

[First Reprint]

**ASSEMBLY, No. 3629**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED APRIL 14, 2016

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**Assemblywoman Pinkin and Assemblyman Mazzeo**

**SYNOPSIS**

Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Education Committee on June 20, 2016, with amendments.

(Sponsorship Updated As Of: 6/28/2016)

1 AN ACT concerning security in schools and certain colleges and  
2 amending P.L.1985, c.439 <sup>1</sup>~~and P.L.2005, c.276~~<sup>1</sup>.

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

6  
7 1. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended  
8 to read as follows:

9 3. a. Any local unit may, as it deems necessary, appoint  
10 special law enforcement officers sufficient to perform the duties and  
11 responsibilities permitted by local ordinances authorized by  
12 N.J.S.40A:14-118 or ordinance or resolution, as appropriate,  
13 authorized by N.J.S.40A:14-106 and within the conditions and  
14 limitations as may be established pursuant to this act.

15 b. ~~No~~ A person ~~may~~ shall not be appointed as a special  
16 law enforcement officer unless the person:

- 17 (1) Is a resident of this State during the term of appointment;  
18 (2) Is able to read, write and speak the English language well  
19 and intelligently and has a high school diploma or its equivalent;  
20 (3) Is sound in body and of good health;  
21 (4) Is of good moral character;  
22 (5) Has not been convicted of any offense involving dishonesty  
23 or which would make him unfit to perform the duties of his office;  
24 (6) Has successfully undergone the same psychological testing  
25 that is required of all full-time police officers in the municipality or  
26 county or, with regard to a special law enforcement officer hired for  
27 a seasonal period by a resort municipality which requires  
28 psychological testing of its full-time police officers, has  
29 successfully undergone a program of psychological testing  
30 approved by the commission.

31 c. Every applicant for the position of special law enforcement  
32 officer appointed pursuant to this act shall have fingerprints taken,  
33 which fingerprints shall be filed with the Division of State Police  
34 and the Federal Bureau of Investigation.

35 d. No person shall be appointed to serve as a special law  
36 enforcement officer in more than one local unit at the same time,  
37 nor shall any permanent, regularly appointed full-time police officer  
38 of any local unit be appointed as a special law enforcement officer  
39 in any local unit. No public official with responsibility for setting  
40 law enforcement policy or exercising authority over the budget of  
41 the local unit or supervision of the police department of a local unit  
42 shall be appointed as a special law enforcement officer.

43 e. Before any special law enforcement officer is appointed  
44 pursuant to this act, the chief of police, or, in the absence of the  
45 chief, other chief law enforcement officer of the local unit shall

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AED committee amendments adopted June 20, 2016.

1 ascertain the eligibility and qualifications of the applicant and  
2 report these determinations in writing to the appointing authority.

3 f. Any person who at any time prior to his appointment had  
4 served as a duly qualified, fully-trained, full-time officer in any  
5 municipality or county of this State and who was separated from  
6 that prior service in good standing, shall be eligible to serve as a  
7 special law enforcement officer consistent with guidelines  
8 promulgated by the commission. The training requirements set  
9 forth in section 4 of **[this act]** P.L.1985, c.439 (C.40A:14-146.11)  
10 may be waived by the commission with regard to any person  
11 eligible to be appointed as a special law enforcement officer  
12 pursuant to the provisions of this **[subsection]** section.

