

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 216

NJSA: 2C:39-6 (Changes title of State park ranger to State park police officer)

BILL NO: A3785 (Substituted for S2272)

SPONSOR(S): Barnes and others

DATE INTRODUCED: February 14, 2005

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Law and Public Safety and Veterans' Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 16, 2005

SENATE: June 20, 2005

DATE OF APPROVAL: August 29, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

A3785

[SPONSOR'S STATEMENT:](#) (Begins on page 12 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S2272

[SPONSOR'S STATEMENT:](#) (Begins on page 12 of original bill) [Yes](#)

COMMITTEE STATEMENT **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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P.L. 2005, CHAPTER 216, *approved August 29, 2005*
Assembly, No. 3785 (*First Reprint*)

1 AN ACT concerning certain State law enforcement officers and
2 amending N.J.S.2C:39-6 ¹[and],¹ P.L.1983, c.324 ¹and P.L.1977,
3 c.167¹.
4

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

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

9 2C:39-6. a. Provided a person complies with the requirements of
10 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 ALP committee amendments adopted May 2, 2005.

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

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

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

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

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

34 (9) A juvenile corrections officer in the employment of the Juvenile
35 Justice Commission established pursuant to section 2 of P.L.1995,
36 c.284 (C.52:17B-170) subject to the regulations promulgated by the
37 commission;

38 (10) A designated employee or designated licensed agent for a
39 nuclear power plant under license of the Nuclear Regulatory
40 Commission, while in the actual performance of his official duties, if
41 the federal licensee certifies that the designated employee or
42 designated licensed agent is assigned to perform site protection, guard,
43 armed response or armed escort duties and is appropriately trained and
44 qualified, as prescribed by federal regulation, to perform those duties.
45 Any firearm utilized by an employee or agent for a nuclear power plant
46 pursuant to this paragraph shall be returned each day at the end of the

1 employee's or agent's authorized official duties to the employee's or
2 agent's supervisor. All firearms returned each day pursuant to this
3 paragraph shall be stored in locked containers located in a secure area.

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

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

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

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

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

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

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

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

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

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

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

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

45 (9) A railway policeman, except a transit police officer of the New
46 Jersey Transit Police Department, at all times while in the State of

1 New Jersey, provided that he has passed an approved police academy
2 training program consisting of at least 280 hours. The training
3 program shall include, but need not be limited to, the handling of
4 firearms, community relations, and juvenile relations;

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

12 (11) (Deleted by amendment, P.L.2003, c.168).

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

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

25 (14) A Human Services police officer at all times while in the State
26 of New Jersey, as authorized by the Commissioner of Human Services;

27 (15) A person or employee of any person who, pursuant to and as
28 required by a contract with a governmental entity, supervises or
29 transports persons charged with or convicted of an offense;

30 (16) A housing authority police officer appointed under P.L.1997,
31 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
32 Jersey; or

33 (17) A probation officer assigned to the "Probation Officer
34 Community Safety Unit" created by section 2 of P.L.2001, c.362
35 (C.2B:10A-2) while in the actual performance of the probation
36 officer's official duties. Prior to being permitted to carry a firearm, a
37 probation officer shall take and successfully complete a basic course
38 for regular police officer training administered by the Police Training
39 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
40 shall annually qualify in the use of a revolver or similar weapon prior
41 to being permitted to carry a firearm.

42 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
43 antique firearms, provided that such antique firearms are unloaded or
44 are being fired for the purposes of exhibition or demonstration at an
45 authorized target range or in such other manner as has been approved
46 in writing by the chief law enforcement officer of the municipality in

1 which the exhibition or demonstration is held, or if not held on
2 property under the control of a particular municipality, the
3 superintendent.

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

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

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

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

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

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

1 construed to prevent:

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

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

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

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

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

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

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

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

1 travel shall include only such deviations as are reasonably necessary
2 under the circumstances.

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

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

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

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

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

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

1 A person who is specified in paragraph (1), (2), (3) or (6) of
2 subsection a. of this section shall be exempt from the requirements of
3 this subsection.

