

40A:14-146.9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:14-146.9, 40A:14-146.13, "Special law enforcement officers
40A:14-146.14 act"-- various amendments

CHAPTER 96

Laws Of: 1987

Bill No: S2836

Sponsor(s): Lipman and Rice

Date Introduced: December 8, 1987

Committee: **Assembly:** Law, Public Safety, Defense and Corrections

Senate: Law, Public Safety, and Defense

Amended during passage: Yes Amendments during passage devoted
by asterisks

Date of Passage: **Assembly:** March 12, 1987

Senate: February 2, 1987

Date of Approval: April 13, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping-- attached:

"Newark appoints 7 auxiliary, 149 special cops," 4-21-87 Star Ledger

4 13 87 87
[OFFICIAL COPY REPRINT]

SENATE, No. 2836

STATE OF NEW JERSEY

INTRODUCED DECEMBER 8, 1986

By Senators LIPMAN and RICE

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning special law enforcement officers and amending
P. L. 1985, c. 439.

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

1 1. Section 2 of P. L. 1985, c. 439 (C. 40A:14-146.9) is amended
2 to read as follows:

3 2. As used in this act:

4 a. "Commission" means the Police Training Commission estab-
5 lished in the Department of Law and Public Safety pursuant to
6 section 5 of P. L. 1961, c. 56 (C. 52:17B-70);

7 b. "Emergency" means any sudden, unexpected or unforeseeable
8 event requiring the immediate use or deployment of law enforce-
9 ment personnel as shall be determined by the chief of police, or in
10 the absence of the chief, other chief law enforcement officer or the
11 mayor or the mayor's designee to whom the authority of designat-
12 ing an "emergency" has been prescribed by local ordinance. Vac-
13 ations, shortages in police personnel caused by vacancies unfilled by
14 the appointing authority for more than 60 days, or any other con-
15 dition which could reasonably have been anticipated or foreseen
16 shall not constitute an "emergency" for the purposes of this act;
17 but an "emergency" may continue for the purposes of this act
18 when a vacancy remains unfilled for more than 60 days and when,
19 on application of the appointing authority, the county prosecutor
20 grants an extension for one or more additional 60 day periods upon
21 a showing by the appointing authority of a diligent, good faith
22 effort to fill the vacancy;

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

Matter printed in italics *thus* is new matter.

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

*—Assembly committee amendments adopted March 5, 1987.

23 c. "Local unit" means any municipality having established a
24 regular police force pursuant to law;

25 d. "Population" means the population of the resort municipality
26 shown in the last federal decennial census;

27 e. "Public entity" means the State and any county, municipality,
28 district, public authority, public agency and any other political sub-
29 division or public body in the State;

30 f. "Resort municipality" means a municipality which, because
31 of its recreational or entertainment characteristics or facilities or
32 its close proximity to such characteristics or facilities, experiences
33 a substantial increase during the seasonal period in the number of
34 persons visiting or temporarily residing there;

35 g. "Seasonal period" means any one period of four consecutive
36 months during the calendar year, except with regard to a resort
37 municipality bordering on the Atlantic ocean, in which case, "sea-
38 sonal period" means one period of six consecutive months during
39 the calendar year;

40 h. "Special law enforcement officer" means any person ap-
41 pointed pursuant to this act to temporarily or intermittently per-
42 form duties similar to those performed regularly by members of
43 a police force of a local unit~~]~~*~~;~~* *~~,~~* or to provide assistance to
44 a police force during unusual or emergency circumstances, or at
45 individual times or during regular seasonal periods in resort
46 municipalities*~~;~~ or to perform private security duties for a private
47 employer while under the supervision of the chief of police or, in the
48 absence of the chief, other chief law enforcement officer of a munici-
49 pality though not assigned by the chief to those duties or compen-
50 sated by the municipality]*.

1 2. Section 6 of P. L. 1985, c. 439 (C. 40A:14-146.13) is amended
2 to read as follows:

3 6. ~~[The]~~ a. Except as specified in subsection b. of this section, a
4 local unit may charge a reasonable fee as may be fixed by the gov-
5 erning body for equipment and uniforms supplied pursuant to this
6 act, but may not charge a fee for the costs of training or issuing a
7 certificate of appointment. The local unit shall not be required to
8 compensate a special law enforcement officer for time spent in
9 training;

10 b. In addition to charging a reasonable fee as fixed by the gov-
11 erning body for equipment and uniforms supplied pursuant to this
12 act, a local unit *with a population in excess of 300,000, according
13 to the 1980 federal decennial census,* may charge a fee for the costs
14 of training and for the administrative costs of issuing a certificate

15 of appointment for a special law enforcement officer whose duties
 16 consist solely of performing *~~private security~~* *public safety*
 17 functions for a private employer*~~,~~ and who receives compensation
 18 for work as a special law enforcement officer solely and directly
 19 from the private employer. The local unit shall not be required to
 20 compensate such a special law enforcement officer for time spent in
 21 training]*.