13 g. In addition to the qualifications established in subsection b.  
14 of this section, a person shall not be appointed as a Class Three  
15 special law enforcement officer unless the person:

16 (1) is a retired law enforcement officer who is less than 65 years  
17 of age; for the purposes of this paragraph, a law enforcement officer  
18 shall not be considered retired if the officer's return to employment  
19 violates any federal or State law or regulation which would deem  
20 the officer's retirement as not being bona fide;

21 (2) had served as a duly qualified, fully-trained, full-time officer  
22 in any municipality or county of this State or as a member of the  
23 State Police and was separated from that prior service in good  
24 standing, within three years of appointment, except during the first  
25 year following the effective date of P.L. c. (pending before  
26 the Legislature as this bill), was separated from that prior service  
27 within five years of appointment;

28 (3) is physically capable of performing the functions of the  
29 position, determined in accordance with Police Training  
30 Commission guidelines;

31 (4) possesses a New Jersey Police Training Commission Basic  
32 Police Officer Certification or New Jersey State Police Academy  
33 Certification;

34 <sup>1</sup>[(5) has completed the training course for safe schools resource  
35 officers developed pursuant to subsection a. of section 2 of  
36 P.L.2005, c.276 (C.52:17B-71.8);]<sup>1</sup> and

37 <sup>1</sup>[(6)] (5)<sup>1</sup> is hired in a part-time capacity.

38 For the purposes of this subsection, "good standing" shall  
39 exclude a retirement resulting from injury or incapacity.

40 (cf: P.L.2013, c.21, s.3)

41

42 2. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended  
43 to read as follows:

44 4. a. **[No]** A person **[may]** shall not commence **[his]** the  
45 duties **[as]** of a special law enforcement officer unless **[he]** the  
46 person has successfully completed a training course approved by  
47 the commission and **[no]** a special law enforcement officer **[may]**  
48 shall not be issued a firearm unless **[he]** the officer has successfully

1 completed the basic firearms course approved by the commission  
2 for permanent, regularly appointed police and annual requalification  
3 examinations as required by subsection b. of section 7 of **[this act]**  
4 P.L.1985, c.439 (C.40A:14-146.14). There shall be **[two]** three  
5 classifications for special police officers. The commission shall  
6 prescribe by rule or regulation the training standards to be  
7 established for each classification. Training may be in a  
8 commission approved academy or in any other training program  
9 which the commission may determine appropriate. The  
10 classifications shall be based upon the duties to be performed by the  
11 special law enforcement officer as follows:

12 (1) Class One. Officers of this class shall be authorized to  
13 perform routine traffic detail, spectator control, and similar duties.  
14 If authorized by ordinance or resolution, as appropriate, Class One  
15 officers shall have the power to issue summonses for disorderly  
16 persons and petty disorderly persons offenses, violations of  
17 municipal ordinances, and violations of Title 39 of the Revised  
18 Statutes. The use of a firearm by an officer of this class shall be  
19 strictly prohibited and **[no]** a Class One officer shall not be  
20 assigned any duties which may require the carrying or use of a  
21 firearm.

22 (2) Class Two. Officers of this class shall be authorized to  
23 exercise full powers and duties similar to those of a permanent,  
24 regularly appointed full-time police officer. The use of a firearm by  
25 an officer of this class may be authorized only after the officer has  
26 been fully certified as successfully completing training as  
27 prescribed by the commission.

28 (3) Class Three. Officers of this class shall be authorized to  
29 exercise full powers and duties similar to those of a permanent,  
30 regularly appointed full-time police officer while providing security  
31 at a public or nonpublic school or a county college on the school or  
32 college premises during hours when the public or nonpublic school  
33 or county college is normally in session or when it is occupied by  
34 public or nonpublic school or county college students or their  
35 teachers or professors. While on duty in the jurisdiction of  
36 employment, an officer may respond to offenses or emergencies off  
37 school or college grounds if they occur in the officer's presence  
38 while traveling to a school facility or county college, but an officer  
39 shall not otherwise be dispatched or dedicated to any assignment off  
40 school or college property.

41 The use of a firearm by an officer of this class shall be  
42 authorized pursuant to the provisions of subsection b. of section 7  
43 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class  
44 shall not be authorized to carry a firearm while off duty unless the  
45 officer complies with the requirements set forth in subsection l. of  
46 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry  
47 a handgun.