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

10 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
11 prevent a law enforcement officer who retired in good standing,
12 including a retirement because of a disability pursuant to section 6 of
13 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
14 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
15 substantially similar statute governing the disability retirement of
16 federal law enforcement officers, provided the officer was a regularly
17 employed, full-time law enforcement officer for an aggregate of five
18 or more years prior to his disability retirement and further provided
19 that the disability which constituted the basis for the officer's
20 retirement did not involve a certification that the officer was mentally
21 incapacitated for the performance of his usual law enforcement duties
22 and any other available duty in the department which his employer was
23 willing to assign to him or does not subject that retired officer to any
24 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
25 would disqualify the retired officer from possessing or carrying a
26 firearm, who semi-annually qualifies in the use of the handgun he is
27 permitted to carry in accordance with the requirements and procedures
28 established by the Attorney General pursuant to subsection j. of this
29 section and pays the actual costs associated with those semi-annual
30 qualifications, who is less than 70 years of age, and who was regularly
31 employed as a full-time member of the State Police; a full-time
32 member of an interstate police force; a full-time member of a county
33 or municipal police department in this State; a full-time member of a
34 State law enforcement agency; a full-time sheriff, undersheriff or
35 sheriff's officer of a county of this State; a full-time State or county
36 corrections officer; a full-time county park police officer; a full-time
37 county prosecutor's detective or investigator; or a full-time federal law
38 enforcement officer from carrying a handgun in the same manner as
39 law enforcement officers exempted under paragraph (7) of subsection
40 a. of this section under the conditions provided herein:

41 (1) The retired law enforcement officer, within six months after
42 retirement, shall make application in writing to the Superintendent of
43 State Police for approval to carry a handgun for one year. An
44 application for annual renewal shall be submitted in the same manner.

45 (2) Upon receipt of the written application of the retired law
46 enforcement officer, the superintendent shall request a verification of

1 service from the chief law enforcement officer of the organization in
2 which the retired officer was last regularly employed as a full-time law
3 enforcement officer prior to retiring. The verification of service shall
4 include:

- 5 (a) The name and address of the retired officer;
- 6 (b) The date that the retired officer was hired and the date that the
7 officer retired;
- 8 (c) A list of all handguns known to be registered to that officer;
- 9 (d) A statement that, to the reasonable knowledge of the chief law
10 enforcement officer, the retired officer is not subject to any of the
11 restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 12 (e) A statement that the officer retired in good standing.

13 (3) If the superintendent approves a retired officer's application or
14 reapplication to carry a handgun pursuant to the provisions of this
15 subsection, the superintendent shall notify in writing the chief law
16 enforcement officer of the municipality wherein that retired officer
17 resides. In the event the retired officer resides in a municipality which
18 has no chief law enforcement officer or law enforcement agency, the
19 superintendent shall maintain a record of the approval.

20 (4) The superintendent shall issue to an approved retired officer an
21 identification card permitting the retired officer to carry a handgun
22 pursuant to this subsection. This identification card shall be valid for
23 one year from the date of issuance and shall be valid throughout the
24 State. The identification card shall not be transferable to any other
25 person. The identification card shall be carried at all times on the
26 person of the retired officer while the retired officer is carrying a
27 handgun. The retired officer shall produce the identification card for
28 review on the demand of any law enforcement officer or authority.

29 (5) Any person aggrieved by the denial of the superintendent of
30 approval for a permit to carry a handgun pursuant to this subsection
31 may request a hearing in the Superior Court of New Jersey in the
32 county in which he resides by filing a written request for such a
33 hearing within 30 days of the denial. Copies of the request shall be
34 served upon the superintendent and the county prosecutor. The
35 hearing shall be held within 30 days of the filing of the request, and no
36 formal pleading or filing fee shall be required. Appeals from the
37 determination of such a hearing shall be in accordance with law and
38 the rules governing the courts of this State.

39 (6) A judge of the Superior Court may revoke a retired officer's
40 privilege to carry a handgun pursuant to this subsection for good cause
41 shown on the application of any interested person. A person who
42 becomes subject to any of the disabilities set forth in subsection c. of
43 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
44 identification card issued under paragraph (4) of this subsection to the
45 chief law enforcement officer of the municipality wherein he resides or
46 the superintendent, and shall be permanently disqualified to carry a

1 handgun under this subsection.

2 (7) The superintendent may charge a reasonable application fee to
3 retired officers to offset any costs associated with administering the
4 application process set forth in this subsection.

5 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
6 prevent duly authorized personnel of the New Jersey Division of Fish
7 and Wildlife, while in the actual performance of duties, from
8 possessing, transporting or using any device that projects, releases or
9 emits any substance specified as being non-injurious to wildlife by the
10 Director of the Division of Animal Health in the Department of
11 Agriculture, and which may immobilize wildlife and produces only
12 temporary physical discomfort through being vaporized or otherwise
13 dispensed in the air for the purpose of repelling bear or other animal
14 attacks or for the aversive conditioning of wildlife.

