40A:14-180.3 et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2019 CHAPTER: 219
NJSA: 40A:14-180.3 et al. (Renames county corrections officers as county correctional police officers.)
BILL NO: S1739 (Substituted for A3236)
SPONSOR(S) Jeff Van Drew and others
DATE INTRODUCED: 2/5/2018
COMMITTEE: ASSEMBLY: Law & Public Safety
SENATE: Law & Public Safety
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: ASSEMBLY: 6/20/2019
SENATE: 6/27/2019
DATE OF APPROVAL: 8/9/2019
FOLLOWING ARE ATTACHED IF AVAILABLE:
   FINAL TEXT OF BILL (Third Reprint enacted)  Yes
   S1739
   SPONSOR’S STATEMENT: (Begins on page 25 of introduced bill) Yes
   COMMITTEE STATEMENT: ASSEMBLY: Yes
   SENATE: Yes
   (Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may possibly be found at www.njleg.state.nj.us)
   FLOOR AMENDMENT STATEMENT: Yes
   LEGISLATIVE FISCAL ESTIMATE: No
A3236
   SPONSOR’S STATEMENT: (Begins on page 26 of introduced bill) Yes
   COMMITTEE STATEMENT: ASSEMBLY: Yes
   SENATE: No
   (Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may possibly be found at www.njleg.state.nj.us)
   FLOOR AMENDMENT STATEMENT: No
   LEGISLATIVE FISCAL ESTIMATE: No
VETO MESSAGE: No
GOVERNOR’S PRESS RELEASE ON SIGNING:  Yes

FOLLOWING WERE PRINTED:
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REPORTS:  No

HEARINGS:  No

NEWSPAPER ARTICLES:  No

RWH/CL
AN ACT concerning county corrections officers, supplementing Title 40A of the New Jersey Statutes, and amending various parts of the statutory law.

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

1. (New section) a. The Civil Service Commission shall effectuate the following title changes in the career service:
   (1) County correction captain shall be retitled as county correctional police captain;
   (2) County correction lieutenant shall be retitled as county correctional police lieutenant;
   (3) County correction officer shall be retitled as county correctional police officer;
   (4) County correction sergeant shall be retitled as county correctional police sergeant;
   (5) Warden shall be retitled as county correctional police warden; and
   (6) Deputy warden shall be retitled as county correctional deputy police warden.
   b. In a county in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative, every county corrections officer title shall be changed to a county correctional police officer title and every warden title shall be changed to a county police warden title.
   c. Any fees associated with the retitling pursuant to subsections a. and b. of this section shall be borne by the county corrections officer whose title is changed.

2. N.J.S.2A:154-3 is amended to read as follows:
   2A:154-3. a. All court attendants, sheriff's officers, and county correctional police officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such the appointment and in addition to any other power or authority, be empowered to act as officers for the
detection, apprehension, arrest, and conviction of offenders against the law.

b. In addition to the powers set forth in subsection a. of this section, any county [correction] correctional police officer who has satisfactorily completed a basic training course approved by the Police Training Commission, as provided by P.L.1961, c.56 (C.52:17B-66 et seq.), shall have full power of arrest for any crime committed in [his] the officer's presence anywhere within the territorial limits of the State of New Jersey.

c. A county [correction] correctional police officer who has full power of arrest pursuant to subsection b. of this section, and is acting under lawful authority beyond the territorial limits of [his] the employing county, shall have all of the immunities from tort liability and shall have all of the pension, relief, disability, workers' compensation, insurance, and other benefits enjoyed while performing duties within the employing county.

(cf: P.L.1996, c.40, s.1)

Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to read as follows:

1. a. The following are eligible, regardless of age, to become members of the Police and Firemen's Retirement System of New Jersey (PFRS) as provided in this supplementary act:

(1) any policeman or fireman employed on the effective date of this supplementary act by a municipality, which was not required to participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-3) and has not adopted that act, who meets the requirements for membership in PFRS as set forth in the definitions of "Policeman" and "Fireman" in section 1 of that act, as amended and supplemented, and who is enrolled in the Public Employees' Retirement System of New Jersey (PERS) on that date;

(2) any policeman employed on the effective date of this supplementary act by a county who is enrolled in PERS on that date;

(3) any sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, or sheriff's investigator employed on the effective date of this supplementary act in the offices of the county sheriffs who is enrolled in PERS on that date;

(4) any [correction] State correctional police officer, senior [correction] correctional police officer, [correction officer] correctional police sergeant, [correction officer] correctional police lieutenant, [correction officer] correctional police captain, investigator, senior investigator, principal investigator, assistant chief investigator, chief investigator, or director of custody operations I, II, III employed on the effective date of this
supplementary act in the Department of Corrections who is enrolled in PERS on that date;

(5) any county correctional police officer, county correctional police sergeant, county correctional police lieutenant, county correctional police captain, or county deputy warden employed on the effective date of this supplementary act in the several county jails who is enrolled in PERS on that date;

(6) any principal inspector employed on the effective date of this supplementary act in the Alcoholic Beverage Control Enforcement Bureau, Department of Law and Public Safety who is enrolled in PERS on that date;

(7) any police officer, police sergeant, or police lieutenant employed on the effective date of this supplementary act in the Department of Human Services who is enrolled in PERS on that date; and

(8) any fireman employed on the effective date of this supplementary act by a fire district in which the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets the requirements for membership in PFRS as set forth in the definition of "Fireman" in section 1 of that act, as amended and supplemented, and who is enrolled in PERS on that date.

b. Any person eligible pursuant to subsection a. of this section to become a member of PFRS may, regardless of age, transfer membership from PERS to PFRS in accordance with the provisions of the law and regulations governing the retirement system relative to interfund transfers by waiving, within 90 days of the effective date of this supplementary act, all rights and benefits which would otherwise be provided by PERS. If an eligible person does not file a timely waiver of PERS benefits, the person's pension status shall remain unchanged and the person's membership shall not be transferred to PFRS. Transfers under this section shall take effect on the first day of the first full calendar month following the effective date of this supplementary act by at least 180 days. PERS shall transmit to PFRS an amount equal to the present value of the benefit under PERS accrued to the date of transfer by each person transferring to PFRS. The service credit accrued in PERS to the date of transfer shall be transferred to PFRS and may be used to meet any service credit requirement for benefits under PFRS. Any benefit of a member who transfers membership from PERS to PFRS under this supplementary act based upon service credit shall be the amount of benefit determined as provided under PFRS based upon the total amount of service credit multiplied by the ratio of the service credit under PFRS from the date of transfer to the total amount of service credit, plus a benefit comparable to a PERS deferred, early or regular service retirement benefit, as appropriate, based upon the age of the member at the time of retirement and the amount of PERS service credit transferred to PFRS, determined as
provided under the law and regulations governing PERS for the benefit. The total amount of service credit in PFRS, including the transferred PERS service credit, may be used to meet the service credit requirement for the benefit comparable to a PERS deferred or early retirement benefit, but the benefit shall be calculated only on the transferred PERS service credit.

Active and retired death benefits, accidental death benefits, and ordinary and accidental disability retirement benefits for members transferring to PFRS under this supplementary act shall be the benefits provided under PFRS.

For members transferring to PFRS under this supplementary act, the widows' or widowers' pensions provided under section 26 of P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit determined as provided in section 26 multiplied by the ratio of the service credit under PFRS from the date of transfer to the total amount of service credit. Transferring members shall be entitled to elect optional retirement allowances for the portions of their retirement benefits based upon their PERS service credit as provided under the laws and regulations governing selection of optional retirement allowances under PERS.

(cf: P.L.1993, c.247, s.1)²

²[4.] ³N.J.S.2C:12-1 is amended to read as follows:

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if [he] the person:
   (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
   (2) Negligently causes bodily injury to another with a deadly weapon; or
   (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

   Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

   b. Aggravated assault. A person is guilty of aggravated assault if [he] the person:
   (1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or
   (2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or
   (3) Recklessly causes bodily injury to another with a deadly weapon; or
   (4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined
in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer [fireman] firefighter acting in the performance of [fireman] firefighter's duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a [fireman] firefighter; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of [his] the person's duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver, or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person's duties or because of [his] the person's status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person's duties or because of [his] the person's status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of [his] the employee's duties or because of [his] the employee's status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of [his] the status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of [his] the person's duties or because of [his] the status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county [corrections] correctional police officer, juvenile [corrections] correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the
performance of [his] the person’s duties while in uniform or exhibiting evidence of [his] the person’s authority or because of [his] the status as a Department of Corrections employee, county [corrections] correctional police officer, juvenile [corrections] correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of [his] the employee’s duties in regard to connecting, disconnecting, or repairing or attempting to connect, disconnect, or repair any gas, electric, or water utility, or cable television or telecommunication service; or

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans’ memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel
involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer [fireman] firefighter, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten, or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of [his] the officer’s duties while in uniform or exhibiting evidence of [his] the officer’s authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.
Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9), and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) or (13) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.
A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph, "driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2), or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition,
practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

(cf: P.L.2017, c.240, s.1)

Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to read as follows:

2. A person who throws a bodily fluid at a Department of Corrections employee, county [corrections] correctional police officer, juvenile [corrections] correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff’s officer or any municipal, county, or State law enforcement officer while in the performance of [his] the person’s duties or otherwise purposely subjects such employee to contact with a bodily fluid commits an aggravated assault. If the victim suffers bodily injury, this shall be a crime of the third degree. Otherwise, this shall be a crime of the fourth degree. A term of imprisonment imposed for this offense shall run consecutively to any term of imprisonment currently being served and to any other term imposed for another offense committed at the time of the assault. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for a violation or attempted violation of chapter 11 of Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-1 or any other provision of the criminal laws.

