

SENATE, No. 1739

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

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.



S1739 VAN DREW

2

1 AN ACT concerning county corrections officers, supplementing
2 Title 40A of the New Jersey Statutes, and amending various
3 parts of the statutory law.

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

7
8 1. (New section) a. The Civil Service Commission shall
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county
15 correctional police officer; and

16 (4) County correction sergeant shall be retitled as county
17 correctional police sergeant.

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

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

24
25 2. N.J.S.2A:154-3 is amended to read as follows:

26 2A:154-3. a. All court attendants, sheriff's officers, and county
27 **[correction]** correctional police officers in the competitive class of
28 civil service who have been or who may hereafter be appointed by
29 the sheriff or board of chosen freeholders of any county in this State
30 shall, by virtue of **[such]** the appointment and in addition to any
31 other power or authority, be empowered to act as officers for the
32 detection, apprehension, arrest, and conviction of offenders against
33 the law.

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

41 c. A county **[correction]** correctional police officer who has full
42 power of arrest pursuant to subsection b. of this section, and is
43 acting under lawful authority beyond the territorial limits of **[his]**
44 the employing county, shall have all of the immunities from tort
45 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.

1 compensation, insurance, and other benefits enjoyed while
2 performing duties within the employing county.

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

4

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

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

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

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

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

26 (4) any **correction** State correctional police officer, senior
27 **correction** correctional police officer, **correction officer**
28 correctional police sergeant, **correction officer** correctional police
29 lieutenant, **correction officer** correctional police captain,
30 investigator, senior investigator, principal investigator, assistant
31 chief investigator, chief investigator, or director of custody
32 operations I, II, III employed on the effective date of this
33 supplementary act in the Department of Corrections who is enrolled
34 in PERS on that date;

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

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

45 (7) any police officer, police sergeant, or police lieutenant
46 employed on the effective date of this supplementary act in the

1 Department of Human Services who is enrolled in PERS on that
2 date; and

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

9 b. Any person eligible pursuant to subsection a. of this section
10 to become a member of PFRS may, regardless of age, transfer
11 membership from PERS to PFRS in accordance with the provisions
12 of the law and regulations governing the retirement system relative
13 to interfund transfers by waiving, within 90 days of the effective
14 date of this supplementary act, all rights and benefits which would
15 otherwise be provided by PERS. If an eligible person does not file
16 a timely waiver of PERS benefits, the person's pension status shall
17 remain unchanged and the person's membership shall not be
18 transferred to PFRS. Transfers under this section shall take effect
19 on the first day of the first full calendar month following the
20 effective date of this supplementary act by at least 180 days. PERS
21 shall transmit to PFRS an amount equal to the present value of the
22 benefit under PERS accrued to the date of transfer by each person
23 transferring to PFRS. The service credit accrued in PERS to the
24 date of transfer shall be transferred to PFRS and may be used to
25 meet any service credit requirement for benefits under PFRS. Any
26 benefit of a member who transfers membership from PERS to PFRS
27 under this supplementary act based upon service credit shall be the
28 amount of benefit determined as provided under PFRS based upon
29 the total amount of service credit multiplied by the ratio of the
30 service credit under PFRS from the date of transfer to the total
31 amount of service credit, plus a benefit comparable to a PERS
32 deferred, early or regular service retirement benefit, as appropriate,
33 based upon the age of the member at the time of retirement and the
34 amount of PERS service credit transferred to PFRS, determined as
35 provided under the law and regulations governing PERS for the
36 benefit. The total amount of service credit in PFRS, including the
37 transferred PERS service credit, may be used to meet the service
38 credit requirement for the benefit comparable to a PERS deferred or
39 early retirement benefit, but the benefit shall be calculated only on
40 the transferred PERS service credit.

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

45 For members transferring to PFRS under this supplementary act,
46 the widows' or widowers' pensions provided under section 26 of
47 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit
48 determined as provided in section 26 multiplied by the ratio of the

1 service credit under PFRS from the date of transfer to the total
2 amount of service credit. Transferring members shall be entitled to
3 elect optional retirement allowances for the portions of their
4 retirement benefits based upon their PERS service credit as
5 provided under the laws and regulations governing selection of
6 optional retirement allowances under PERS.
7 (cf: P.L.1993, c.247, s.1)

8

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

10 2C:12-1. Assault. a. Simple assault. A person is guilty of
11 assault if **[he]** the person:

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

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

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

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

21 b. Aggravated assault. A person is guilty of aggravated assault
22 if **[he]** the person:

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

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

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

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

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

37 (a) Any law enforcement officer acting in the performance of
38 **[his]** the officer's duties while in uniform or exhibiting evidence of
39 **[his]** authority or because of **[his]** the officer's status as a law
40 enforcement officer; or

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

45 (c) Any person engaged in emergency first-aid or medical
46 services acting in the performance of **[his]** the person's duties

