

32:4-6

5/6/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 32:4-6 (DRPA & PATCO police-- broaden jurisdiction)

CHAPTER 209

Laws Of: 1986

Bill No: S2287

Sponsor(s): Rand and others

Date Introduced: June 16, 1986

Committee: **Assembly:** -----

Senate: Independent Authorities

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** October 23, 1986

Senate: September 29, 1986

Date of Approval: January 8, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 10-2-86

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

Division of Criminal Justice opinion, referred to in statements--attached.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2287

STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1986

By Senators RAND, COSTA, DALTON, ZANE and HAINES

Referred to Committee on Independent Authorities

AN ACT concerning the ***[powers of certain bridge police]*** *Delaware River Port Authority** and amending and supplementing P. L. 1957, c. 35.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1957, c. 35 (C. 32:4-6) is amended to read
2 as follows:

3 1. The Delaware River Port Authority, a body corporate and
4 politic, functioning under the legislation enacted by the Common-
5 wealth of Pennsylvania and the State of New Jersey, and the ex-
6 press consent of the Congress of the United States and its wholly-
7 owned subsidiary corporation through which it is effectuating
8 its authorized purposes, shall have the power, and authority to
9 appoint such number of ***[policemen]*** *police officers** as may be
10 found necessary to keep in safety and preserve order upon such
11 bridges and tunnels and approaches thereto, and upon the rapid
12 transit systems, ferries, facilities and other property as the Dela-
13 ware River Port Authority or ***[such]*** subsidiary corporations
14 does or may hereafter own, lease or operate; to administer to
15 ***[such policemen]*** *the police officers** an oath or affirmation
16 faithfully to perform the duties of their respective positions or
17 offices; and to provide for the payment of ***[such policemen]*** *the*
18 *police officers** from the tolls, fares, charges and other revenue of
19 the Delaware River Port Authority or ***[such]*** subsidiary corpora-
20 tions. The ***[policemen]*** *police officers** so appointed shall have

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 15, 1986.

**—Assembly amendments adopted October 2, 1986.

21 the power and authority to make arrests for any crimes, misde-
 22 meanors, and **[the]** *the* offenses committed **[within the**
 23 *port district]* under the laws of the State of New Jersey or the
 24 Commonwealth of Pennsylvania **[and]** upon said bridges or
 25 within said tunnels or approaches thereto, on the rapid transit
 26 systems, ferries, facilities or **[other property]** *within any other*
 27 *areas of the port district]* *other property owned, leased or*
 28 *operated by the Delaware River Port Authority or a subsidiary*
 29 *corporation*, for disorder or breach of the peace, or for viola-
 30 tions of any lawful regulation which may be or may heretofore
 31 have been adopted by the Delaware River Port Authority or
 32 **[such]** subsidiary corporations *within any other areas of*
 32A *the port district. Such policemen]* *. Police officers* shall be
 32B further authorized and empowered to make arrests or issue sum-
 32C monses for evasion or attempts to evade the payment of tolls, fares
 32D or other charges which may be fixed or may have been fixed for
 32E the use of **[such]** a bridge, tunnel, rapid transit system, or ferry,
 32F facility or other **[authority]** property *owned, leased or oper-*
 32G *ated by the Delaware River Port Authority or a subsidiary cor-*
 33 *poration. In addition, [police officers,]* *while acting within*
 33A *any other areas of the port district, police officers appointed by*
 33B *the Delaware River Port Authority* shall have all of the powers,
 33C *including the right to carry firearms while on duty, and all of the*
 33D *immunities conferred by law on police officers or municipal police*
 33E *officers in the enforcement of the laws of the State of New Jersey*
 33F *and the Commonwealth of Pennsylvania; provided [, however,]*
 33G *that no police officer shall be so empowered unless the officer has*
 33H *satisfied all the training and [qualification]* *requalfi-*
 34 *cation requirements [established pursuant to]* *of* sec-
 34A *tion 2 of this amendatory and supplementary act [are met].*
 34B To pass over any part of said bridges or through said tunnels and
 35 approaches thereto in any vehicle for which tolls shall be collectible,
 36 or for any person or vehicle to use the rapid transit systems or
 37 ferries or other facilities or property without passing through
 38 the toll gates or paying such toll, fares or charges shall constitute
 39 such evasion and shall subject the person so evading or attempting
 40 to evade such payment to arrest or receipt of a summons as afore-
 41 said. Any such summons shall direct such person to appear before
 42 any proper judicial officer as defined in this section at such time
 43 as the summons shall direct. Upon the return of such summons
 44 or upon the apprehension or arrest of any person or persons for
 45 any of the other foregoing reasons, the offender may be taken
 46 before any proper judicial officer of the Commonwealth of Penn-