(cf: P.L.2003, c.283, s.1)

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

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

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

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

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

(4) A sheriff, undersheriff, sheriff’s officer, county prosecutor, assistant prosecutor, prosecutor’s detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety,
investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation officer;

(5) Except as hereinafter provided, a State correctional police officer, or a prison or jail warden of any penal institution in this State or [his] the warden’s deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of [his] the employee’s duties, and when required to possess the weapon by [his] a superior officer, or a [corrections] correctional police officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided [he] the person annually passes an examination approved by the superintendent testing [his] the person’s proficiency in the handling of firearms;

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

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

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

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in [subsection] subparagraph (b) of paragraph (7) of this [section] subsection, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of [his] the officer’s official duties and when specifically authorized by the governing body to carry weapons;

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

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

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

(11) A county [corrections] correctional police officer at all times while in the State of New Jersey, provided [he] the officer annually passes an examination approved by the superintendent testing [his] the officer’s proficiency in the handling of firearms.

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

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

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

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

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

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

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

(4) A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of the attendant's official duties;

(5) A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of the guard's official duties;

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

(7) A municipal humane law enforcement officer, authorized pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-14.1), or humane law enforcement officer of a county society for the prevention of cruelty to animals authorized pursuant to subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual performance of the officer's duties;

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

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

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


(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police
Training Commission, pursuant to subsection c. of section 2 of
P.L.1989, c.291 (C.27:25-15.1);
(13) A parole officer employed by the State Parole Board at all
times. Prior to being permitted to carry a firearm, a parole officer
shall take and successfully complete a basic course for regular
police officer training administered by the Police Training
Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
shall annually qualify in the use of a revolver or similar weapon
prior to being permitted to carry a firearm;
(14) A Human Services police officer at all times while in the
State of New Jersey, as authorized by the Commissioner of Human
Services;
(15) A person or employee of any person who, pursuant to and as
required by a contract with a governmental entity, supervises or
transports persons charged with or convicted of an offense;
(16) A housing authority police officer appointed under
P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
State of New Jersey; or
(17) A probation officer assigned to the "Probation Officer
Community Safety Unit" created by section 2 of P.L.2001, c.362
(C.2B:10A-2) while in the actual performance of the probation
officer's official duties. Prior to being permitted to carry a firearm,
a probation officer shall take and successfully complete a basic
course for regular police officer training administered by the Police
Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
seq.), and shall annually qualify in the use of a revolver or similar
weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
antique firearms, provided that the antique firearms are unloaded or
are being fired for the purposes of exhibition or demonstration at an
authorized target range or in another manner approved in writing by
the chief law enforcement officer of the municipality in which the
exhibition or demonstration is held, or if not held on property under
the control of a particular municipality, the superintendent.
(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
being fired but that is unloaded and immobile, provided that the
antique cannon is possessed by (a) a scholastic institution, a
museum, a municipality, a county or the State, or (b) a person who
obtained a firearms purchaser identification card as specified in
(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
being transported by one eligible to possess it, in compliance with
regulations the superintendent may promulgate, between its
permanent location and place of purchase or repair.
(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
or fired by one eligible to possess an antique cannon, for purposes
of exhibition or demonstration at an authorized target range or in
the manner as has been approved in writing by the chief law
enforcement officer of the municipality in which the exhibition or
demonstration is held, or if not held on property under the control
of a particular municipality, the superintendent, provided that
performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to the transportation of unloaded
antique cannons directly to or from exhibitions or demonstrations
authorized under paragraph (4) of subsection d. of this section,
provided that the transportation is in compliance with safety
regulations the superintendent may promulgate. Those subsections
shall not apply to transportation directly to or from exhibitions or
demonstrations authorized under the law of another jurisdiction,
provided that the superintendent has been given 30 days' notice and
that the transportation is in compliance with safety regulations the
superintendent may promulgate.

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

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

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

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

(3) A person transporting any firearm or knife while traveling:
(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in [his] possession a valid hunting or fishing license; or

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

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

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

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

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.
The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform the employee's duties.

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1), while in the actual performance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement.

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

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

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

1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to [his] the officer’s disability retirement and further provided that the disability which constituted the basis for the officer’s retirement did not involve a certification that the officer was mentally incapacitated for the performance of [his] the officer’s usual law enforcement duties and any other available duty in the department which [his] the officer’s employer was willing to assign to [him] the officer or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun [he] the officer is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State correctional police officer or county [corrections] correctional police officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile [corrections] correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this
section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

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

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

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

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

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

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

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

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

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals; or, provided the duly authorized person complies with the requirements of subsection j. of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife.³

(cf: P.L.2017, c.331, s.4)
6 N.J.S.2C:39-6 is amended to read as follows:

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

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

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

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

(4) A sheriff, undersheriff, sheriff’s officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation officer;

(5) Except as hereinafter provided, a State correctional police officer, or a prison or jail warden of any penal institution in this State or the warden’s deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of duties, and when required to possess the weapon by a superior officer, or a correctional police officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing proficiency in the handling of firearms;

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

(7) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal, or county park police force or boulevard police force, at all times while in the State of New Jersey;
(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14);

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

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

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

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

(11) A county correctional police officer at all times while in the State of New Jersey, provided the officer annually passes an examination approved by the superintendent testing proficiency in the handling of firearms.
b. Subsections a., b., c. and d. of N.J.S.2C:39-5 do not apply to:

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

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

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

1. A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which the agent may be required to carry, while in the actual performance of the agent's official duties and while going to or from the agent's place of duty, or any other police officer, while in the actual performance of the agent's official duties;

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

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

4. A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of the attendant's official duties;

5. A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of the guard's official duties;

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

7. A humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, while in the actual performance of the officer's duties;

8. An employee of a public utilities corporation actually engaged in the transportation of explosives;
(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that the person has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

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


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

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

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

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

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

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

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

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

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

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

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to the transportation of unloaded
antique cannons directly to or from exhibitions or demonstrations
authorized under paragraph (4) of subsection d. of this section,
provided that the transportation is in compliance with safety
regulations the superintendent may promulgate. Those subsections
shall not apply to transportation directly to or from exhibitions or
demonstrations authorized under the law of another jurisdiction,
provided that the superintendent has been given 30 days' notice and
that the transportation is in compliance with safety regulations the
superintendent may promulgate.

e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
be construed to prevent a person keeping or carrying about \[his\]
the person's\(^1\) place of business, residence, premises\(^2\) or other land
owned or possessed by \[him\] the person\(^1\), any firearm, or from
carrying the same, in the manner specified in subsection g. of this
section, from any place of purchase to \[his\] the person’s\(^1\)
residence or place of business, between \[his\] the person’s\(^1\)
dwelling and \[his\]\(^1\) place of business, between one place of
business or residence and another when moving, or between \[his\]
the person’s\(^1\) dwelling or place of business and place where the
firearms are repaired, for the purpose of repair. For the purposes of
this section, a place of business shall be deemed to be a fixed
location.

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

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

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

(3) A person transporting any firearm or knife while traveling:
(a) Directly to or from any place for the purpose of hunting or
fishing, provided the person has in possession a valid hunting or fishing license; or
(b) Directly to or from any target range, or other authorized
place for the purpose of practice, match, trap or skeet
shooting exhibitions, provided in all cases that during the course of
the travel all firearms are carried in the manner specified in
subsection g. of this section and the person has complied with all
the provisions and requirements of Title 23 of the Revised Statutes
and any amendments thereto and all rules and regulations
promulgated thereunder; or
(c) In the case of a firearm, directly to or from any exhibition or
display of firearms which is sponsored by any law enforcement
agency, any rifle or pistol club, or any firearms collectors club, for
the purpose of displaying the firearms to the public or to the
members of the organization or club, provided, however, that not
less than 30 days prior to the exhibition or display, notice of the
exhibition or display shall be given to the Superintendent of the
State Police by the sponsoring organization or club, and the sponsor
has complied with any reasonable safety regulations the
superintendent may promulgate. Any firearms transported pursuant
to this section shall be transported in the manner specified in
subsection g. of this section;

(4) A person from keeping or carrying about a private or
commercial aircraft or any boat, or from transporting to or from the
aircraft or boat for the purpose of installation or repair of a visual
distress signaling device approved by the United States Coast
Guard.
g. Any weapon being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances.