15 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
16 construed to prevent duly authorized personnel of the New Jersey
17 Division of Fish and Wildlife, while in the actual performance of
18 duties, from possessing, transporting or using hand held pistol-like
19 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
20 purpose of frightening, hazing or aversive conditioning of nuisance or
21 depredating wildlife; from possessing, transporting or using rifles,
22 pistols or similar devices for the sole purpose of chemically
23 immobilizing wild or non-domestic animals; or, provided the duly
24 authorized person complies with the requirements of subsection j. of
25 this section, from possessing, transporting or using rifles or shotguns,
26 upon completion of a Police Training Commission approved training
27 course, in order to dispatch injured or dangerous animals or for
28 non-lethal use for the purpose of frightening, hazing or aversive
29 conditioning of nuisance or depredating wildlife.

30 (cf: P.L.2003, c.168, s.2)

31

32 2. Section 21 of P.L.1983, c.324 (C.13:1L-21) is amended to read
33 as follows:

34 21. The commissioner of the department shall have the power to
35 vest in State ~~park rangers~~ park police officer and other personnel of
36 the department at all times the power to arrest without warrant any
37 person violating any law of the State committed in their presence and
38 bring the offender before any court having jurisdiction to receive the
39 complaint of such violation. These personnel are hereby authorized to
40 carry firearms at all times. The department, with the approval of the
41 Attorney General, shall establish and maintain a law enforcement
42 training program for such personnel.

43 (cf: P.L. 2003, c.147, s.2)

44

45 ¹3. Section 1 of P.L. 1977, c.167 (C.13:1A-6.1) is amended to
46 read as follows:

1 1. The Commissioner of the Department of Environmental
2 Protection shall have the power to vest in the conservation officers of
3 the Division of Fish and Wildlife and the park ~~[rangers]~~ police officers
4 and law enforcement operation officers of the Division of Parks and
5 Forestry at all times the power to arrest without warrant any person
6 violating any law of this State committed in their presence and bring
7 the offender before any court having jurisdiction to receive the
8 complaint of such violation. The Department of Environmental
9 Protection, with the approval of the Attorney General, shall establish
10 and maintain a suitable law enforcement training program for such
11 personnel.¹

12 (cf: P.L. 2003, c. 147, s.1)

13

14 ¹[3.] 4.¹ (New section) To effectuate the purposes of P.L. ,
15 c. (now pending before the Legislature as this bill), the
16 Commissioner of Personnel shall establish and assign, and, where
17 necessary, abolish, consolidate or reassign, the ranks and titles
18 currently governing the position of State park ranger to ranks and
19 titles appropriate to the position of State park police officer.

20

21 ¹[4.] 5.¹ This act shall take effect on the first day of the third
22 month following enactment.

23

24

25

26

27 Changes title of State park ranger to State park police officer.

ASSEMBLY, No. 3785

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 14, 2005

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblywoman McHose

SYNOPSIS

Changes title of State park ranger to State park police officer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2005)

1 AN ACT concerning certain State law enforcement officers and
2 amending N.J.S.2C:39-6 and P.L.1983, c.324.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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

8 2C:39-6. a. Provided a person complies with the requirements of
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

28 (9) A juvenile corrections officer in the employment of the Juvenile
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170) subject to the regulations promulgated by the
31 commission;

32 (10) A designated employee or designated licensed agent for a
33 nuclear power plant under license of the Nuclear Regulatory
34 Commission, while in the actual performance of his official duties, if
35 the federal licensee certifies that the designated employee or
36 designated licensed agent is assigned to perform site protection, guard,
37 armed response or armed escort duties and is appropriately trained and
38 qualified, as prescribed by federal regulation, to perform those duties.
39 Any firearm utilized by an employee or agent for a nuclear power plant
40 pursuant to this paragraph shall be returned each day at the end of the
41 employee's or agent's authorized official duties to the employee's or
42 agent's supervisor. All firearms returned each day pursuant to this
43 paragraph shall be stored in locked containers located in a secure area.

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

45 (1) A law enforcement officer employed by a governmental agency
46 outside of the State of New Jersey while actually engaged in his

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

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

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

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

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

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

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

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

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

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

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

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

45 (10) A campus police officer appointed under P.L.1970, c.211
46 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a

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

6 (11) (Deleted by amendment, P.L.2003, c.168).

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

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

19 (14) A Human Services police officer at all times while in the State
20 of New Jersey, as authorized by the Commissioner of Human Services;

21 (15) A person or employee of any person who, pursuant to and as
22 required by a contract with a governmental entity, supervises or
23 transports persons charged with or convicted of an offense;

24 (16) A housing authority police officer appointed under P.L.1997,
25 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
26 Jersey; or

27 (17) A probation officer assigned to the "Probation Officer
28 Community Safety Unit" created by section 2 of P.L.2001, c.362
29 (C.2B:10A-2) while in the actual performance of the probation
30 officer's official duties. Prior to being permitted to carry a firearm, a
31 probation officer shall take and successfully complete a basic course
32 for regular police officer training administered by the Police Training
33 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
34 shall annually qualify in the use of a revolver or similar weapon prior
35 to being permitted to carry a firearm.