47 sylvania or of the State of New Jersey without respect to the
 48 portion of the bridge, tunnel, ferry facility, rapid transit system,
 49 facilities or other property upon or within which such offense
 50 may have been committed or attempted or such offender arrested,
 51 and thereupon such judicial officer shall have the power and
 52 authority to punish such offender as hereinafter provided. The
 53 Delaware River Port Authority and its wholly-owned subsidiary
 54 corporations through which it is effectuating its authorized pur-
 55 poses shall have the power to adopt such rules and regulations as
 56 they may respectively deem expedient for the proper government
 57 of said bridges, tunnels, approaches thereto, rapid transit systems,
 58 ferries, facilities or other property and for the preservation of
 59 good order, safe traffic, and proper conduct thereon or therein.
 60 For any violation of any of the foregoing provisions of this act
 61 or of any rule or regulation adopted by the Delaware River Port
 62 Authority, or its said subsidiary corporations, or for any evasion
 63 or attempt to evade payment of tolls, fares or charges the offender
 64 or offenders shall be subject to a fine or penalty of not less than
 65 \$10.00 or more than \$25.00, together with costs, to be adjudged
 66 by the proper judicial officer of the city and county of Philadelphia
 67 or other proper judicial officer of the Commonwealth of Pennsyl-
 68 vania or of the State of New Jersey before whom such offender or
 69 offenders may be brought, and on default of payment of such fine
 70 or penalty, then to imprisonment of not less than 10 days or more
 71 than 30 days in the place of incarceration decreed by said magis-
 72 trate or other judicial officer; and upon conviction of any subse-
 73 quent offense, shall be subject to a fine or penalty of not less than
 74 \$25.00 or more than \$50.00, together with costs, or to imprison-
 75 ment of not less than 30 days or more than 60 days or both at the
 76 discretion of the said magistrate or other judicial officer.

1 2. (New section) ***[A policeman]*** **a. The Delaware River Port*
 2 *Authority shall require a police officer** appointed ****[*on or after**
 3 *the effective date of this act*]** under section 1 of P. L. 1957, c. 35
 4 (C. 32:4-6) ***[shall have all the powers and immunities conferred by**
 5 law on law enforcement officers in the enforcement of laws of this
 6 State and the apprehension of violators thereof; provided, however,
 7 that no policeman so appointed under section 1 of P. L. 1957, c. 35
 8 (C. 32:4-6) shall hereafter be given the additional powers and im-
 9 munities authorized herein unless such policeman, subsequent to
 10 the effective date of this amendatory and supplementary act,]*
 11 **to* successfully* ***[completes]*** **complete** a police training course
 12 **jointly** approved and authorized by the ***[Attorney General or***

13 receives an exemption from such course by the Attorney General
 14 as provided by this section] * *Attorneys General of the State of*
 15 *New Jersey and the Commonwealth of Pennsylvania, and shall*
 16 *further require that the police officer shall fully comply with the*
 17 *annual firearms qualifications standards established under subsec-*
 18 *tion j. of N. J. S. 2C:39-6*.*