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

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

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1), while in the actual performance of the inspector’s or investigator’s duties, provided that the device does not exceed the size of those used by law enforcement.
j. A person shall qualify for an exemption from the provisions of N.J.S.2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

The exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission.

The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3), or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

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

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to [his] the officer's disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of [his] the officer's usual law enforcement duties and any other available duty in the department which [his] the officer's employer was willing to assign to [him] the officer or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun [the] the officer is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of
the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State correctional police officer or county correctional police officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

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

(a) The name and address of the retired officer;
(b) The date that the retired officer was hired and the date that the officer retired;
(c) A list of all handguns known to be registered to that officer;
(d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
(e) A statement that the officer retired in good standing.
(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

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

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

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

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

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

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

(cf: P.L.2017, c.293, s.3)

Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read as follows:

1. A person shall not be removed from employment or a position as a county [corrections] correctional police officer, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the county corrections department, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a county [corrections] correctional police officer for a violation of the internal rules and regulations of the county corrections department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a county [corrections] correctional police officer shall not apply to a filing of a complaint by a private individual.

(cf: P.L.2006, c.54, s.1)

Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to read as follows:
2. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a county correctional facility, be that the governing body of the county pursuant to R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a county correctional police officer any person who:

(1) was serving as a county correctional police officer in good standing in any county correctional facility in this State; and

(2) satisfactorily completed a working test period in a county correctional police officer title or in a county which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a county correctional title in a county which has not adopted Title 11A, Civil Service; and

(3) was, for reasons of economy, terminated as a county correctional police officer within 60 months prior to the appointment.

b. The appointing authority of a county correctional facility may employ such a person notwithstanding that:

(1) Title 11A, Civil Service, of the New Jersey Statutes is operative in that county;

(2) the appointing authority has available to it an eligible or regular reemployment list of [corrections] correctional police officers eligible for [such] appointments; and

(3) the appointed person is not on any eligible list. If the county appointing authority is subject to the provisions of Title 11A, Civil Service, it may not employ [such a] the person if a special reemployment list is in existence for the county [corrections] correctional police officer title to be filled.

c. If the county appointing authority determines to appoint a person pursuant to the provisions of this act, it shall give first priority in making [such] the appointments to residents of the county.

d. The seniority, seniority-related privileges, and rank a county [corrections] correctional police officer possessed with the employer who terminated the officer's employment for reasons of economy shall not be transferable to a new position when the officer is appointed to a county [corrections] correctional police officer position pursuant to the provisions of this section.

(cf: P.L.2010, c.103, s.2)
police officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Law enforcement unit" shall mean any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of this State.

"Municipality" shall mean a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"Permanent appointment" shall mean an appointment having permanent status as a police officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police officer" shall mean any employee of a law enforcement unit, including sheriff's officers and county investigators in the office of the county prosecutor, other than civilian heads thereof, assistant prosecutors and legal assistants, persons appointed pursuant to the provisions of R.S.40:47-19, persons whose duties do not include any police function, court attendants, State and county correctional police officers, juvenile correctional police officers, and juvenile detention officers.

Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to read as follows:

6. The commission is vested with the power, responsibility and duty:
   a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to currently existing regional, county, municipal, and police chief association police training schools or at which basic training courses and in-service training courses shall be conducted for State and county juvenile and adult correctional police officers and juvenile detention officers;
   b. To approve and issue certificates of approval to these schools, to inspect the schools from time to time, and to revoke any approval or certificate issued to the schools;
c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for [such] these schools. Courses of study in crime prevention may be recommended to the Police Training Commission by the Crime Prevention Advisory Committee, established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The Police Training Commission may prescribe psychological and psychiatric examinations for police recruits while in [such] the schools;

d. To prescribe minimum qualifications for instructors at [such] these schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to [such] the instructors;

e. To certify police officers, [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers who have satisfactorily completed training programs and to issue appropriate certificates to [such] the police officers, [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers;

f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L.1961, c.56 (C.52:17B-73);

g. (Deleted by amendment, P.L.1985, c.491.

h. To make [such] rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and training methods for [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges, and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers;

l. To participate in unified programs and projects relating to police training and the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers sponsored by any federal, State, or other public or private agency;
m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs or programs for the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of such the training program;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused thereby by them, and the benefits resulting therefrom from them;

p. To review and approve new standards and course curricula developed by the Department of Corrections for both basic and in-service training of State and county correctional police officers and juvenile detention officers. These courses for the State correctional police officers and juvenile detention officers shall be centrally provided at the Corrections Officers' Training Academy of the Department of Corrections. Courses for the county correctional police officers and juvenile detention officers shall also be centrally provided at the Corrections Officers' Training Academy unless an off-grounds training program is established by the county. A county may elect to establish and conduct a basic training program for correctional police officers and juvenile detention officers seeking permanent appointment in that county. The Corrections Officers' Training Academy shall develop the curriculum of the basic training program to be conducted by a county;

q. To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make such rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established.

(cf: P.L.1996, c.115, s.6)

Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended to read as follows:

1. As used in this act:

"Family" means the spouse, parent, children, or other person who pays the funeral expenses of a public safety employee who is killed in the line of duty; and

"Public safety employee" means a permanent, full-time member of a State, county or municipal law enforcement agency or a
county sheriff's office who is statutorily empowered to act for the
detection, apprehension, arrest, and conviction of offenders against
the laws of this State; an active member in good standing of a paid, partial part-paid\textsuperscript{1}, or volunteer fire department or of a duly incorporated
first aid, emergency, ambulance or rescue squad; or a State or
county correctional police officer. (cf: P.L.2013, c.177, s.1)

This act shall take effect on the first day of the
fourth month next following enactment.

Renames county corrections officers as county correctional police officers.
Sponsored by:
Senator  JEFF VAN DREW
District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS
Renames county corrections officers as county correctional police officers.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning county corrections officers, supplementing Title 40A of the New Jersey Statutes, and amending various parts of the statutory law.

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

1. (New section) a. The Civil Service Commission shall effectuate the following title changes in the career service:
   (1) County correction captain shall be retitled as county correctional police captain;
   (2) County correction lieutenant shall be retitled as county correctional police lieutenant;
   (3) County correction officer shall be retitled as county correctional police officer; and
   (4) County correction sergeant shall be retitled as county correctional police sergeant.
   b. In a county in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative, every county corrections officer title shall be changed to a county correctional police officer title.
   c. Any fees associated with the retitling pursuant to subsections a. and b. of this section shall be borne by the county corrections officer whose title is changed.

2. N.J.S.2A:154-3 is amended to read as follows:
   2A:154-3. a. All court attendants, sheriff's officers, and county correctional police officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such the appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest, and conviction of offenders against the law.
   b. In addition to the powers set forth in subsection a. of this section, any county correctional police officer who has satisfactorily completed a basic training course approved by the Police Training Commission, as provided by P.L.1961, c.56 (C.52:17B-66 et seq.), shall have full power of arrest for any crime committed in his the officer’s presence anywhere within the territorial limits of the State of New Jersey.
   c. A county correctional police officer who has full power of arrest pursuant to subsection b. of this section, and is acting under lawful authority beyond the territorial limits of his the employing county, shall have all of the immunities from tort liability and shall have all of the pension, relief, disability, workers’

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.
compensation, insurance, and other benefits enjoyed while
performing duties within the employing county.
(cf: P.L.1996, c.40, s.1)

3. Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to
read as follows:
1. a. The following are eligible, regardless of age, to become
members of the Police and Firemen's Retirement System of New
Jersey (PFRS) as provided in this supplementary act:
(1) any policeman or fireman employed on the effective date of
this supplementary act by a municipality, which was not required to
participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-
3) and has not adopted that act, who meets the requirements for
membership in PFRS as set forth in the definitions of "Policeman"
and "Fireman" in section 1 of that act, as amended and
supplemented, and who is enrolled in the Public Employees' 
Retirement System of New Jersey (PERS) on that date;
(2) any policeman employed on the effective date of this
supplementary act by a county who is enrolled in PERS on that
date;
(3) any sheriff's officer, sergeant sheriff's officer, lieutenant
sheriff's officer, captain sheriff's officer, chief sheriff's officer, or
sheriff's investigator employed on the effective date of this
supplementary act in the offices of the county sheriffs who is
enrolled in PERS on that date;
(4) any [correction] State correctional police officer, senior
[correction] correctional police officer, [correction officer]
correctional police sergeant, [correction officer] correctional police
lieutenant, [correction officer] correctional police captain,
investigator, senior investigator, principal investigator, assistant
chief investigator, chief investigator, or director of custody
operations I, II, III employed on the effective date of this
supplementary act in the Department of Corrections who is enrolled
in PERS on that date;
(5) any county [correction] correctional police officer, county
[correction] correctional police sergeant, county [correction]
correctional police lieutenant, county [correction] correctional
police captain, or county deputy warden employed on the effective
date of this supplementary act in the several county jails who is
enrolled in PERS on that date;
(6) any principal inspector employed on the effective date of
this supplementary act in the Alcoholic Beverage Control
Enforcement Bureau, Department of Law and Public Safety who is
enrolled in PERS on that date;
(7) any police officer, police sergeant, or police lieutenant
employed on the effective date of this supplementary act in the
Department of Human Services who is enrolled in PERS on that date; and

