

2C:39-6

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 2C:39-6;18A:6-4.5 (Campus police--powers)

LAWS OF: 1991 **CHAPTER:** 327

Bill No: A3559

Sponsor(s): Zangari

Date Introduced: May 17, 1990

Committee: Assembly: County Government

Senate: Law, Public Safety & Defense

Amended during passage: No

Date of Passage: Assembly: January 17, 1991

Senate: December 16, 1991

Date of Approval: December 20, 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

See newspaper clippings -- attached

KBG/dgw

1 AN ACT concerning powers of campus police officers and
2 amending P.L.1970, c.211 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 4 of P.L.1970, c.211 (C.18A:6-4.5) is amended to
7 read as follows:

8 4. Every person so appointed and commissioned shall, while
9 going to and from his place of duty and while in actual
10 performance of his official duties within the State,] possess all
11 the powers of policemen and constables in criminal cases and
12 offenses against the law anywhere in the State of New Jersey,
13 pursuant to any limitations as may be imposed by the governing
14 body of the institution which appointed and commissioned the
15 person.

16 (cf: P.L.1985, c.376, s.2)

17 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;

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

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

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

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

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

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

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

48 (1) A law enforcement officer employed by a governmental
49 agency outside of the State of New Jersey while actually engaged

1 in his official duties, provided, however, that he has first notified
2 the superintendent or the chief law enforcement officer of the
3 municipality or the prosecutor of the county in which he is
4 engaged; or

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

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

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

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

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

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

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

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

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

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

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

48 (10) A campus police officer appointed under P.L.1970, c.211
49 (C.18A:6-4.2 et seq.) [while going to and from his place of duty

1 and while in the course of performing official duties or while in
2 the course of an official investigation within the State] at all
3 times. Prior to being permitted to carry a firearm, a campus
4 police officer shall take and successfully complete a firearms
5 training course administered by the Police Training Commission,
6 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall
7 annually qualify in the use of a revolver or similar weapon prior
8 to being permitted to carry a firearm; or

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

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

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

28 (2) 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 antique cannon that is capable
30 of being fired but that is unloaded and immobile, provided that
31 the antique cannon is possessed by (a) a scholastic institution, a
32 museum, a municipality, a county or the State, or (b) a person
33 who obtained a firearms purchaser identification card as
34 specified in N.J.S.2C:58-3.

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

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

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

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

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

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

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

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

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

44 (b) Directly to or from any target range, or other authorized
45 place for the purpose of practice, match, target, trap or skeet
46 shooting exhibitions, provided in all cases that during the course
47 of the travel all firearms are carried in the manner specified in
48 subsection g. of this section and the person has complied with all
49 the provisions and requirements of Title 23 of the Revised

1 Statutes and any amendments thereto and all rules and
2 regulations promulgated thereunder, or

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

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

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

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

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

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

46 i. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
47 to prevent any person who is 18 years of age or older and who has
48 not been convicted of a felony, from possession for the purpose of
49 personal self-defense of one pocket-sized device which contains

1 and releases not more than three-quarters of an ounce of
2 chemical substance not ordinarily capable of lethal use or of
3 inflicting serious bodily injury, but rather, is intended to produce
4 temporary physical discomfort or disability through being
5 vaporized or otherwise dispensed in the air. Any person in
6 possession of any device in violation of this subsection shall be
7 deemed and adjudged to be a disorderly person, and upon
8 conviction thereof, shall be punished by a fine of not less than
9 \$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.1989, c.291, s.4)

35 3. This act shall take effect immediately.

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STATEMENT

39

40 This bill gives campus police officers all the powers accorded
41 to other police officers anywhere in New Jersey in criminal cases
42 and offenses against the law. Presently, campus police officers
43 may exercise these powers only while on duty or traveling to or
44 from their place of duty. In providing parity for campus police,
45 the bill also gives them the same authority as other police
46 officers to carry firearms while off-duty. At present, campus
47 officers may carry firearms off-duty only while on their way to
48 or from work. Current law requires campus officers to
49 successfully complete a firearms training course administered by

1 the Police Training Commission and to qualify annually in the use
2 of their weapons.

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PUBLIC SAFETY

6

7 .Accords full police powers to campus police.

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2 chemical substance not ordinarily capable of lethal use or of
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6 possession of any device in violation of this subsection shall be
7 deemed and adjudged to be a disorderly person, and upon
8 conviction thereof, shall be punished by a fine of not less than
9 \$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.1989, c.291, s.4)

35 3. This act shall take effect immediately.

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38 STATEMENT

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40 This bill gives campus police officers all the powers accorded
41 to other police officers anywhere in New Jersey in criminal cases
42 and offenses against the law. Presently, campus police officers
43 may exercise these powers only while on duty or traveling to or
44 from their place of duty. In providing parity for campus police,
45 the bill also gives them the same authority as other police
46 officers to carry firearms while off-duty. At present, campus
47 officers may carry firearms off-duty only while on their way to
48 or from work. Current law requires campus officers to
49 successfully complete a firearms training course administered by

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1 the Police Training Commission and to qualify annually in the use
2 of their weapons.

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PUBLIC SAFETY

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7 Accords full police powers to campus police.

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3559

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1990

The Assembly County Government Committee reports favorably Assembly, No. 3559.

Assembly Bill No. 3559 gives campus police officers all the powers accorded to other police officers anywhere in New Jersey in criminal cases and offenses against the law. Presently, campus police officers may exercise these powers only while on duty or traveling to or from their place of duty. In providing parity for campus police, the bill also gives them the same authority as other police officers to carry firearms while off-duty. At present, campus officers may carry firearms off-duty only while on their way to or from work. Current law requires campus officers to successfully complete a firearms training course administered by the Police Training Commission and to qualify annually in the use of their weapons.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3559

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Senate Law, Public Safety and Defense Committee favorably reports Assembly Bill No. 3559.

Under this bill, campus police officers would receive all the powers accorded to other police officers in New Jersey for the investigation of criminal offenses and the apprehension of criminal offenders. They may exercise these powers anywhere in the State, but within the limitations which may be imposed by the governing body of the educational institution for which they work. Currently, campus police officers may exercise their police powers only while on duty or traveling to or from their place of duty.

In addition, the bill gives campus police officers the authority to carry firearms while off duty. Currently, campus officers may carry firearms while on duty and while going to and from their place of duty. Campus police officers are already required to successfully complete a firearms training course administered by the Police Training Commission and to qualify annually in the use of their weapons.