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

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

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

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

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

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

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

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

42 (1) A member of any rifle or pistol club organized in accordance
43 with the rules prescribed by the National Board for the Promotion of
44 Rifle Practice, in going to or from a place of target practice, carrying
45 such firearms as are necessary for said target practice, provided that
46 the club has filed a copy of its charter with the superintendent and

1 annually submits a list of its members to the superintendent and
2 provided further that the firearms are carried in the manner specified
3 in subsection g. of this section;

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

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

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

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

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

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

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

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
44 prevent any employee of a public utility, as defined in R.S.48:2-13,
45 doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which specifically

1 require regular and frequent visits to private premises, from
2 possessing, carrying or using any device which projects, releases or
3 emits any substance specified as being noninjurious to canines or other
4 animals by the Commissioner of Health and Senior Services and which
5 immobilizes only on a temporary basis and produces only temporary
6 physical discomfort through being vaporized or otherwise dispensed
7 in the air for the sole purpose of repelling canine or other animal
8 attacks.

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

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

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

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

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

44 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
45 prevent any financial institution, or any duly authorized personnel of
46 the institution, from possessing, carrying or using for the protection of

1 money or property, any device which projects, releases or emits tear
2 gas or other substances intended to produce temporary physical
3 discomfort or temporary identification.

4 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
5 prevent a law enforcement officer who retired in good standing,
6 including a retirement because of a disability pursuant to section 6 of
7 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
8 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
9 substantially similar statute governing the disability retirement of
10 federal law enforcement officers, provided the officer was a regularly
11 employed, full-time law enforcement officer for an aggregate of five
12 or more years prior to his disability retirement and further provided
13 that the disability which constituted the basis for the officer's
14 retirement did not involve a certification that the officer was mentally
15 incapacitated for the performance of his usual law enforcement duties
16 and any other available duty in the department which his employer was
17 willing to assign to him or does not subject that retired officer to any
18 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
19 would disqualify the retired officer from possessing or carrying a
20 firearm, who semi-annually qualifies in the use of the handgun he is
21 permitted to carry in accordance with the requirements and procedures
22 established by the Attorney General pursuant to subsection j. of this
23 section and pays the actual costs associated with those semi-annual
24 qualifications, who is less than 70 years of age, and who was regularly
25 employed as a full-time member of the State Police; a full-time
26 member of an interstate police force; a full-time member of a county
27 or municipal police department in this State; a full-time member of a
28 State law enforcement agency; a full-time sheriff, undersheriff or
29 sheriff's officer of a county of this State; a full-time State or county
30 corrections officer; a full-time county park police officer; a full-time
31 county prosecutor's detective or investigator; or a full-time federal law
32 enforcement officer from carrying a handgun in the same manner as
33 law enforcement officers exempted under paragraph (7) of subsection
34 a. of this section under the conditions provided herein:

35 (1) The retired law enforcement officer, within six months after
36 retirement, shall make application in writing to the Superintendent of
37 State Police for approval to carry a handgun for one year. An
38 application for annual renewal shall be submitted in the same manner.

39 (2) Upon receipt of the written application of the retired law
40 enforcement officer, the superintendent shall request a verification of
41 service from the chief law enforcement officer of the organization in
42 which the retired officer was last regularly employed as a full-time law
43 enforcement officer prior to retiring. The verification of service shall
44 include:

45 (a) The name and address of the retired officer;

46 (b) The date that the retired officer was hired and the date that the

1 officer retired;

2 (c) A list of all handguns known to be registered to that officer;

3 (d) A statement that, to the reasonable knowledge of the chief law
4 enforcement officer, the retired officer is not subject to any of the
5 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

6 (e) A statement that the officer retired in good standing.

7 (3) If the superintendent approves a retired officer's application or
8 reapplication to carry a handgun pursuant to the provisions of this
9 subsection, the superintendent shall notify in writing the chief law
10 enforcement officer of the municipality wherein that retired officer
11 resides. In the event the retired officer resides in a municipality which
12 has no chief law enforcement officer or law enforcement agency, the
13 superintendent shall maintain a record of the approval.

14 (4) The superintendent shall issue to an approved retired officer an
15 identification card permitting the retired officer to carry a handgun
16 pursuant to this subsection. This identification card shall be valid for
17 one year from the date of issuance and shall be valid throughout the
18 State. The identification card shall not be transferable to any other
19 person. The identification card shall be carried at all times on the
20 person of the retired officer while the retired officer is carrying a
21 handgun. The retired officer shall produce the identification card for
22 review on the demand of any law enforcement officer or authority.