(8) any fireman employed on the effective date of this supplementary act by a fire district in which the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets the requirements for membership in PFRS as set forth in the definition of "Fireman" in section 1 of that act, as amended and supplemented, and who is enrolled in PERS on that date.

b. Any person eligible pursuant to subsection a. of this section to become a member of PFRS may, regardless of age, transfer membership from PERS to PFRS in accordance with the provisions of the law and regulations governing the retirement system relative to interfund transfers by waiving, within 90 days of the effective date of this supplementary act, all rights and benefits which would otherwise be provided by PERS. If an eligible person does not file a timely waiver of PERS benefits, the person's pension status shall remain unchanged and the person's membership shall not be transferred to PFRS. Transfers under this section shall take effect on the first day of the first full calendar month following the effective date of this supplementary act by at least 180 days. PERS shall transmit to PFRS an amount equal to the present value of the benefit under PERS accrued to the date of transfer by each person transferring to PFRS. The service credit accrued in PERS to the date of transfer shall be transferred to PFRS and may be used to meet any service credit requirement for benefits under PFRS. Any benefit of a member who transfers membership from PERS to PFRS under this supplementary act based upon service credit shall be the amount of benefit determined as provided under PFRS based upon the total amount of service credit multiplied by the ratio of the service credit under PFRS from the date of transfer to the total amount of service credit, plus a benefit comparable to a PERS deferred, early or regular service retirement benefit, as appropriate, based upon the age of the member at the time of retirement and the amount of PERS service credit transferred to PFRS, determined as provided under the law and regulations governing PERS for the benefit. The total amount of service credit in PFRS, including the transferred PERS service credit, may be used to meet the service credit requirement for the benefit comparable to a PERS deferred or early retirement benefit, but the benefit shall be calculated only on the transferred PERS service credit.

Active and retired death benefits, accidental death benefits, and ordinary and accidental disability retirement benefits for members transferring to PFRS under this supplementary act shall be the benefits provided under PFRS.

For members transferring to PFRS under this supplementary act, the widows' or widowers' pensions provided under section 26 of P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit determined as provided in section 26 multiplied by the ratio of the
service credit under PFRS from the date of transfer to the total
amount of service credit. Transferring members shall be entitled to
elect optional retirement allowances for the portions of their
retirement benefits based upon their PERS service credit as
provided under the laws and regulations governing selection of
optional retirement allowances under PERS.
(cf: P.L.1993, c.247, s.1)

4. N.J.S.2C:12-1 is amended to read as follows:

2C:12-1. Assault. a. Simple assault. A person is guilty of
assault if [he] the person:
(1) Attempts to cause or purposely, knowingly or recklessly
causes bodily injury to another; or
(2) Negligently causes bodily injury to another with a deadly
weapon; or
(3) Attempts by physical menace to put another in fear of
imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed
in a fight or scuffle entered into by mutual consent, in which case it
is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault
if [he] the person:
(1) Attempts to cause serious bodily injury to another, or causes
[such] injury purposely or knowingly or under circumstances
manifesting extreme indifference to the value of human life
recklessly causes such injury; or
(2) Attempts to cause or purposely or knowingly causes bodily
injury to another with a deadly weapon; or
(3) Recklessly causes bodily injury to another with a deadly
weapon; or
(4) Knowingly under circumstances manifesting extreme
indifference to the value of human life points a firearm, as defined
in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
whether or not the actor believes it to be loaded; or
(5) Commits a simple assault as defined in paragraph (1), (2) or
(3) of subsection a. of this section upon:
(a) Any law enforcement officer acting in the performance of
[his] the officer’s duties while in uniform or exhibiting evidence of
[his] authority or because of [his] the officer’s status as a law
enforcement officer; or
(b) Any paid or volunteer [fireman] firefighter acting in the
performance of [his] the firefighter’s duties while in uniform or
otherwise clearly identifiable as being engaged in the performance
of the duties of a [fireman] firefighter; or
(c) Any person engaged in emergency first-aid or medical
services acting in the performance of [his] the person’s duties
while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver, or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the person’s status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the person’s status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of [his] the employee’s duties or because of [his] the status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator’s supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the status as an operator of a motorbus or as the operator’s supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff’s officer acting in the performance of [his] the person’s duties while in uniform or exhibiting evidence of [his] the person’s authority or because of [his] the status as a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff’s officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of [his] the employee’s duties in regard to connecting, disconnecting, or repairing or attempting to connect, disconnect, or repair any gas, electric, or water utility, or cable television or telecommunication service; or
(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer [fireman] firefighter, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or
(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of [his] the officer’s duties while in uniform or exhibiting evidence of [his] the officer’s authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) or (13) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.
c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of
the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph, "driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

(cf: P.L.2017, c.240, s.1)

5. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to read as follows:

2. A person who throws a bodily fluid at a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, probation officer, any sheriff, undersheriff or sheriff's officer or any municipal, county or State law enforcement officer while in the performance of the person's duties or otherwise purposely
subjects such employee to contact with a bodily fluid commits an
aggravated assault. If the victim suffers bodily injury, this shall be
a crime of the third degree. Otherwise, this shall be a crime of the
fourth degree. A term of imprisonment imposed for this offense
shall run consecutively to any term of imprisonment currently being
served and to any other term imposed for another offense
committed at the time of the assault. Nothing herein shall be
deemed to preclude, if the evidence so warrants, an indictment and
conviction for a violation or attempted violation of chapter 11 of
Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
1 or any other provision of the criminal laws.
(cf: P.L.2003, c.283, s.1)

6. N.J.S.2C:39-6 is amended to read as follows:
   2C:39-6. a. Provided a person complies with the requirements
   of subsection j. of this section, N.J.S.2C:39-5 does not apply to:
   (1) Members of the Armed Forces of the United States or of the
   National Guard while actually on duty, or while traveling between
   places of duty and carrying authorized weapons in the manner
   prescribed by the appropriate military authorities;
   (2) Federal law enforcement officers, and any other federal
   officers and employees required to carry firearms in the
   performance of their official duties;
   (3) Members of the State Police and, under conditions
   prescribed by the superintendent, members of the Marine Law
   Enforcement Bureau of the Division of State Police;
   (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
   assistant prosecutor, prosecutor's detective or investigator, deputy
   attorney general or State investigator employed by the Division of
   Criminal Justice of the Department of Law and Public Safety,
   investigator employed by the State Commission of Investigation,
   inspector of the Alcoholic Beverage Control Enforcement Bureau of
   the Division of State Police in the Department of Law and Public
   Safety authorized to carry weapons by the Superintendent of State
   Police, State park police officer, or State conservation officer;
   (5) Except as hereinafter provided, a State correctional police
   officer, or a prison or jail warden of any penal institution in this
   State or his deputies, or an employee of the Department of
   Corrections engaged in the interstate transportation of convicted
   offenders, while in the performance of his duties, and when
   required to possess the weapon by his superior officer, or a
   correctional police officer or keeper of a penal
   institution in this State at all times while in the State of New Jersey,
   provided he annually passes an examination approved by the
   superintendent testing his proficiency in the handling of firearms;
   (6) A civilian employee of the United States Government under
   the supervision of the commanding officer of any post, camp,
   station, base or other military or naval installation located in this
State who is required, in the performance of his official duties, to
carry firearms, and who is authorized to carry firearms by the
commanding officer, while in the actual performance of his official
duties;

(7) (a) A regularly employed member, including a detective, of
the police department of any county or municipality, or of any
State, interstate, municipal or county park police force or boulevard
police force, at all times while in the State of New Jersey;
(b) A special law enforcement officer authorized to carry a
weapon as provided in subsection b. of section 7 of P.L.1985, c.439
(C.40A:14-146.14);
(c) An airport security officer or a special law enforcement
officer appointed by the governing body of any county or
municipality, except as provided in subsection (b) of this section, or
by the commission, board or other body having control of a county
park or airport or boulevard police force, while engaged in the
actual performance of his official duties and when specifically
authorized by the governing body to carry weapons;

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

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

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

(11) A county correctional police officer at all
times while in the State of New Jersey, provided the officer
annually passes an examination approved by the superintendent
testing his proficiency in the handling of firearms.