19 * [The Attorney General may, in his discretion, exempt] * *b. A*
 20 *police officer may be exempted* * from the police training require-
 21 ments of *subsection a. of* this section * [any policeman who] *
 22 *if he* * demonstrates * [to the Attorney General's satisfaction] *
 23 that he has successfully completed a police training course con-
 24 ducted by any federal, state or other public or private agency, the
 25 requirements of which are *determined by the attorneys general of*
 26 *the two states to be* * substantially equivalent to the police training
 27 *course* * requirements of *subsection a. of* this section *, *but not-*
 28 *withstanding such exemption, the police officer shall fully comply*
 29 *with the annual firearms qualification standards referenced in sub-*
 30 *section a. of this section.**

1 3. This act shall take effect upon the enactment into law by the
 2 Commonwealth of Pennsylvania of legislation having a substan-
 3 tially similar effect as this act * [, but] * *or* * if the Commonwealth
 4 of Pennsylvania shall have already enacted such legislation, this
 5 act shall take effect immediately.

AUTHORITIES AND COMMISSIONS

Authorizes policemen appointed by DRPA and PATCO to exer-
 cise police powers throughout the entire port district.

SENATE, No. 2287
STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1986

By Senators RAND, COSTA, DALTON, ZANE and HAINES

Referred to Committee on Independent Authorities

AN ACT concerning the powers of certain bridge police and
amending and supplementing P. L. 1957, c. 35.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1957, c. 35 (C. 32:4-6) is amended to read
2 as follows:

3 1. The Delaware River Port Authority, a body corporate and
4 politic, functioning under the legislation enacted by the Common-
5 wealth of Pennsylvania and the State of New Jersey, and the ex-
6 press consent of the Congress of the United States and its wholly-
7 owned subsidiary corporation through which it is effectuating
8 its authorized purposes, shall have the power, and authority to
9 appoint such number of policemen as may be found necessary to
10 keep in safety and preserve order upon such bridges and tunnels
11 and approaches thereto, and upon the rapid transit systems,
12 ferries, facilities and other property as the Delaware River Port
13 Authority or such subsidiary corporations does or may hereafter
14 own, lease or operate; to administer to such policemen an oath
15 or affirmation faithfully to perform the duties of their respective
16 positions or offices; and to provide for the payment of such police-
17 men from the tolls, fares, charges and other revenue of the Dela-
18 ware River Port Authority or such subsidiary corporations. The
19 policemen so appointed shall have the power and authority to make
20 arrests for any crimes, misdemeanors, and the offenses committed
21 under the laws of the State of New Jersey or the Commonwealth

**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 printed in italics thus is new matter.

22 of Pennsylvania upon said bridges or within said tunnels or ap-
23 proaches thereto, on the rapid transit systems, ferries, facilities
24 or **[other property]** *within any other areas of the port district,*
25 for disorder or breach of the peace, or for violations of any lawful
26 regulation which may be or may heretofore have been adopted
27 by the Delaware River Port Authority or such subsidiary corpo-
28 rations *within any other areas of the port district.* Such policemen
29 shall be further authorized and empowered to make arrests or
30 issue summonses for evasion or attempts to evade the payment
31 of tolls, fares or other charges which may be fixed or may have
32 been fixed for the use of **[such]** a bridge, tunnel, rapid transit
33 system, or ferry, facility or other *authority* property. To pass
34 over any part of said bridges or through said tunnels and ap-
32 been fixed for the use of **[such]** a bridge, tunnel, rapid transit
36 or for any person or vehicle to use the rapid transit systems or
37 ferries or other facilities or property without passing through
38 the toll gates or paying such toll, fares or charges shall constitute
39 such evasion and shall subject the person so evading or attempting
40 to evade such payment to arrest or receipt of a summons as afore-
41 said. Any such summons shall direct such person to appear before
42 any proper judicial officer as defined in this section at such time
43 as the summons shall direct. Upon the return of such summons
44 or upon the apprehension or arrest of any person or persons for
45 any of the other foregoing reasons, the offender may be taken
46 before any proper judicial officer of the Commonwealth of Penn-
47 sylvania or of the State of New Jersey without respect to the
48 portion of the bridge, tunnel, ferry facility, rapid transit system,
49 facilities or other property upon or within which such offense
50 may have been committed or attempted or such offender arrested,
51 and thereupon such judicial officer shall have the power and
52 authority to punish such offender as hereinafter provided. The
53 Delaware River Port Authority and its wholly-owned subsidiary
54 corporations through which it is effectuating its authorized pur-
55 poses shall have the power to adopt such rules and regulations as
56 they may respectively deem expedient for the proper government
57 of said bridges, tunnels, approaches thereto, rapid transit systems,
58 ferries, facilities or other property and for the preservation of
59 good order, safe traffic, and proper conduct thereon or therein.
60 For any violation of any of the foregoing provisions of this act
61 or of any rule or regulation adopted by the Delaware River Port
62 Authority, or its said subsidiary corporations, or for any evasion
63 or attempt to evade payment of tolls, fares or charges the offender