1       b. The commission may, in its discretion, except from the  
2 requirements of this section any person who demonstrates to the  
3 commission's satisfaction that **[he]** the person has successfully  
4 completed a police training course conducted by any federal, state  
5 or other public or private agency, the requirements of which are  
6 substantially equivalent to the requirements of this act.

7       c. The commission shall certify officers who have satisfactorily  
8 completed training programs and issue appropriate certificates to  
9 those officers. The certificate shall clearly state the category of  
10 certification for which the officer has been certified by the  
11 commission.

12       d. All special law enforcement officers appointed and in  
13 service on the effective date of this act may continue in service if  
14 within 24 months of the effective date of this act they will have  
15 completed all training and certification requirements of this act.

16 (cf: P.L.2013, c.21, s.4)

17  
18       3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
19 to read as follows:

20       a. Special law enforcement officers may be appointed for terms  
21 not to exceed one year, and the appointments may be revoked by  
22 the local unit for cause after adequate hearing, unless the  
23 appointment is for four months or less, in which event the  
24 appointment may be revoked without cause or hearing. Nothing  
25 herein shall be construed to require reappointment upon the  
26 expiration of the term. The special law enforcement officers so  
27 appointed shall not be members of the police force of the local unit,  
28 and their powers and duties as determined pursuant to this act shall  
29 cease at the expiration of the term for which they were appointed.

30       b. **[No]** A special law enforcement officer **[may]** shall not  
31 carry a firearm except while engaged in the actual performance of  
32 the officer's official duties and when specifically authorized by the  
33 chief of police, or, in the absence of the chief, other chief law  
34 enforcement officer of the local unit to carry a firearm and provided  
35 that the officer has satisfactorily completed the basic firearms  
36 course required by the commission for regular police officers and  
37 annual requalification examinations as required for permanent,  
38 regularly appointed full-time officers in the local unit.

39       A special law enforcement officer shall be deemed to be on duty  
40 only while **[he]** the officer is performing the public safety functions  
41 on behalf of the local unit pursuant to this act and when **[he]** the  
42 officer is receiving compensation, if any, from the local unit at the  
43 rates or stipends as shall be established by ordinance. A special law  
44 enforcement officer shall not be deemed to be on duty for purposes  
45 of this act while performing private security duties for private  
46 employers, which duties are not assigned by the chief of police, or,  
47 in the absence of the chief, other chief law enforcement officer of  
48 the local unit, or while receiving compensation for those duties

1 from a private employer. A special law enforcement officer may,  
2 however, be assigned by the chief of police or, in the absence of the  
3 chief, other chief law enforcement officer, to perform public safety  
4 functions for a private entity if the chief of police or other chief law  
5 enforcement officer supervises the performance of the public safety  
6 functions. If the chief of police or other chief law enforcement  
7 officer assigns the public safety duties and supervises the  
8 performance of those duties, then, notwithstanding that the local  
9 unit is reimbursed for the cost of assigning a special law  
10 enforcement officer at a private entity, the special law enforcement  
11 officer shall be deemed to be on duty.

12 The reimbursement for the duties of a special law enforcement  
13 officer, which is made to a municipality with a population in excess  
14 of 300,000, according to the 1980 federal decennial census, may be  
15 by direct payments from the employer to the special law  
16 enforcement officer, provided that records of the hours worked are  
17 forwarded to and maintained by the chief of police or other chief  
18 law enforcement officer responsible for assigning the special law  
19 enforcement officer those public safety duties.