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

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

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

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

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

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

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

(4) A court attendant appointed by the sheriff of the county or
by the judge of any municipal court or other court of this State,
while in the actual performance of his official duties;

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

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

(7) A humane law enforcement officer of the New Jersey
Society for the Prevention of Cruelty to Animals or of a county
society for the prevention of cruelty to animals, while in the actual
performance of his duties;
(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

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

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


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

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

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

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

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

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

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

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

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

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

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to the transportation of unloaded
antique cannons directly to or from exhibitions or demonstrations
authorized under paragraph (4) of subsection d. of this section,
provided that the transportation is in compliance with safety
regulations the superintendent may promulgate. Those subsections
shall not apply to transportation directly to or from exhibitions or
demonstrations authorized under the law of another jurisdiction,
provided that the superintendent has been given 30 days' notice and
that the transportation is in compliance with safety regulations the
superintendent may promulgate.

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

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

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

3. A person transporting any firearm or knife while traveling:
   (a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or
   (b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or
   (c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

4. A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard.

   g. Any weapon being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed
and fastened case, gunbox, securely tied package, or locked in the
course of travel shall include only deviations as are reasonably
necessary under the circumstances.

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

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

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any
person who is 18 years of age or older and who has not been
convicted of a crime, from possession for the purpose of personal
self-defense of one pocket-sized device which contains and releases
not more than three-quarters of an ounce of chemical substance not
ordinarily capable of lethal use or of inflicting serious bodily injury,
but rather, is intended to produce temporary physical discomfort or
disability through being vaporized or otherwise dispensed in the air.
Any person in possession of any device in violation of this
subsection shall be deemed and adjudged to be a disorderly person,
and upon conviction thereof, shall be punished by a fine of not less
than $100.

(2) Notwithstanding the provisions of paragraph (1) of this
subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
health inspector or investigator operating pursuant to the provisions
of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
inspector from possessing a device which is capable of releasing
more than three-quarters of an ounce of a chemical substance, as
described in paragraph (1), while in the actual performance of the
inspector's or investigator's duties, provided that the device does not
exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions
of N.J.S.2C:39-5, as specified under subsections a. and c. of this
section, if the person has satisfactorily completed a firearms
training course approved by the Police Training Commission.
The exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3), or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

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

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to his disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of his usual law enforcement duties and any other available duty in the department which his employer was willing to assign to him or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun he is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State correctional police officer or county [corrections] correctional police officer; a full-time State or county park police officer; a full-time special agent of
the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile [corrections] correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

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

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

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

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

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

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

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.
(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for one year from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

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

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

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

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

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

(cf: P.L.2017, c.293, s.3)

7. Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read as follows:

1. A person shall not be removed from employment or a position as a county [corrections] correctional police officer, or suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the county corrections department, unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a county [corrections] correctional police officer for a violation of the internal rules and regulations of the county corrections department is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State; the 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against a county [corrections] correctional police officer shall not apply to a filing of a complaint by a private individual.

(cf: P.L.2006, c.54, s.1)

8. Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to read as follows:

2. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a county correctional facility, be that the governing body of the county pursuant to R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a county correctional police officer any person who:

(1) was serving as a county correctional police officer in good standing in any county correctional facility in this State; and

(2) satisfactorily completed a working test period in a county correctional police officer title or in a county which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a
county correctional title in a county which has not adopted Title
11A, Civil Service; and
(3) was, for reasons of economy, terminated as a county
correctional police officer within 60 months prior to the
appointment.
b. The appointing authority of a county correctional facility
may employ such a person notwithstanding that:
(1) Title 11A, Civil Service, of the New Jersey Statutes is
operative in that county;
(2) the appointing authority has available to it an eligible or
regular reemployment list of [corrections] correctional police
officers eligible for [such] appointments; and
(3) the appointed person is not on any eligible list. If the county
appointing authority is subject to the provisions of Title 11A, Civil
Service, it may not employ [such a] the person if a special
reemployment list is in existence for the county [corrections]
correctional police officer title to be filled.
c. If the county appointing authority determines to appoint a
person pursuant to the provisions of this act, it shall give first
priority in making [such] the appointments to residents of the
county.
d. The seniority, seniority-related privileges, and rank a county
[corrections] correctional police officer possessed with the
employer who terminated the officer's employment for reasons of
economy shall not be transferable to a new position when the
officer is appointed to a county [corrections] correctional police
officer position pursuant to the provisions of this section.
(cf: P.L.2010, c.103, s.2)
9. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read
as follows:
2. As used in this act:
"Approved school" shall mean a school approved and authorized
by the Police Training Commission to give police training courses
or a training course for State and county [corrections] correctional
police officers and juvenile detention officers as prescribed in this
act.
"Commission" shall mean the Police Training Commission or
officers or employees thereof acting on its behalf.
"County" shall mean any county which within its jurisdiction has
or shall have a law enforcement unit as defined in this act.
"Law enforcement unit" shall mean any police force or
organization in a municipality or county which has by statute or
ordinance the responsibility of detecting crime and enforcing the
general criminal laws of this State.
"Municipality" shall mean a city of any class, township, borough,
village, camp meeting association, or any other type of municipality
in this State which, within its jurisdiction, has or shall have a law
enforcement unit as defined in this act.

"Permanent appointment" shall mean an appointment having
permanent status as a police officer in a law enforcement unit as
prescribed by Title 11A of the New Jersey Statutes, Civil Service
Commission Rules and Regulations, or of any other law of this
State, municipal ordinance, or rules and regulations adopted
thereunder.

"Police officer" shall mean any employee of a law enforcement
unit, including sheriff's officers and county investigators in the
office of the county prosecutor, other than civilian heads thereof,
assistant prosecutors and legal assistants, persons appointed
pursuant to the provisions of R.S.40:47-19, persons whose duties do
not include any police function, court attendants, State and county
[corrections] correctional police officers, juvenile [corrections]
correctional police officers, and juvenile detention officers.
(cf: P.L.1995, c.280, s.54)

10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to
read as follows:

6. The commission is vested with the power, responsibility and
duty:

a. To prescribe standards for the approval and continuation of
approval of schools at which police training courses authorized by
this act and in-service police training courses shall be conducted,
including but not limited to [presently] currently existing regional,
county, municipal and police chief association police training
schools or at which basic training courses and in-service training
courses shall be conducted for State and county juvenile and adult
[corrections] correctional police officers and juvenile detention
officers;

b. To approve and issue certificates of approval to [such] these
schools, to inspect [such] the schools from time to time, and to
revoke any approval or certificate issued to [such] the schools;

c. To prescribe the curriculum, the minimum courses of study,
attendance requirements, equipment and facilities, and standards of
operation for [such] these schools. Courses of study in crime
prevention may be recommended to the Police Training
Commission by the Crime Prevention Advisory Committee,
established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The
Police Training Commission may prescribe psychological and
psychiatric examinations for police recruits while in [such] the
schools;

d. To prescribe minimum qualifications for instructors at [such]
these schools and to certify, as qualified, instructors for approved
police training schools and to issue appropriate certificates to
[such] the instructors;
e. To certify police officers, [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers who have satisfactorily completed training programs and to issue appropriate certificates to [such] the police officers, [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers;

f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L.1961, c.56 (C.52:17B-73);

h. To make [such] rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and training methods for [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges, and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers;

l. To participate in unified programs and projects relating to police training and the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers sponsored by any federal, State, or other public or private agency;

m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs or programs for the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of [such] the training program;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused [thereby] by them, and the benefits resulting [therefrom] from them;
p. To review and approve new standards and course curricula developed by the Department of Corrections for both basic and in-service training of State and county [corrections] correctional police officers and juvenile detention officers. These courses for the State [corrections] correctional police officers and juvenile detention officers shall be centrally provided at the Corrections Officers’ Training Academy of the Department of Corrections. Courses for the county [corrections] correctional police officers and juvenile detention officers shall also be centrally provided at the Corrections Officers’ Training Academy unless an off-grounds training program is established by the county. A county may elect to establish and conduct a basic training program for [corrections] correctional police officers and juvenile detention officers seeking permanent appointment in that county. The Corrections Officers’ Training Academy shall develop the curriculum of the basic training program to be conducted by a county;

q. To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make [such] rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established.

(cf: P.L.1996, c.115, s.6)

11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended to read as follows:

1. As used in this act:

"Family" means the spouse, parent, children or other person who pays the funeral expenses of a public safety employee who is killed in the line of duty; and

"Public safety employee" means a permanent, full-time member of a State, county or municipal law enforcement agency or a county sheriff’s office who is statutorily empowered to act for the detection, apprehension, arrest, and conviction of offenders against the laws of this State; an active member in good standing of a paid, part-paid or volunteer fire department or of a duly incorporated first aid, emergency, ambulance or rescue squad; or a State or county correctional police officer.