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

3 7. a. Special law enforcement officers may be appointed for terms
 4 not to exceed one year, and the appointments may be revoked by
 5 the local unit for cause after adequate hearing, unless the appoint-
 6 ment is for four months or less, in which event the appointment
 7 may be revoked without cause or hearing. Nothing herein shall be
 8 construed to require reappointment upon the expiration of the term.
 9 The special law enforcement officers so appointed shall not be mem-
 10 bers of the police force of the local unit, and their powers and
 11 duties as determined pursuant to this act shall cease at the expira-
 12 tion of the term for which appointed.

13 b. ~~No~~ *~~(1) Except as provided in paragraph (4) of this sub-~~
 14 ~~section, no~~* *No* special law enforcement officer may carry a fire-
 15 arm except while engaged in the actual performance of the officer's
 16 official duties and when specifically authorized by the chief of police,
 17 or, in the absence of the chief, other chief law enforcement officer of
 18 the local unit to carry a firearm and provided that the officer has
 19 satisfactorily completed the basic firearms course required by the
 20 commission for regular police officers and annual requalification
 21 examinations as required for permanent, regularly appointed full-
 22 time officers in the local unit.

23 ~~A~~ *~~(2) Except for a special law enforcement officer appointed~~
 24 ~~by a municipality with a population in excess of 300,000 according~~
 25 ~~to the 1980 federal census as specified in paragraph (3) of this sub-~~
 26 ~~section, a~~* *A* special law enforcement officer shall be deemed to
 27 be on duty only while he is performing the public safety functions on
 28 behalf of the local unit pursuant to this act and when he is receiving
 29 compensation, if any, from the local unit at the rates or stipends as
 30 shall be established by ordinance. A special law enforcement officer
 31 shall not be deemed to be on duty for purposes of this act while
 32 performing private security duties for private employers, which
 33 duties are not assigned by the chief of police, or, in the absence of
 34 the chief, other chief law enforcement officer of the local unit, or
 35 while receiving compensation for those duties from a private em-

36 ployer. A special law enforcement officer may, however, be assigned
37 by the chief of police or, in the absence of the chief, other chief law
38 enforcement officer, to perform public safety functions for a private
39 entity if the chief of police or other chief law enforcement officer
40 supervises the performance of the public safety functions. If the
41 chief of police or other chief law enforcement officer assigns the
42 public safety duties and supervises the performance of those duties,
43 then, notwithstanding that the local unit is reimbursed for the cost
44 of assigning a special law enforcement officer at a private entity,
45 the special law enforcement officer shall be deemed to be on duty.

46 *[(3) *A special law enforcement officer appointed by a municipal-*
47 *ity with a population in excess of 300,000 according to the 1980 fed-*
48 *eral census shall be deemed to be on duty while performing private*
49 *security duties for a private employer, which duties are not assigned*
50 *by the chief of police, or in the absence of the chief, other chief law*
51 *enforcement officer of the municipality, or while receiving com-*
52 *pen-sation for those duties from a private employer, so long as the*
53 *special law enforcement officer is supervised by the chief of police*
54 *or, in the absence of the chief, other chief law enforcement officer*
55 *of the municipality while performing private security duties for*
56 *the private entity.]* *The reimbursement for the duties of a special*
56A *law enforcement officer, which is made to a municipality with a*
56B *population in excess of 300,000, according to the 1980 federal*
56C *decennial census, may be by direct payments from the employer to*
56D *the special law enforcement officer, provided that records of the*
56E *hours worked are forwarded to and maintained by the chief of police*
56F *or other chief law enforcement officer responsible for assigning the*
56G *special law enforcement officer those public safety duties.***