64 or offenders shall be subject to a fine or penalty of not less than
65 \$10.00 or more than \$25.00, together with costs, to be adjudged
66 by the proper judicial officer of the city and county of Philadelphia
67 or other proper judicial officer of the Commonwealth of Pennsyl-
68 vania or of the State of New Jersey before whom such offender or
69 offenders may be brought, and on default of payment of such fine
70 or penalty, then to imprisonment of not less than 10 days or more
71 than 30 days in the place of incarceration decreed by said magis-
72 trate or other judicial officer; and upon conviction of any subse-
73 quent offense, shall be subject to a fine or penalty of not less than
74 \$25.00 or more than \$50.00, together with costs, or to imprison-
75 ment of not less than 30 days or more than 60 days or both at the
76 discretion of the said magistrate or other judicial officer.

1 2. (New section) A policeman appointed under section 1 of
2 P. L. 1957, c. 35 (C. 32:4-6) shall have all the powers and im-
3 munities conferred by law on law enforcement officers in the en-
4 forcement of laws of this State and the apprehension of violators
5 thereof; provided, however, that no policeman so appointed under
6 section 1 of P. L. 1957, c. 35 (C. 32:4-6) shall hereafter be given
7 the additional powers and immunities authorized herein unless
8 such policeman, subsequent to the effective date of this amen-
9 datory and supplementary act, successfully completes a police
10 training course approved and authorized by the Attorney General
11 or receives an exemption from such course by the Attorney Gen-
12 eral as provided by this section.

13 The Attorney General may, in his discretion, exempt from the
14 police training requirements of this section any policeman who
15 demonstrates to the Attorney General's satisfaction that he has
16 successfully completed a police training course conducted by any
17 federal, state or other public or private agency, the requirements
18 of which are substantially equivalent to the police training require-
19 ments of this section.

1 3. This act shall take effect upon the enactment into law by the
2 Commonwealth of Pennsylvania of legislation having a substan-
3 tially similar effect as this act, but if the Commonwealth of Penn-
4 sylvania shall have already enacted such legislation, this act shall
5 take effect immediately.

STATEMENT

Under current law, the jurisdiction of policemen appointed by the Delaware River Port Authority (DRPA) or a subsidiary corporation of the authority is limited to DRPA property and facil-

ities such as bridges or tunnels or approaches thereto, rapid transit systems or ferries. A recent opinion from the Office of the Attorney General in New Jersey has held that policemen for the Port Authority Transit Corporation (PATCO), a subsidiary corporation of DRPA, cannot exercise their police powers off PATCO property.

As a result of this opinion, PATCO has expressed its concerns that the safety of its patrons may be endangered due to the limitation of PATCO police arrest powers and that DRPA as well as individual officers may be liable in civil actions for exercising police powers outside of DRPA/PATCO property.