(cf: P.L.2013, c.177, s.1)

12. This act shall take effect on the first day of the fourth month next following enactment.

STATEMENT

This bill directs the Civil Service Commission to retitle county corrections officer positions as county correctional police officer
positions. The title changes in this bill are to apply to all corrections officers employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative.

The bill further updates statutory references to county corrections officers as county correctional police officers.

The bill requires any fees associated with this retitling to be borne by the county corrections officer whose title has been changed. Examples of this fee may include any cost associated with an updated uniform, badge, or equipment as a result of the title change.
STATEMENT TO

[Second Reprint]
SENATE, No. 1739

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1739 (2R).

As reported by the committee, Senate Bill No. 1739 (2R) directs the Civil Service Commission to retitle county corrections officers as county correctional police officers. The amended bill also directs the commission to retitle wardens as county correctional police wardens and deputy wardens as county correctional deputy police wardens.

The title changes in this amended bill are to apply to all corrections officers, wardens, and deputy wardens employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative. This amended bill further updates statutory references to county corrections officers, wardens, and deputy wardens.

The amended bill requires any fees associated with this retitling to be borne by the county corrections officer, warden, or deputy warden whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This amended bill similarly retitles county corrections officers, wardens, and deputy wardens.

As amended and reported by the committee, Senate Bill 1739 (2R) is identical to Assembly Bill No. 3236 which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:
The committee amendments:

1) remove the section of the bill related to certain retirement beneficiaries; as introduced, this section of the bill was amended to update references to corrections officers as correctional police officers; and

2) update the provisions of N.J.S.2C:39-6 to reflect the changes made by P.L.2017, c.331.
SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1739

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1739.

As amended and reported by the committee, this bill directs the Civil Service Commission to retitle county corrections officer positions as county correctional police officer positions. The title changes in this bill are to apply to all corrections officers employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative.

The bill further updates statutory references to county corrections officers as county correctional police officers.

The bill requires any fees associated with this retitling to be borne by the county corrections officer whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This bill similarly retitles county corrections officers to county correctional police officers.

COMMITTEE AMENDMENTS:

The committee made technical corrections to the bill.
STATEMENT TO

[First Reprint]

SENATE, No. 1739

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: FEBRUARY 26, 2018

Senate Bill No. 1739 (1R) retitles county corrections officers as county correctional police officers.

These Senate amendments retile warden as county correctional police warden and deputy warden as county correctional deputy police warden.
Sponsored by:
Assemblyman R. BRUCE LAND
District 1 (Atlantic, Cape May and Cumberland)
Assemblyman BOB ANDRZEJczak
District 1 (Atlantic, Cape May and Cumberland)
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:
Assemblymen Giblin and Johnson

SYNOPSIS
Renames county corrections officers as county correctional police officers.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning county corrections officers, supplementing Title 40A of the New Jersey Statutes, and amending various parts of the statutory law.

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

1. (New section) a. The Civil Service Commission shall effectuate the following title changes in the career service:
   (1) County correction captain shall be retitled as county correctional police captain;
   (2) County correction lieutenant shall be retitled as county correctional police lieutenant;
   (3) County correction officer shall be retitled as county correctional police officer; and
   (4) County correction sergeant shall be retitled as county correctional police sergeant.

   b. In a county in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative, every county corrections officer title shall be changed to a county correctional police officer title.

   c. Any fees associated with the retitling pursuant to subsections a. and b. of this section shall be borne by the county corrections officer whose title is changed.

2. N.J.S.2A:154-3 is amended to read as follows:

   2A:154-3. a. All court attendants, sheriff's officers, and county correctional police officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such the appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest, and conviction of offenders against the law.

   b. In addition to the powers set forth in subsection a. of this section, any county correctional police officer who has satisfactorily completed a basic training course approved by the Police Training Commission, as provided by P.L.1961, c.56 (C.52:17B-66 et seq.), shall have full power of arrest for any crime committed in his the officer's presence anywhere within the territorial limits of the State of New Jersey.

   c. A county correctional police officer who has full power of arrest pursuant to subsection b. of this section, and is acting under lawful authority beyond the territorial limits of his the employing county, shall have all of the immunities from tort

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.
liability and shall have all of the pension, relief, disability, workers' compen-
sation, insurance, and other benefits enjoyed while performing duties within the employ-
ing county. (cf: P.L.1996, c.40, s.1)

3. Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to read as follows:

1. a. The following are eligible, regardless of age, to become members of the Police and Firemen's Retirement System of New Jersey (PFRS) as provided in this supplementary act:

(1) any policeman or fireman employed on the effective date of this supplementary act by a municipality, which was not required to participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-3) and has not adopted that act, who meets the requirements for membership in PFRS as set forth in the definitions of "Policeman" and "Fireman" in section 1 of that act, as amended and supplemented, and who is enrolled in the Public Employees' Retirement System of New Jersey (PERS) on that date;

(2) any policeman employed on the effective date of this supplementary act by a county who is enrolled in PERS on that date;

(3) any sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, or sheriff's investigator employed on the effective date of this supplementary act in the offices of the county sheriffs who is enrolled in PERS on that date;

(4) any State correctional police officer, senior correctional police officer, senior correctional police sergeant, correctional police lieutenant, correctional police captain, investigator, senior investigator, principal investigator, assistant chief investigator, chief investigator, or director of custody operations I, II, III employed on the effective date of this supplementary act in the Department of Corrections who is enrolled in PERS on that date;

(5) any county correctional police officer, county correctional police sergeant, county correctional police lieutenant, county correctional police captain, or county deputy warden employed on the effective date of this supplementary act in the several county jails who is enrolled in PERS on that date;

(6) any principal inspector employed on the effective date of this supplementary act in the Alcoholic Beverage Control Enforcement Bureau, Department of Law and Public Safety who is enrolled in PERS on that date;

(7) any police officer, police sergeant, or police lieutenant employed on the effective date of this supplementary act in the
Department of Human Services who is enrolled in PERS on that date; and

(8) any fireman employed on the effective date of this supplementary act by a fire district in which the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets the requirements for membership in PFRS as set forth in the definition of "Fireman" in section 1 of that act, as amended and supplemented, and who is enrolled in PERS on that date.

b. Any person eligible pursuant to subsection a. of this section to become a member of PFRS may, regardless of age, transfer membership from PERS to PFRS in accordance with the provisions of the law and regulations governing the retirement system relative to interfund transfers by waiving, within 90 days of the effective date of this supplementary act, all rights and benefits which would otherwise be provided by PERS. If an eligible person does not file a timely waiver of PERS benefits, the person's pension status shall remain unchanged and the person's membership shall not be transferred to PFRS. Transfers under this section shall take effect on the first day of the first full calendar month following the effective date of this supplementary act by at least 180 days. PERS shall transmit to PFRS an amount equal to the present value of the benefit under PERS accrued to the date of transfer by each person transferring to PFRS. The service credit accrued in PERS to the date of transfer shall be transferred to PFRS and may be used to meet any service credit requirement for benefits under PFRS. Any benefit of a member who transfers membership from PERS to PFRS under this supplementary act based upon service credit shall be the amount of benefit determined as provided under PFRS based upon the total amount of service credit multiplied by the ratio of the service credit under PFRS from the date of transfer to the total amount of service credit, plus a benefit comparable to a PERS deferred, early or regular service retirement benefit, as appropriate, based upon the age of the member at the time of retirement and the amount of PERS service credit transferred to PFRS, determined as provided under the law and regulations governing PERS for the benefit. The total amount of service credit in PFRS, including the transferred PERS service credit, may be used to meet the service credit requirement for the benefit comparable to a PERS deferred or early retirement benefit, but the benefit shall be calculated only on the transferred PERS service credit.

Active and retired death benefits, accidental death benefits, and ordinary and accidental disability retirement benefits for members transferring to PFRS under this supplementary act shall be the benefits provided under PFRS.

For members transferring to PFRS under this supplementary act, the widows' or widowers' pensions provided under section 26 of P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit determined as provided in section 26 multiplied by the ratio of the
service credit under PFRS from the date of transfer to the total amount of service credit. Transferring members shall be entitled to elect optional retirement allowances for the portions of their retirement benefits based upon their PERS service credit as provided under the laws and regulations governing selection of optional retirement allowances under PERS.

