following elements: (1) a delineation of the areas within each
5 resort municipality where the special law enforcement officers of
6 the other municipality may exercise and perform their law
7 enforcement powers and duties; (2) the criteria and conditions
8 under which a special law enforcement officer may enter the
9 delineated area in the other resort municipality and exercise his
10 law enforcement powers and duties; (3) an outline of the law
11 enforcement powers and duties the special law enforcement
12 officers may exercise and perform in the delineated areas, and (4)
13 provision for a joint meeting of the chief law enforcement
14 officers of the two participating resort municipalities to establish
15 the rules, regulations and procedures that are necessary to
16 implement the compact. The rules, regulations and procedures
17 adopted by the chief law enforcement officers must be approved
18 by the participating governing bodies.

19

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PUBLIC SAFETY

22

23 Permits certain resort municipalities to enter into limited special
24 law enforcement cooperative assistance compacts to authorize
25 special police to cross jurisdictional boundaries.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 868

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 868.

This bill permits a special law enforcement officer to perform law enforcement duties outside of the jurisdictional limits of the local unit in which the officer was appointed when authorized to do so pursuant to a mutual police aid agreement enacted in accordance with current law. Section 1 of P.L.1976, c.45 (C.40A:14-156.1) permits the governing bodies of two or more municipalities to enter into agreements by reciprocal ordinances for rendering mutual police or fire aid in case of emergency. These mutual aid agreements are now used to permit regular municipal police officers to perform law enforcement duties in areas outside the jurisdictional limits of their law enforcement departments.

In addition, the bill will allow a special law enforcement officer to travel through the jurisdiction of another law enforcement unit in order to reach a noncontiguous area of the local unit in which he has his appointed or to transport persons to and from a correctional facility.

As originally drafted, the bill would permit the governing bodies of contiguous resort municipalities to enter into special law enforcement cooperative assistance compacts that would empower their special law enforcement officers to exercise and perform their authorized law enforcement powers and duties within certain delineated areas of each other's territorial jurisdictions. The committee amendments make the provisions of the bill applicable to all municipalities, not just resort municipalities.

The committee amendments make this bill identical to Senate Bill No. 2150 of 1990.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 868

STATE OF NEW JERSEY

DO NOT REMOVE

DATED: JUNE 25, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 868 (1R).

When authorized under a mutual police aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1), a special law enforcement officer would be permitted to perform law enforcement duties outside the jurisdictional limits of the local unit in which the officer was appointed. The current law on mutual aid agreements permits the governing bodies of municipalities to enter into agreements by reciprocal ordinances for rendering mutual police or fire aid in case of emergency. These mutual aid agreements are now used to permit regular municipal police officers to perform law enforcement duties in areas outside the jurisdictional limits of their law enforcement departments.

In addition, the bill will allow a special law enforcement officer to travel through the jurisdiction of another law enforcement unit in order to reach a noncontiguous area of the local unit in which he has his appointed or to transport persons to and from a correctional facility.

As released by the committee, this bill is identical to Senate Bill No. 2150 of 1990.