This bill is intended to broaden the boundaries within which DRPA and PATCO policemen may exercise their police powers to include any areas within the port district which consists of two counties in Pennsylvania and eight counties in New Jersey.

The bill further provides that policemen appointed under section 1 of 1957, c. 35 (C. 32:4-6) must successfully complete an approved police training course or receive an exemption before they are granted the powers and immunities authorized by this bill. The bill authorizes the Attorney General to exempt any policeman so appointed who demonstrates successful completion of a police training course, the requirements of which are substantially equivalent to those required by this bill.

AUTHORITIES AND COMMISSIONS

Authorizes policemen appointed by DRPA and PATCO to exercise police powers throughout the entire port district.

SENATE INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 2287

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 15, 1986

The Senate Independent Authorities Committee reports Senate Bill No. 2287 favorably with Senate committee amendments.

As amended, Senate Bill No. 2287 expands the legal jurisdiction of police officers appointed by the Delaware River Port Authority (DRPA) or a subsidiary corporation of DRPA to encompass the entire port district, comprising eight counties in southern New Jersey and two counties in Pennsylvania. Under current law, as interpreted by the State Division of Criminal Justice in a March 21, 1986 opinion, the law enforcement powers of DRPA police are limited to arrests and summonses on DRPA-owned property.

The bill also confers on DRPA police officers acting within the port district all of the powers and immunities enjoyed by other police officers in New Jersey and Pennsylvania.

Section 2 of the bill requires that all DRPA police officers appointed after enactment of the bill complete a police training course approved by the attorney generals of the two states or be granted an exemption based upon prior completion of an approved course. In addition, all DRPA police officers will be required to comply with the firearms qualifying standards established under N. J. S. 2C:39-6j.

Since the DRPA is a bi-state agency, this bill if enacted, would not take effect until substantially similar legislation has been enacted by the State of Pennsylvania.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) Redesignate "policemen" as "police officers";
- (2) Emphasize that DRPA police officers on duty in the port district shall have all powers and immunities enjoyed by other police officers;
- (3) Reword section 2 pertaining to police training requirements and exemptions for new DRPA officers; and
- (4) Add a firearms qualifying standard, pursuant to N. J. S. 2C:39-6j.

10/2/86

ADOPTED

Oct. 2, 1986

Assembly Amendments
introduced by Assemblyman Shusted
86

to

Senate Bill No. 2287 OCR
Sponsored by ~~Assemblyman~~ Rand
Senator

Amend:

| Page | Sec. | Line | |
|------|------|------|--|
| 2 | 1 | 22 | Before "offenses" insert "the" |
| | | - | Omit "within the port district" |
| 2 | 1 | 24 | Omit "and" |
| 2 | 1 | 33B | Omit "police officers," |
| 2 | 1 | 33C | After "district," insert "police officers appointed by the Delaware River Port Authority" |
| 2 | 1 | 33G | Omit ", however," |
| | | | After "that" insert "no police officer shall be so empowered unless the officer has satisfied" |
| 2 | 1 | 33H | After "all" insert "the" |
| | | | Omit "qualification" insert "requalification" |
| | | | Omit "established pursuant to" insert "of" |
| 2 | 1 | 33I | Omit "are met" |
| 3 | 2 | 2-3 | Omit "on or after the effective date of this act" |

STATEMENT

These amendments would require all current as well as future police officers appointed by the Delaware River Port Authority to satisfactorily complete a police training course and to fully comply with the annual firearms qualification standards established in subsection j. of N.J.S. 2C:39-6.

\$8,948.95 as payment to eighteen private citizens for outdated checks.

The legislation is effective immediately.

S-2287, sponsored by Senator Walter Rand, D-Camden and Assemblymen Thomas Shusted, R-Camden and John Rocco, R-Camden, extends the jurisdiction of the police officers of the Delaware River Port Authority to the territorial area of the Delaware River Port District. Currently the officers are limited to arrests and summonses on DRPA property.