(cf: P.L.1993, c.247, s.1)

4. N.J.S.2C:12-1 is amended to read as follows:

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if the person:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if the person:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer acting in the performance of the officer’s duties while in uniform or exhibiting evidence of the officer’s status as a law enforcement officer; or

(b) Any paid or volunteer fireman firefighter acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a firefighter; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of the person’s duties
while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver, or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the person’s status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the person’s status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of [his] the employee’s duties or because of [his] the status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of [his] the status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator’s supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of [his] the person’s duties or because of [his] the status as an operator of a motorbus or as the operator’s supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff’s officer acting in the performance of [his] the person’s duties while in uniform or exhibiting evidence of [his] the person’s authority or because of [his] the status as a Department of Corrections employee, county correctional police officer, juvenile correctional police officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the “Cable Television Act,” P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of [his] the employee’s duties in regard to connecting, disconnecting, or repairing or attempting to connect, disconnect, or repair any gas, electric, or water utility, or cable television or telecommunication service; or
(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer firefighter, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or
(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten, or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his or her duties while in uniform or exhibiting evidence of his or her authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) or (13) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.
c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of
the fourth degree if the person purposely drives a vehicle in an
aggressive manner directed at another vehicle and bodily injury
results. For purposes of this paragraph, "driving a vehicle in an
aggressive manner" shall include, but is not limited to,
unexpectedly altering the speed of the vehicle, making improper or
erratic traffic lane changes, disregarding traffic control devices,
failing to yield the right of way, or following another vehicle too
closely.

As used in this subsection, "vessel" means a means of
conveyance for travel on water and propelled otherwise than by
muscular power.

d. A person who is employed by a facility as defined in section
2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
defined in paragraph (1) or (2) of subsection a. of this section upon
an institutionalized elderly person as defined in section 2 of
P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in
paragraph (1), (2) or (3) of subsection a. of this section in the
presence of a child under 16 years of age at a school or community
sponsored youth sports event is guilty of a crime of the fourth
degree. The defendant shall be strictly liable upon proof that the
offense occurred, in fact, in the presence of a child under 16 years
of age. It shall not be a defense that the defendant did not know
that the child was present or reasonably believed that the child was
16 years of age or older. The provisions of this subsection shall not
be construed to create any liability on the part of a participant in a
youth sports event or to abrogate any immunity or defense available
to a participant in a youth sports event. As used in this act, "school
or community sponsored youth sports event" means a competition,
practice or instructional event involving one or more
interscholastic sports teams or youth sports teams organized
pursuant to a nonprofit or similar charter or which are member
teams in a youth league organized by or affiliated with a county or
municipal recreation department and shall not include collegiate,
semi-professional or professional sporting events.

(cf: P.L.2017, c.240, s.1)

5. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to
read as follows:

2. A person who throws a bodily fluid at a Department of
Corrections employee, county [corrections] correctional police
officer, juvenile [corrections] correctional police officer, State
juvenile facility employee, juvenile detention staff member,
probation officer, any sheriff, undersheriff or sheriff’s officer or any
municipal, county or State law enforcement officer while in the
performance of [his] the person’s duties or otherwise purposely
subjects such employee to contact with a bodily fluid commits an
aggravated assault. If the victim suffers bodily injury, this shall be
a crime of the third degree. Otherwise, this shall be a crime of the
fourth degree. A term of imprisonment imposed for this offense
shall run consecutively to any term of imprisonment currently being
served and to any other term imposed for another offense
committed at the time of the assault. Nothing herein shall be
deemed to preclude, if the evidence so warrants, an indictment and
conviction for a violation or attempted violation of chapter 11 of
Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
1 or any other provision of the criminal laws.
(cf: P.L.2003, c.283, s.1)

6. N.J.S.2C:39-6 is amended to read as follows:
2C:39-6. a. Provided a person complies with the requirements of
subsection j. of this section, N.J.S.2C:39-5 does not apply to:
(1) Members of the Armed Forces of the United States or of the
National Guard while actually on duty, or while traveling between
places of duty and carrying authorized weapons in the manner
prescribed by the appropriate military authorities;
(2) Federal law enforcement officers, and any other federal
officers and employees required to carry firearms in the
performance of their official duties;
(3) Members of the State Police and, under conditions
prescribed by the superintendent, members of the Marine Law
Enforcement Bureau of the Division of State Police;
(4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
assistant prosecutor, prosecutor's detective or investigator, deputy
attorney general or State investigator employed by the Division of
Criminal Justice of the Department of Law and Public Safety,
investigator employed by the State Commission of Investigation,
inspector of the Alcoholic Beverage Control Enforcement Bureau of
the Division of State Police in the Department of Law and Public
Safety authorized to carry weapons by the Superintendent of State
Police, State park police officer, or State conservation officer;
(5) Except as hereinafter provided, a State correctional police
officer, or a prison or jail warden of any penal institution in this
State or [his] the warden’s deputies, or an employee of the
Department of Corrections engaged in the interstate transportation
of convicted offenders, while in the performance of [his] the
employee's duties, and when required to possess the weapon by
[his] a superior officer, or a corrections officer or keeper of a penal
institution in this State at all times while in the State of New Jersey,
provided [he] the person annually passes an examination approved
by the superintendent testing [his] the person’s proficiency in the
handling of firearms;
(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry firearms by the commanding officer, while in the actual performance of his official duties;

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

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

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

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

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

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

(11) A county [corrections] correctional police officer at all times while in the State of New Jersey, provided [he] the officer annually passes an examination approved by the superintendent testing [his] the officer’s proficiency in the handling of firearms.

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

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

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

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

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

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

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

(4) A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of [his] the attendant’s official duties;

(5) A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of [his] the guard’s official duties;

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

(7) A humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, while in the actual performance of [his] the officer’s duties;

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

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

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


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

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

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

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

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

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

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

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

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

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

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Those subsections shall not apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

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

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

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

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

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

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

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

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;
A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard.

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

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

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

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector from possessing a device which is capable of releasing
more than three-quarters of an ounce of a chemical substance, as described in paragraph (1), while in the actual performance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement.

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

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

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

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to [his] the officer’s disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of [his] the officer’s usual law enforcement duties and any other available duty in the department which [his] the officer’s employer was willing to assign to him or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun [he] the officer is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays
the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police; a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State correctional police officer or county [corrections] correctional police officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile [corrections] correctional police officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

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

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

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

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

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

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

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

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

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

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

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

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

(cf: P.L.2017, c.293, s.3)

7. Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read
as follows:

1. A person shall not be removed from employment or a
position as a county [corrections] correctional police officer, or
suspended, fined or reduced in rank for a violation of the internal
rules and regulations established for the conduct of employees of
the county corrections department, unless a complaint charging a
violation of those rules and regulations is filed no later than the
45th day after the date on which the person filing the complaint
obtained sufficient information to file the matter upon which the
complaint is based. A failure to comply with this section shall
require a dismissal of the complaint. The 45-day time limit shall not
apply if an investigation of a county [corrections] correctional
police officer for a violation of the internal rules and regulations of
the county corrections department is included directly or indirectly
within a concurrent investigation of that officer for a violation of
the criminal laws of this State; the 45-day limit shall begin on the
day after the disposition of the criminal investigation. The 45-day
requirement in this section for the filing of a complaint against a
county [corrections] correctional police officer shall not apply to a
filing of a complaint by a private individual.

(cf: P.L.2006, c.54, s.1)

8. Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to
read as follows:
2. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a county correctional facility, be that the governing body of the county pursuant to R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a county correctional police officer any person who:

(1) was serving as a county correctional police officer in good standing in any county correctional facility in this State; and

(2) satisfactorily completed a working test period in a county correctional police officer title or in a county which has adopted Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a county correctional title in a county which has not adopted Title 11A, Civil Service; and

(3) was, for reasons of economy, terminated as a county correctional police officer within 60 months prior to the appointment.

b. The appointing authority of a county correctional facility may employ such a person notwithstanding that:

(1) Title 11A, Civil Service, of the New Jersey Statutes is operative in that county;

(2) the appointing authority has available to it an eligible or regular reemployment list of [corrections] correctional police officers eligible for [such] appointments; and

(3) the appointed person is not on any eligible list. If the county appointing authority is subject to the provisions of Title 11A, Civil Service, it may not employ [such a] the person if a special reemployment list is in existence for the county [corrections] correctional police officer title to be filled.

c. If the county appointing authority determines to appoint a person pursuant to the provisions of this act, it shall give first priority in making [such] the appointments to residents of the county.

d. The seniority, seniority-related privileges, and rank a county [corrections] correctional police officer possessed with the employer who terminated the officer's employment for reasons of economy shall not be transferable to a new position when the officer is appointed to a county [corrections] correctional police officer position pursuant to the provisions of this section.

(cf: P.L.2010, c.103, s.2)

9. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read as follows:

2. As used in this act:

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county [corrections] correctional
police officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Law enforcement unit" shall mean any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of this State.

"Municipality" shall mean a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"Permanent appointment" shall mean an appointment having permanent status as a police officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police officer" shall mean any employee of a law enforcement unit, including sheriff's officers and county investigators in the office of the county prosecutor, other than civilian heads thereof, assistant prosecutors and legal assistants, persons appointed pursuant to the provisions of R.S.40:47-19, persons whose duties do not include any police function, court attendants, State and county [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers.