23 (5) Any person aggrieved by the denial of the superintendent of
24 approval for a permit to carry a handgun pursuant to this subsection
25 may request a hearing in the Superior Court of New Jersey in the
26 county in which he resides by filing a written request for such a
27 hearing within 30 days of the denial. Copies of the request shall be
28 served upon the superintendent and the county prosecutor. The
29 hearing shall be held within 30 days of the filing of the request, and no
30 formal pleading or filing fee shall be required. Appeals from the
31 determination of such a hearing shall be in accordance with law and
32 the rules governing the courts of this State.

33 (6) A judge of the Superior Court may revoke a retired officer's
34 privilege to carry a handgun pursuant to this subsection for good cause
35 shown on the application of any interested person. A person who
36 becomes subject to any of the disabilities set forth in subsection c. of
37 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
38 identification card issued under paragraph (4) of this subsection to the
39 chief law enforcement officer of the municipality wherein he resides or
40 the superintendent, and shall be permanently disqualified to carry a
41 handgun under this subsection.

42 (7) The superintendent may charge a reasonable application fee to
43 retired officers to offset any costs associated with administering the
44 application process set forth in this subsection.

45 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
46 prevent duly authorized personnel of the New Jersey Division of Fish

1 and Wildlife, while in the actual performance of duties, from
2 possessing, transporting or using any device that projects, releases or
3 emits any substance specified as being non-injurious to wildlife by the
4 Director of the Division of Animal Health in the Department of
5 Agriculture, and which may immobilize wildlife and produces only
6 temporary physical discomfort through being vaporized or otherwise
7 dispensed in the air for the purpose of repelling bear or other animal
8 attacks or for the aversive conditioning of wildlife.

9 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
10 construed to prevent duly authorized personnel of the New Jersey
11 Division of Fish and Wildlife, while in the actual performance of
12 duties, from possessing, transporting or using hand held pistol-like
13 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
14 purpose of frightening, hazing or aversive conditioning of nuisance or
15 depredating wildlife; from possessing, transporting or using rifles,
16 pistols or similar devices for the sole purpose of chemically
17 immobilizing wild or non-domestic animals; or, provided the duly
18 authorized person complies with the requirements of subsection j. of
19 this section, from possessing, transporting or using rifles or shotguns,
20 upon completion of a Police Training Commission approved training
21 course, in order to dispatch injured or dangerous animals or for
22 non-lethal use for the purpose of frightening, hazing or aversive
23 conditioning of nuisance or depredating wildlife.

24 (cf: P.L.2003, c.168, s.2)

25

26 2. Section 21 of P.L.1983, c.324 (C.13:1L-21) is amended to read
27 as follows:

28 21. The commissioner of the department shall have the power to
29 vest in State ~~park ranger~~ park police officer and other personnel of
30 the department at all times the power to arrest without warrant any
31 person violating any law of the State committed in their presence and
32 bring the offender before any court having jurisdiction to receive the
33 complaint of such violation. These personnel are hereby authorized to
34 carry firearms at all times. The department, with the approval of the
35 Attorney General, shall establish and maintain a law enforcement
36 training program for such personnel.

37 (cf: P.L. 2003, c.147, s.2)

38

39 3. (New section) To effectuate the purposes of P.L. , c. (now
40 pending before the Legislature as this bill), the Commissioner of
41 Personnel shall establish and assign, and, where necessary, abolish,
42 consolidate or reassign, the ranks and titles currently governing the
43 position of State park ranger to ranks and titles appropriate to the
44 position of State park police officer.

45

46 4. This act shall take effect on the first day of the third month

1 following enactment.

2

3

4

STATEMENT

5

6 This bill changes the official title of the position State park ranger
7 to State park police officer.

8 There are two reasons for making this change. First, State park
9 rangers are trained law enforcement officers. The "ranger" title,
10 however, has often led the general public to view these officers as
11 "tour guides" or park support staff rather than law enforcement
12 personnel. In certain situations this misunderstanding has resulted in
13 unnecessary confrontations with civilians who were unaware of their
14 enforcement powers and, consequently, ignored their instructions or
15 directions. Replacing "ranger" with "police" would resolve these
16 problems and clarify their law enforcement powers.

17 Second, in many instances grant programs for law enforcement
18 agencies do not recognize the title "ranger." Putting "police" in their
19 job title will qualify them for participation in these grant programs.

20 The bill directs the Commissioner of Personnel to establish and
21 assign, and, where necessary, abolish, consolidate or reassign, the
22 ranks and titles currently used for the position of State park ranger to
23 ranks and titles appropriate for the position of State park police
24 officer.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3785

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 2005

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3785.