20 Any firearm utilized by a special law enforcement officer shall  
21 be returned at the end of the officer's workday to the officer in  
22 charge of the station house, unless the firearm is owned by the  
23 special law enforcement officer and was acquired in compliance  
24 with a condition of employment established by the local unit. Any  
25 special law enforcement officer first appointed after the effective  
26 date of this act shall only use a firearm supplied by the local unit.  
27 **[No such]** A special **[police]** law enforcement officer shall not  
28 carry a revolver or other similar weapon when off duty; but if any  
29 **[such]** special **[police]** law enforcement officer appointed by the  
30 governing body of any municipality having a population in excess  
31 of 300,000, according to the 1980 federal census, who is a resident  
32 of the municipality and is employed as a special **[police]** law  
33 enforcement officer at least 35 hours per week, or less at the  
34 discretion of the chief of police and mayor, shall, at the direction of  
35 the chief of police, have taken and successfully completed a  
36 firearms training course administered by the Police Training  
37 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
38 has successfully completed within three years of the effective date  
39 of P.L.1985, c.45 or three years of the date of appointment of the  
40 special **[police]** law enforcement officer, whichever is later, 280  
41 hours of training in arrest, search and seizure, criminal law, and the  
42 use of deadly force, and shall annually qualify in the use of a  
43 revolver or similar weapon, **[said]** the special **[police]** law  
44 enforcement officer shall be permitted to carry a revolver or other  
45 similar weapon when off duty within the municipality where **[he]**  
46 the officer is employed. Specific authorization shall be in the form  
47 of a permit which shall not be unreasonably withheld, which is  
48 subject to renewal annually and may be revoked at any time by the

1 chief of police. The permit shall be on the person of the special  
2 **[police]** law enforcement officer whenever a revolver or other  
3 similar weapon is carried off duty. **[No]** A permit shall not be  
4 issued until the special **[police]** law enforcement officer has  
5 successfully completed all training courses required under this  
6 section. Any training courses completed by a special **[police]** law  
7 enforcement officer under the direction of the chief of police in a  
8 school and a curriculum approved by the Police Training  
9 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
10 shall be credited towards the 280 hours of training required to be  
11 completed by this section. Any training required by this section  
12 shall commence within 90 days of the effective date of P.L.1985,  
13 c.45 or within 90 days of the date of the appointment of the special  
14 **[police]** law enforcement officer, whichever is later.

15 c. A special law enforcement officer shall be under the  
16 supervision and direction of the chief of police or, in the absence of  
17 the chief, other chief law enforcement officer of the local unit  
18 wherein the officer is appointed, and shall perform **[his]** the  
19 officer's duties only in the local unit except when in fresh pursuit of  
20 any person pursuant to chapter 156 of Title 2A of the New Jersey  
21 Statutes or when authorized to perform duties in another unit  
22 pursuant to a mutual aid agreement enacted in accordance with  
23 section 1 of P.L.1976, c.45 (C.40A:14-156.1).

24 d. The officer shall comply with the rules and regulations  
25 applicable to the conduct and decorum of the permanent, regularly  
26 appointed police officers of the local unit, as well as any rules and  
27 regulations applicable to the conduct and decorum of special law  
28 enforcement officers.

29 e. Notwithstanding any provision of P.L.1985,  
30 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law  
31 enforcement officer may travel through another local unit to reach a  
32 noncontiguous area of the local unit in which **[his]** the officer's  
33 appointment was issued or to transport persons to and from a  
34 correctional facility.

35 (cf: P.L.1991, c.46, s.1)

36

37 4. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended  
38 to read as follows:

39 9. a. Except as provided in subsection c. of this section, **[no]** a  
40 special law enforcement officer **[may]** shall not be employed for  
41 more than 20 hours per week by the local unit except that special  
42 law enforcement officers may be employed by the local unit for  
43 those hours as the governing body may determine necessary in  
44 accordance with the limits prescribed below:

45 (1) In resort municipalities not to exceed 48 hours per week  
46 during any seasonal period.

47 (2) In all municipalities or counties without limitation as to  
48 hours during periods of emergency.

1 (3) In all municipalities or counties in addition to not more than  
2 20 hours per week including duties assigned pursuant to the  
3 provisions of section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-  
4 146.14) a special law enforcement officer may be assigned for not  
5 more than 20 hours per week to provide public safety and law  
6 enforcement services to a public entity.