(cf: P.L.1995, c.280, s.54)

10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to read as follows:

6. The commission is vested with the power, responsibility and duty:

   a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to [presently] currently existing regional, county, municipal, and police chief association police training schools or at which basic training courses and in-service training courses shall be conducted for State and county juvenile and adult [corrections] correctional police officers and juvenile detention officers;

   b. To approve and issue certificates of approval to [such] these schools, to inspect [such] the schools from time to time, and to revoke any approval or certificate issued to [such] the schools;
c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools. Courses of study in crime prevention may be recommended to the Police Training Commission by the Crime Prevention Advisory Committee, established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The Police Training Commission may prescribe psychological and psychiatric examinations for police recruits while in such the schools;

d. To prescribe minimum qualifications for instructors at such these schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to such the instructors;

e. To certify police officers, correctional police officers, juvenile correctional police officers, and juvenile detention officers who have satisfactorily completed training programs and to issue appropriate certificates to such the police officers, correctional police officers, juvenile correctional police officers, and juvenile detention officers;

f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L.1961, c.56 (C.52:17B-73);

g. (Deleted by amendment, P.L.1985, c.491.

h. To make such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and training methods for correctional police officers, juvenile correctional police officers, and juvenile detention officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers;

l. To participate in unified programs and projects relating to police training and the training of correctional police officers, juvenile correctional police officers, and juvenile detention officers sponsored by any federal, State, or other public or private agency;
m. To perform [such] other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs or programs for the training of [corrections] correctional police officers, juvenile [corrections] correctional police officers, and juvenile detention officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of [such] the training program;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused [thereby] by them, and the benefits resulting [therefrom] from them;

p. To review and approve new standards and course curricula developed by the Department of Corrections for both basic and in-service training of State and county [corrections] correctional police officers and juvenile detention officers. These courses for the State [corrections] correctional police officers and juvenile detention officers shall be centrally provided at the Corrections Officers’ Training Academy of the Department of Corrections. Courses for the county [corrections] correctional police officers and juvenile detention officers shall also be centrally provided at the Corrections Officers’ Training Academy unless an off-grounds training program is established by the county. A county may elect to establish and conduct a basic training program for [corrections] correctional police officers and juvenile detention officers seeking permanent appointment in that county. The Corrections Officers’ Training Academy shall develop the curriculum of the basic training program to be conducted by a county;

q. To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make [such] rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established.

(ef: P.L.1996, c.115, s.6)

11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended to read as follows:

1. As used in this act:

"Family" means the spouse, parent, children or other person who pays the funeral expenses of a public safety employee who is killed in the line of duty[; and];

"Public safety employee" means a permanent, full-time member of a State, county or municipal law enforcement agency or a county sheriff’s office who is statutorily empowered to act for the
detection, apprehension, arrest, and conviction of offenders against the laws of this State; an active member in good standing of a paid, part-paid or volunteer fire department or of a duly incorporated first aid, emergency, ambulance or rescue squad; or a State or county correctional police officer.

(cf: P.L.2013, c.177, s.1)

12. This act shall take effect on the first day of the fourth month next following enactment.

STATEMENT

This bill directs the Civil Service Commission to retitle county corrections officer positions as county correctional police officer positions. The title changes in this bill are to apply to all corrections officers employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative.

The bill further updates statutory references to county corrections officers as county correctional police officers.

The bill requires any fees associated with this retitling to be borne by the county corrections officer whose title has been changed. Examples of this fee may include any cost associated with an updated uniform, badge, or equipment as a result of the title change.
STATEMENT TO

ASSEMBLY, No. 3236

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3236.

As amended and reported by the committee, Assembly Bill No. 3236 directs the Civil Service Commission to retitle county corrections officers as county correctional police officers. The amended bill also directs the commission to retitle wardens as county correctional police wardens and deputy wardens as county correctional deputy police wardens.

The title changes in this amended bill are to apply to all corrections officers, wardens, and deputy wardens employed by the counties in this State, including counties in which Title 11A, Civil Service, of the New Jersey Statutes, is not operative. This amended bill further updates statutory references to county corrections officers, wardens, and deputy wardens.

The amended bill requires any fees associated with this retitling to be borne by the county corrections officer, warden, or deputy warden whose title has been changed. Examples of these fees may include any costs associated with an updated uniform, badge, or equipment as a result of the title change.

Under recently enacted P.L.2017, c.293, the Civil Service titles applicable to State corrections officers were changed to State correctional police officers. This amended bill similarly retitles county corrections officers, wardens, and deputy wardens.

As reported by the committee, Assembly Bill No. 3236 is identical to Senate Bill No. 1739 (2R), which also was amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

1) require the Civil Service Commission to retitle warden positions as county correctional police warden and deputy warden positions as county correctional deputy police warden;

2) update the provisions of N.J.S.2C:39-6 to reflect the changes made by P.L.2017, c.331;

3) remove the section of the bill related to certain retirement beneficiaries; as introduced, this section of the bill was amended to update references to corrections officers as correctional police officers; and

4) make other technical and clarifying amendments.
Governor Murphy Takes Action on Legislation

08/9/2019

TRENTON - Today, Governor Phil Murphy signed the following bills into law:

A312 (Pinkin, Conaway, Giblin, Holley, Danielsen, Mukherji, Wimberly/Vitale, Rice) - Requires certain health care facilities to provide information concerning palliative care and hospice care services.

A841 (Land, Calabrese/Andrzejczak) - Provides for establishment of county college certificate programs to meet needs of certain regional employers.

A1700 (Dancer, Vainieri Huttle, Calabrese/Cruz-Perez, Cunningham) - Expands eligibility criteria for designating certain areas as being in need of redevelopment.

A2004 (Karabinchak, Mazzeo, Pinkin, Coughlin/Diegnan) - Requires municipality to pay certain nonresidential property tax appeal refunds in equal installments over period of three years.

A3937 (DeAngelo, Reynolds-Jackson, Verrerelli/Turner) - Allows local government water system employees to reside in all municipalities served by water system.

A4115 (Benson, DeAngelo, Holley/Greenstein) - Clarifies that certain students are eligible for NJ STARS and NJ STARS II scholarship upon initial enrollment at institution of higher education on part-time basis.

A4223 (Johnson, Rooney/Weinberg, Lagana) - Requires State Treasurer to pay county prosecutor's expenses for overseeing certain law enforcement agencies.

A4938 (Tucker, Pinkin, Vainieri Huttle/Ruiz, Greenstein) - Requires DOH to establish "My Life, My Plan" program to support women of childbearing age in developing reproductive life plan.

A5021 (Quijano, Bramnick, Reynolds-Jackson, Pinkin, Downey/Vitale, Kean) - Requires Medicaid coverage for group prenatal care services under certain circumstances.

A5322 (Burzichelli, Milam, Houghtaling, Taliaferro/Sweeney, Oroho, Beach, Andrzejczak) - Establishes program for cultivation, handling, processing, transport, and sale of hemp; repeals New Jersey Industrial Hemp Pilot Program.

A5392 (Quijano, Murphy/Vitale, Scutari) - Establishes new liability standards in sexual abuse lawsuits filed against public entities and public employees.

A5595 (Milam, Houghtaling, Dancer, Wirths/Oroho, Pennacchio) - Expands eligibility for EDA small business loan program to specifically include certain farming operations and qualified dairy farmers.

S601 (Smith, Greenstein/Pinkin, McKeon) - Establishes "New Jersey Solar Panel Recycling Commission."

S781 (Sarlo, O'Scanlon/Giblin, DiMaso, Handlin) - Revises penalties for certain violations of law by public movers and warehousemen.

S984 (Vitale, Singleton/Conaway, Mukherji, Murphy) - Establishes certain requirements, including allowable fees, for provision of medical records to patients, legally authorized representatives, and authorized third parties.

S1109 (Ruiz/Munoz, Quijano) – Renames "Physician Orders for Life-Sustaining Treatment Act" as "Practitioner Orders for Life-Sustaining Treatment Act"; permits physician assistants to sign and modify POLST forms; requires continuing education concerning end-of-life care.

S1739 (Oroho, Andrzejczak/Land, Space, Milam) - Renames county corrections officers as county correctional police officers.

S2807 (Cryan, Cruz-Perez/Pinkin, Moriarty, Zwicker) - Concerns service of food or refreshments on mortuary premises.

S2858 (Gopal, Diegnan/Houghtaling, Downey, Johnson) - Prohibits issuance of certain badges to NJT board members, PANYNJ commissioners, and local and State elected officials.

S3212 (Ruiz, Rice/Pintor Marin, Holley) - Permits municipalities to establish temporary supplemental zoning boards of adjustment to address application backlogs.
S3334 (Diegnan, Vitale/Conaway, Pinkin) - Exempts certain surgical technologists from general educational and training requirements.