Assembly Bill No. 3785, as amended and reported by the committee, changes the official title of the position of State "park ranger" to State "park police officer."

It is the sponsor's belief that this change will assist the general public in realizing that these individuals have law enforcement powers. Additionally, in many instances grant programs for law enforcement agencies do not recognize the title "ranger." Putting "police" in their job title will qualify them for participation in these grant programs.

The bill directs the Commissioner of Personnel to establish and assign, and, where necessary, abolish, consolidate or reassign, the ranks and titles currently used for the position of State park ranger to ranks and titles appropriate for the position of State park police officer.

The committee amendment is technical in nature.

It is the committee's understanding that this bill will not affect the pension benefits or salary of any employee.

COMMITTEE AMENDMENTS:

The committee made a technical amendment to the bill to change the term "park ranger" to "park police officer" in another statutory reference.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3785

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Assembly Bill No. 3785 (1R).

This bill changes the official title of the position of State "park ranger" to State "park police officer."

It is the sponsor's belief that this change will assist the general public in realizing that these individuals have law enforcement powers. Additionally, in many instances grant programs for law enforcement agencies do not recognize the title "ranger." Putting "police" in their job title will qualify them for participation in these grant programs.

The bill directs the Commissioner of Personnel to establish and assign, and, where necessary, abolish, consolidate or reassign, the ranks and titles currently used for the position of State park ranger to ranks and titles appropriate for the position of State park police officer.

It is the committee's understanding that this bill will not affect the pension benefits or salary of any employee.

As reported by the committee, this bill is identical to Senate Bill No. 2272.

SENATE, No. 2272

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JANUARY 31, 2005

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senators Ciesla and Singer

SYNOPSIS

Changes title of State park ranger to State park police officer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2005)

1 AN ACT concerning certain State law enforcement officers and
2 amending N.J.S.2C:39-6 and P.L.1983, c.324.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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

8 2C:39-6. a. Provided a person complies with the requirements of
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

28 (9) A juvenile corrections officer in the employment of the Juvenile
29 Justice Commission established pursuant to section 2 of P.L.1995,
30 c.284 (C.52:17B-170) subject to the regulations promulgated by the
31 commission;

32 (10) A designated employee or designated licensed agent for a
33 nuclear power plant under license of the Nuclear Regulatory
34 Commission, while in the actual performance of his official duties, if
35 the federal licensee certifies that the designated employee or
36 designated licensed agent is assigned to perform site protection, guard,
37 armed response or armed escort duties and is appropriately trained and
38 qualified, as prescribed by federal regulation, to perform those duties.
39 Any firearm utilized by an employee or agent for a nuclear power plant
40 pursuant to this paragraph shall be returned each day at the end of the
41 employee's or agent's authorized official duties to the employee's or
42 agent's supervisor. All firearms returned each day pursuant to this
43 paragraph shall be stored in locked containers located in a secure area.

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

45 (1) A law enforcement officer employed by a governmental agency
46 outside of the State of New Jersey while actually engaged in his

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

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

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

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

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

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

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

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

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

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

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

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

45 (10) A campus police officer appointed under P.L.1970, c.211
46 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a

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

6 (11) (Deleted by amendment, P.L.2003, c.168).

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

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

19 (14) A Human Services police officer at all times while in the State
20 of New Jersey, as authorized by the Commissioner of Human Services;

21 (15) A person or employee of any person who, pursuant to and as
22 required by a contract with a governmental entity, supervises or
23 transports persons charged with or convicted of an offense;

24 (16) A housing authority police officer appointed under P.L.1997,
25 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
26 Jersey; or

27 (17) A probation officer assigned to the "Probation Officer
28 Community Safety Unit" created by section 2 of P.L.2001, c.362
29 (C.2B:10A-2) while in the actual performance of the probation
30 officer's official duties. Prior to being permitted to carry a firearm, a
31 probation officer shall take and successfully complete a basic course
32 for regular police officer training administered by the Police Training
33 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
34 shall annually qualify in the use of a revolver or similar weapon prior
35 to being permitted to carry a firearm.

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

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

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

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

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

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

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

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

42 (1) A member of any rifle or pistol club organized in accordance
43 with the rules prescribed by the National Board for the Promotion of
44 Rifle Practice, in going to or from a place of target practice, carrying
45 such firearms as are necessary for said target practice, provided that
46 the club has filed a copy of its charter with the superintendent and

1 annually submits a list of its members to the superintendent and
2 provided further that the firearms are carried in the manner specified
3 in subsection g. of this section;

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

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

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

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

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

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

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

43 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any employee of a public utility, as defined in R.S.48:2-13,
45 doing business in this State or any United States Postal Service
46 employee, while in the actual performance of duties which specifically

1 require regular and frequent visits to private premises, from
2 possessing, carrying or using any device which projects, releases or
3 emits any substance specified as being noninjurious to canines or other
4 animals by the Commissioner of Health and Senior Services and which
5 immobilizes only on a temporary basis and produces only temporary
6 physical discomfort through being vaporized or otherwise dispensed
7 in the air for the sole purpose of repelling canine or other animal
8 attacks.