57 *[(4)]* Any firearm utilized by a special law enforcement officer
58 shall be returned at the end of the officer's workday to the officer
59 in charge of the stationhouse, unless the firearm is owned by the
60 special law enforcement officer and was acquired in compliance with
61 a condition of employment established by the local unit. Any special
62 law enforcement officer first appointed after the effective date of
63 this act shall only use a firearm supplied by the local unit. No such
64 special police officer shall carry a revolver or other similar weapon
65 when off duty; but if any such special police officer appointed by
66 the governing body of any municipality having a population in ex-
67 cess of 300,000, according to the 1980 federal census, who is a resi-
68 dent of the municipality and is employed as a special police officer
69 at least 35 hours per week, or less at the discretion of the chief of
70 police and mayor, shall, at the direction of the chief of police, have

71 taken and successfully completed a firearms training course ad-
72 ministered by the Police Training Commission, pursuant to P. L.
73 1961, c. 56 (C. 52:17B-66 et seq.), and has successfully completed
74 within three years of the effective date of P. L. 1985, c. 45 or three
75 years of the date of appointment of the special police officer, which-
76 ever is later, 280 hours of training in arrest, search and seizure,
77 criminal law, and the use of deadly force, and shall annually qualify
78 in the use of a revolver or similar weapon, said special police officer
79 shall be permitted to carry a revolver or other similar weapon when
80 off duty within the municipality where he is employed. Specific au-
81 thorization shall be in the form of a permit which shall not be unrea-
82 sonably withheld, which is subject to renewal annually and may be
83 revoked at any time by the chief of police. The permit shall be on
84 the person of the special police officer whenever a revolver or other
85 similar weapon is carried off duty. No permit shall be issued until
86 the special police officer has successfully completed all training
87 courses required under this section. Any training courses com-
88 pleted by a special police officer under the direction of the chief of
89 police in a school and a curriculum approved by the Police Train-
90 ing Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.),
91 shall be credited towards the 280 hours of training required to be
92 completed by this section. Any training required by this section
93 shall commence within 90 days of the effective date of P. L. 1985,
94 c. 45 or within 90 days of the date of the appointment of the special
95 police officer, whichever is later.

96 c. A special law enforcement officer shall be under the super-
97 vision and direction of the chief of police or, in the absence of the
98 chief, other chief law enforcement officer of the local unit wherein
99 the officer is appointed, and shall perform his duties only in the
100 local unit unless in fresh pursuit of any person pursuant to chapter
101 156 of Title 2A of the New Jersey Statutes.

102 d. The officer shall comply with the rules and regulations
103 applicable to the conduct and decorum of the permanent, regularly
104 appointed police officers of the local unit, as well as any rules and
105 regulations applicable to the conduct and decorum of special law
106 enforcement officers.

1 4. This act shall take effect immediately.

POLICE, SECURITY AND DEFENSE
Amends "Special Law Enforcement Officers' Act."

83 revoked at any time by the chief of police. The permit shall be on
84 the person of the special police officer whenever a revolver or other
85 similar weapon is carried off duty. No permit shall be issued until
86 the special police officer has successfully completed all training
87 courses required under this section. Any training courses com-
88 pleted by a special police officer under the direction of the chief of
89 police in a school and a curriculum approved by the Police Train-
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91 shall be credited towards the 280 hours of training required to be
92 completed by this section. Any training required by this section
93 shall commence within 90 days of the effective date of P. L. 1985,
94 c. 45 or within 90 days of the date of the appointment of the special
95 police officer, whichever is later.

96 c. A special law enforcement officer shall be under the super-
97 vision and direction of the chief of police or, in the absence of the
98 chief, other chief law enforcement officer of the local unit wherein
99 the officer is appointed, and shall perform his duties only in the
100 local unit unless in fresh pursuit of any person pursuant to chapter
101 156 of Title 2A of the New Jersey Statutes.

102 d. The officer shall comply with the rules and regulations
103 applicable to the conduct and decorum of the permanent, regularly
104 appointed police officers of the local unit, as well as any rules and
105 regulations applicable to the conduct and decorum of special law
106 enforcement officers.

1 4. This act shall take effect immediately.

STATEMENT

This bill makes several modifications to the "Special Law Enforcement Officers' Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et al.).