The Delaware River Port District includes eight counties in South Jersey and two in Pennsylvania including Philadelphia.

The legislation shall take effect when the Commonwealth of Pennsylvania enacts legislation having a substantially similar effect as this act.

#



DRPA

file

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
25 MARKET STREET
CN 086
TRENTON, NEW JERSEY 08625-0086
TELEPHONE: 609-984-6500

W. CARY EDWARDS
ATTORNEY GENERAL

DONALD R. BELSOLE
FIRST ASSISTANT ATTORNEY GENERAL
DIRECTOR

March 21, 1986

Honorable Samuel Asbell
Camden County Prosecutor
Parkade Building-518 Market Street
Camden, New Jersey 08101

Re: Authority of PATCO Police to Participate in
Police Activity Off PATCO Property

Dear Prosecutor Asbell:

You have asked the Attorney General's Office to determine whether police officers appointed by the Port Authority Transit Corporation (PATCO) can participate in police activities off PATCO property. This Office believes that the language of the statute which authorizes the appointment of PATCO police officers limits their police powers to PATCO property.

In cooperation with the Camden County Prosecutor's office and municipal police forces in the Camden area, PATCO police officers have joined a county-wide anti-automobile theft squad. Apparently, a majority of the automobiles that are stolen are removed from the PATCO Speed Line. For this reason, your office believes that PATCO's input in this force is an absolute necessity. Unfortunately, the statute providing for appointment of PATCO police makes it clear that these officers' powers are restricted to PATCO property and thus this input must be limited.

N.J.S.A. 32:4-6 authorizes the Delaware River Port Authority (DRPA) to appoint "such number of policemen as may be found necessary to keep in safety and preserve order upon" bridges, tunnels, rapid transit systems, ferries and other property owned or operated by the DRPA. The powers of these police officers are statutorily set forth and, in addition to the power to arrest or issue summons to those evading payment of tolls, include only

the powers and authority to make arrests for any crimes, misdemeanors, and the offenses

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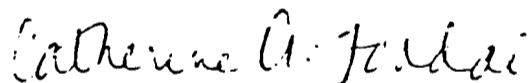
committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania upon said bridges or within said tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property, for disorder or breach of the peace . . . (emphasis added).

A statute must be interpreted in a manner which will effectuate the legislative goals behind its enactment. State v. Fearick, 69 N.J. 32, 37 (1976). In this case, the Legislature specifically limited PATCO officers' powers to crimes occurring on PATCO property. This statutory limitation is in marked contrast to that found in N.J.S.A. 32:2-25 which grants officers of the Port Authority of New York and New Jersey "all the powers conferred by law on police officers or constables in the enforcement of laws of this state and the apprehension of violators thereof." Based upon this broad language, the Supreme Court in State v. Cohen, 73 N.J. 331 (1977) ruled that Port Authority police could exercise the powers set forth in the statute throughout the territorial area of the Port District itself, which includes nine New Jersey counties and several New York counties. N.J.S.A. 32:1-3. This ruling was determined to be consistent with the implicit legislative intent manifested in N.J.S.A. 32:2-25. Id., 73 N.J. at 343-343.

By contrast, the legislation permitting the DRPA to hire PATCO police contains no such language but expressly limits the jurisdiction of PATCO police to PATCO property. Ordinarily, a governing body can directly exercise its police power only within its jurisdictional boundaries absent a statute broadening that power. State v. Cohen, 73 N.J. at 342; N.J.S.A. 40A:14-152. Police officers acting outside their jurisdiction can only make citizens' arrests. State v. Williams, 136 N.J. Super. 544 (Law Div. 1975).

In conclusion, this Office believes that PATCO police cannot exercise their police powers off PATCO property.

Very truly yours,



Catherine A. Foddai
Deputy Attorney General

gs/caf