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

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

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

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

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

44 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
45 to prevent any financial institution, or any duly authorized personnel
46 of the institution, from possessing, carrying or using for the protection

1 of money or property, any device which projects, releases or emits tear
2 gas or other substances intended to produce temporary physical
3 discomfort or temporary identification.

4 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
5 to prevent a law enforcement officer who retired in good standing,
6 including a retirement because of a disability pursuant to section 6 of
7 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
8 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
9 substantially similar statute governing the disability retirement of
10 federal law enforcement officers, provided the officer was a regularly
11 employed, full-time law enforcement officer for an aggregate of five
12 or more years prior to his disability retirement and further provided
13 that the disability which constituted the basis for the officer's
14 retirement did not involve a certification that the officer was mentally
15 incapacitated for the performance of his usual law enforcement duties
16 and any other available duty in the department which his employer was
17 willing to assign to him or does not subject that retired officer to any
18 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
19 would disqualify the retired officer from possessing or carrying a
20 firearm, who semi-annually qualifies in the use of the handgun he is
21 permitted to carry in accordance with the requirements and procedures
22 established by the Attorney General pursuant to subsection j. of this
23 section and pays the actual costs associated with those semi-annual
24 qualifications, who is less than 70 years of age, and who was regularly
25 employed as a full-time member of the State Police; a full-time
26 member of an interstate police force; a full-time member of a county
27 or municipal police department in this State; a full-time member of a
28 State law enforcement agency; a full-time sheriff, undersheriff or
29 sheriff's officer of a county of this State; a full-time State or county
30 corrections officer; a full-time county park police officer; a full-time
31 county prosecutor's detective or investigator; or a full-time federal law
32 enforcement officer from carrying a handgun in the same manner as
33 law enforcement officers exempted under paragraph (7) of subsection
34 a. of this section under the conditions provided herein:

35 (1) The retired law enforcement officer, within six months after
36 retirement, shall make application in writing to the Superintendent of
37 State Police for approval to carry a handgun for one year. An
38 application for annual renewal shall be submitted in the same manner.

39 (2) Upon receipt of the written application of the retired law
40 enforcement officer, the superintendent shall request a verification of
41 service from the chief law enforcement officer of the organization in
42 which the retired officer was last regularly employed as a full-time law
43 enforcement officer prior to retiring. The verification of service shall
44 include:

45 (a) The name and address of the retired officer;

46 (b) The date that the retired officer was hired and the date that the
47 officer retired;

1 (c) A list of all handguns known to be registered to that officer;

2 (d) A statement that, to the reasonable knowledge of the chief law
3 enforcement officer, the retired officer is not subject to any of the
4 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

5 (e) A statement that the officer retired in good standing.

6 (3) If the superintendent approves a retired officer's application or
7 reapplication to carry a handgun pursuant to the provisions of this
8 subsection, the superintendent shall notify in writing the chief law
9 enforcement officer of the municipality wherein that retired officer
10 resides. In the event the retired officer resides in a municipality which
11 has no chief law enforcement officer or law enforcement agency, the
12 superintendent shall maintain a record of the approval.

13 (4) The superintendent shall issue to an approved retired officer an
14 identification card permitting the retired officer to carry a handgun
15 pursuant to this subsection. This identification card shall be valid for
16 one year from the date of issuance and shall be valid throughout the
17 State. The identification card shall not be transferable to any other
18 person. The identification card shall be carried at all times on the
19 person of the retired officer while the retired officer is carrying a
20 handgun. The retired officer shall produce the identification card for
21 review on the demand of any law enforcement officer or authority.

22 (5) Any person aggrieved by the denial of the superintendent of
23 approval for a permit to carry a handgun pursuant to this subsection
24 may request a hearing in the Superior Court of New Jersey in the
25 county in which he resides by filing a written request for such a
26 hearing within 30 days of the denial. Copies of the request shall be
27 served upon the superintendent and the county prosecutor. The
28 hearing shall be held within 30 days of the filing of the request, and no
29 formal pleading or filing fee shall be required. Appeals from the
30 determination of such a hearing shall be in accordance with law and
31 the rules governing the courts of this State.