Under current law, section 7 of P. L. 1985, c. 439 (C. 40A:14-146.14), a special law enforcement officer is not deemed to be on duty while performing private security duties for a private employer to which he has not been assigned by the chief of police and while receiving compensation from a private employer. If, however, a special law enforcement officer is assigned by the chief of police to perform private security duties for a private employer and is supervised by the chief of police, he is deemed to be on duty, notwithstanding that the local unit of government is reimbursed by the private employer for the cost of assigning a special law enforcement officer to the private employer. This bill permits special law enforcement officers in municipalities with a population in excess of 300,000 according to the 1980 federal census to be considered on duty while performing private security duties for and

while being compensated by a private employer so long as the officers are supervised by the chief of police. This change in the "Special Law Enforcement Officers' Act" reflects the functions of special law enforcement officers in Newark, where they traditionally have been utilized only by private employers and not as adjuncts to the regular police force.

In further recognition of the use of special law enforcement officers in Newark, this bill permits all local units to charge a fee for the costs of training a special officer and for the administrative costs of issuing the special officer's certificate of appointment, if the special officer's duties consist solely of performing private security functions for a private employer and if the special officer receives compensation solely and directly from the private employer. The bill also modifies the definition of "special law enforcement officer" in order to accommodate special officers who work for and are compensated by private employers rather than by the local unit.

POLICE, SECURITY AND DEFENSE
Amends "Special Law Enforcement Officers' Act."

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 2836

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 1987

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 2836 with amendments.

Senate Bill No. 2836 amends sections 2, 6 and 7 of the "Special Law Enforcement Officers Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et seq.) to permit special law enforcement officers in municipalities which have populations in excess of 300,000 according to the 1980 federal decennial census, to be considered "on duty" while assigned by the chief of police to perform public safety duties for, and to be directly compensated by, private employers. This change in the law is made to reflect the unique functions special law enforcement officers have historically performed in the City of Newark. In that city, special law enforcement officers have traditionally been utilized only by private employers.

In further recognition of utilization of special law enforcement officers in Newark, the bill permits certain local units to charge a fee for the costs of training a special officer and for the administrative costs of issuing the special officer's certificate of appointment, if the special officer's duties consist solely of performing public safety functions for a private employer and if the special officer receives compensation solely and directly from the private employer.

Nothing in this bill is intended to be construed to eliminate the general prohibition that special law enforcement officers may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time, regular police officers employed by the local unit.

The committee amendments reflect the suggestions of the sponsor, the Attorney General's office, and the corporation counsel of the City of Newark. The amendments were adopted to further clarify that the provisions of the bill are applicable solely to municipalities having a population in excess of 300,000 and that the duties performed by those special law enforcement officers are public safety duties, not private security duties.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 2836

STATE OF NEW JERSEY

DATED: JANUARY 13, 1987

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 2836.

This bill makes several modifications to the "Special Law Enforcement Officers' Act," P. L. 1985, c. 439 (C. 40A:14-146.8 et al.).

Under section 7 of P. L. 1985, c. 439 (C. 40A:14-146.14), a special law enforcement officer is not deemed to be on duty while performing private security duties for a private employer to which he has not been assigned by the chief of police and while receiving compensation from a private employer. If, however, a special law enforcement officer is assigned by the chief of police to perform public law enforcement duties for a private employer and is supervised by the chief of police, he is deemed to be on duty, notwithstanding that the local unit of government is reimbursed by the private employer for the cost of assigning a special law enforcement officer to the private employer. This bill permits special law enforcement officers in municipalities with a population in excess of 300,000 according to the 1980 federal census to be considered on duty while performing private security duties for and while being compensated by a private employer, so long as the officers are supervised by the chief of police.

This bill also permits all local units to charge a fee for the costs of training a special officer and for the administrative costs of issuing the special officer's certificate of appointment, if the special officer's duties consist solely of performing private security functions for a private employer and if the special officer receives compensation solely and directly from the private employer. Finally, the bill also modifies the definition of "special law enforcement officer" in order to accommodate special officers who work for and are compensated by private employers rather than by the local unit.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: TUES., APRIL 14, 1987

Governor Thomas H. Kean today signed legislation amending the "Special Law Enforcement Officers Act" so that special officers will be considered "on duty" while assigned by the Chief of Police to perform public safety duties for private employers.

The effect of the legislation is to allow the 180-200 special officers in Newark to be directly compensated by a private employer and also to allow the City of Newark to charge a fee for the costs of training a special officer for their assigned public safety duties with the private employer.

S-2836/A-3624, was sponsored by Assemblyman Willie Brown, D-Essex and Senator Wynona Lipman, D-Essex.

The Newark special police officers have been out of work since January when it was determined by the City of Newark that they could not continue their assigned duties without the law being amended.

The legislation is effective immediately.

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