7 (4) In municipalities or counties, as provided in subsection b. of  
8 section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-146.14), for  
9 hours to be determined at the discretion of the director of the  
10 municipal or county police force.

11 (5) A Class Three special law enforcement officer in all  
12 municipalities without limitation.

13 b. Notwithstanding any provision of **[this act]** P.L.1985,  
14 c.439 (C.40A:14-146.8 et seq.) to the contrary, special law  
15 enforcement officers may be employed only to assist the local law  
16 enforcement unit but may not be employed to replace or substitute  
17 for full-time, regular police officers or in any way diminish the  
18 number of full-time officers employed by the local unit. A Class  
19 Three special law enforcement officer may be employed only to  
20 assist the local law enforcement unit with security duties and shall  
21 not supplant a law enforcement officer employed pursuant to the  
22 provisions of N.J.S.18A:17-43 or a safe schools resource officer  
23 employed pursuant to the provisions of section 3 of P.L.2005,  
24 c.276 (C.18A:17-43.1).

25 c. Each municipality or county may designate one special law  
26 enforcement officer to whom the limitations on hours employed set  
27 forth in subsection a. of this section shall not be applicable.

28 d. A Class Three special law enforcement officer appointed  
29 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-  
30 146.8 et seq.) shall not, based on this appointment, be eligible for  
31 health care benefits or enrollment in any State-administered  
32 retirement system.

33 (cf: P.L.2013, c.21, s.6)

34  
35 **1**5. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended  
36 to read as follows:

37 2. a. The Police Training Commission in the Division of  
38 Criminal Justice in the Department of Law and Public Safety, in  
39 consultation with the Attorney General, shall develop a training  
40 course for safe schools resource officers and public school  
41 employees assigned by a board of education to serve as a school  
42 liaison to law enforcement. The Attorney General, in conjunction  
43 with the Police Training Commission, shall ensure that the training  
44 course is developed within 180 days of the effective date of this act.  
45 The course shall at a minimum provide comprehensive and  
46 consistent training in current school resource officer practices and  
47 concepts. The course shall include training in the protection of  
48 students from harassment, intimidation, and bullying, including



1 incidents which occur through electronic communication. The  
2 course shall be made available to:

3 (1) any law enforcement officer or public school employee  
4 referred by the board of education of the public school to which  
5 assignment as a safe schools resource officer or school liaison to  
6 law enforcement is sought; **[and]**

7 (2) any safe schools resource officer or school liaison to law  
8 enforcement assigned to a public school prior to the effective date  
9 of P.L.2005, c.276 (C.52:17B-71.8 et al.); and

10 (3) any retired law enforcement officer to which assignment as a  
11 Class Three special law enforcement officer is sought pursuant to  
12 the provisions of paragraph (3) of subsection a. of section 4 of  
13 P.L.1985, c.439 (C.40A:14-146.11).

14 b. The training course developed by the commission pursuant  
15 to subsection a. of this section shall be offered at each school  
16 approved by the commission to provide police training courses  
17 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).  
18 The commission shall ensure that an individual assigned to instruct  
19 the course is proficient and experienced in current school resource  
20 officer practices and concepts.

21 c. The commission shall award a certificate to each individual  
22 who successfully completes the course.

23 d. The Police Training Commission, in consultation with the  
24 Commissioner of Education, shall adopt rules and regulations  
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
26 (C.52:14B-1 et seq.), to implement the provisions of this section.  
27 (cf: P.L.2010, c.122, s.15)<sup>1</sup>

28  
29 <sup>1</sup>**[6.] 5.**<sup>1</sup> This act shall take effect on the first day of the  
30 seventh month following enactment, but the Police Training  
31 Commission and the Commissioner of Education may take any  
32 anticipatory action prior to the effective date needed for the timely  
33 implementation of this act.