32 (6) A judge of the Superior Court may revoke a retired officer's
33 privilege to carry a handgun pursuant to this subsection for good cause
34 shown on the application of any interested person. A person who
35 becomes subject to any of the disabilities set forth in subsection c. of
36 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
37 identification card issued under paragraph (4) of this subsection to the
38 chief law enforcement officer of the municipality wherein he resides or
39 the superintendent, and shall be permanently disqualified to carry a
40 handgun under this subsection.

41 (7) The superintendent may charge a reasonable application fee to
42 retired officers to offset any costs associated with administering the
43 application process set forth in this subsection.

44 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
45 prevent duly authorized personnel of the New Jersey Division of Fish
46 and Wildlife, while in the actual performance of duties, from

1 possessing, transporting or using any device that projects, releases or
2 emits any substance specified as being non-injurious to wildlife by the
3 Director of the Division of Animal Health in the Department of
4 Agriculture, and which may immobilize wildlife and produces only
5 temporary physical discomfort through being vaporized or otherwise
6 dispensed in the air for the purpose of repelling bear or other animal
7 attacks or for the aversive conditioning of wildlife.

8 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
9 construed to prevent duly authorized personnel of the New Jersey
10 Division of Fish and Wildlife, while in the actual performance of
11 duties, from possessing, transporting or using hand held pistol-like
12 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
13 purpose of frightening, hazing or aversive conditioning of nuisance or
14 depredating wildlife; from possessing, transporting or using rifles,
15 pistols or similar devices for the sole purpose of chemically
16 immobilizing wild or non-domestic animals; or, provided the duly
17 authorized person complies with the requirements of subsection j. of
18 this section, from possessing, transporting or using rifles or shotguns,
19 upon completion of a Police Training Commission approved training
20 course, in order to dispatch injured or dangerous animals or for
21 non-lethal use for the purpose of frightening, hazing or aversive
22 conditioning of nuisance or depredating wildlife.

23 (cf: P.L.2003, c.168, s.2)

24

25 2. Section 21 of P.L.1983, c.324 (C.13:1L-21) is amended to read
26 as follows:

27 21. The commissioner of the department shall have the power to
28 vest in State **[Park Rangers]**park police officer and other personnel of
29 the department at all times the power to arrest without warrant any
30 person violating any law of the State committed in their presence and
31 bring the offender before any court having jurisdiction to receive the
32 complaint of such violation. These personnel are hereby authorized to
33 carry firearms at all times. The department, with the approval of the
34 Attorney General, shall establish and maintain a law enforcement
35 training program for such personnel.

36 (cf: P.L. 2003, c.147, s.2)

37

38 3. (New section) To effectuate the purposes of P.L. , c. (now
39 pending before the Legislature as this bill), the Commissioner of
40 Personnel shall establish and assign, and, where necessary, abolish,
41 consolidate or reassign, the ranks and titles currently governing the
42 position of State park ranger to ranks and titles appropriate to the
43 position of State park police officer.

44

45 4. This act shall take effect on the first day of the third month
46 following enactment.

1 STATEMENT

2

3 This bill changes the official title of the position State park ranger
4 to State park police officer.

5 There are two reasons for making this change. First, State park
6 rangers are trained law enforcement officers. The "ranger" title,
7 however, has often led the general public to view these officers as
8 "tour guides" or park support staff rather than law enforcement
9 personnel. In certain situations this misunderstanding has resulted in
10 unnecessary confrontations with civilians who were unaware of their
11 enforcement powers and, consequently, ignored their instructions or
12 directions. Replacing "ranger" with "police" would resolve these
13 problems and clarify their law enforcement powers.

14 Second, in many instances grant programs for law enforcement
15 agencies do not recognize the title "ranger." Putting "police" in their
16 job title will qualify them for participation in these grant programs.

17 The bill directs the Commissioner of Personnel to establish and
18 assign, and, where necessary, abolish, consolidate or reassign, the
19 ranks and titles currently used for the position of State park ranger to
20 ranks and titles appropriate for the position of State park police
21 officer.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2272

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 2272.

This bill changes the official title of the position of State "park ranger" to State "park police officer."

It is the sponsor's belief that this change will assist the general public in realizing that these individuals have law enforcement powers. Additionally, in many instances grant programs for law enforcement agencies do not recognize the title "ranger." Putting "police" in their job title will qualify them for participation in these grant programs.

The bill directs the Commissioner of Personnel to establish and assign, and, where necessary, abolish, consolidate or reassign, the ranks and titles currently used for the position of State park ranger to ranks and titles appropriate for the position of State park police officer.

It is the committee's understanding that this bill will not affect the pension benefits or salary of any employee.

The committee made a technical amendment to the bill to change the term "park ranger" to "park police officer" in another statutory reference.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3785 (1R).