- 1 while in uniform or otherwise clearly identifiable as being engaged
2 in the performance of emergency first-aid or medical services; or
- 3 (d) Any school board member, school administrator, teacher,
4 school bus driver, or other employee of a public or nonpublic
5 school or school board while clearly identifiable as being engaged
6 in the performance of **【his】** the person's duties or because of **【his】**
7 the person's status as a member or employee of a public or
8 nonpublic school or school board or any school bus driver
9 employed by an operator under contract to a public or nonpublic
10 school or school board while clearly identifiable as being engaged
11 in the performance of **【his】** the person's duties or because of **【his】**
12 the person's status as a school bus driver; or
- 13 (e) Any employee of the Division of Child Protection and
14 Permanency while clearly identifiable as being engaged in the
15 performance of **【his】** the employee's duties or because of **【his】** the
16 status as an employee of the division; or
- 17 (f) Any justice of the Supreme Court, judge of the Superior
18 Court, judge of the Tax Court or municipal judge while clearly
19 identifiable as being engaged in the performance of judicial duties
20 or because of **【his】** the status as a member of the judiciary; or
- 21 (g) Any operator of a motorbus or the operator's supervisor or
22 any employee of a rail passenger service while clearly identifiable
23 as being engaged in the performance of **【his】** the person's duties or
24 because of **【his】** the status as an operator of a motorbus or as the
25 operator's supervisor or as an employee of a rail passenger service;
26 or
- 27 (h) Any Department of Corrections employee, county
28 **【corrections】** correctional police officer, juvenile **【corrections】**
29 correctional police officer, State juvenile facility employee, juvenile
30 detention staff member, juvenile detention officer, probation officer
31 or any sheriff, undersheriff, or sheriff's officer acting in the
32 performance of **【his】** the person's duties while in uniform or
33 exhibiting evidence of **【his】** the person's authority or because of
34 **【his】** the status as a Department of Corrections employee, county
35 **【corrections】** correctional police officer, juvenile **【corrections】**
36 correctional police officer, State juvenile facility employee, juvenile
37 detention staff member, juvenile detention officer, probation
38 officer, sheriff, undersheriff, or sheriff's officer; or
- 39 (i) Any employee, including any person employed under
40 contract, of a utility company as defined in section 2 of P.L.1971,
41 c.224 (C.2A:42-86) or a cable television company subject to the
42 provisions of the "Cable Television Act," P.L.1972, c.186
43 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
44 the performance of **【his】** the employee's duties in regard to
45 connecting, disconnecting, or repairing or attempting to connect,
46 disconnect, or repair any gas, electric, or water utility, or cable
47 television or telecommunication service; or

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

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

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

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

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

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

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

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

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

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

31 Aggravated assault under paragraphs (1) and (6) of subsection b.
32 of this section is a crime of the second degree; under paragraphs
33 (2), (7), (9) and (10) of subsection b. of this section is a crime of the
34 third degree; under paragraphs (3) and (4) of subsection b. of this
35 section is a crime of the fourth degree; and under paragraph (5) of
36 subsection b. of this section is a crime of the third degree if the
37 victim suffers bodily injury, otherwise it is a crime of the fourth
38 degree. Aggravated assault under paragraph (8) of subsection b. of
39 this section is a crime of the third degree if the victim suffers bodily
40 injury; if the victim suffers significant bodily injury or serious
41 bodily injury it is a crime of the second degree. Aggravated assault
42 under paragraph (11) of subsection b. of this section is a crime of
43 the third degree. Aggravated assault under paragraph (12) or (13)
44 of subsection b. of this section is a crime of the third degree but the
45 presumption of non-imprisonment set forth in subsection e. of
46 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
47 not apply.

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

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

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

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

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

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

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

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

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

46 (4) Assault by auto or vessel is a crime of the third degree if the
47 person purposely drives a vehicle in an aggressive manner directed
48 at another vehicle and serious bodily injury results and is a crime of

1 the fourth degree if the person purposely drives a vehicle in an
2 aggressive manner directed at another vehicle and bodily injury
3 results. For purposes of this paragraph, "driving a vehicle in an
4 aggressive manner" shall include, but is not limited to,
5 unexpectedly altering the speed of the vehicle, making improper or
6 erratic traffic lane changes, disregarding traffic control devices,
7 failing to yield the right of way, or following another vehicle too
8 closely.

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

12 d. A person who is employed by a facility as defined in section
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
14 defined in paragraph (1) or (2) of subsection a. of this section upon
15 an institutionalized elderly person as defined in section 2 of
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
17 degree.

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

19 f. A person who commits a simple assault as defined in
20 paragraph (1), (2) or (3) of subsection a. of this section in the
21 presence of a child under 16 years of age at a school or community
22 sponsored youth sports event is guilty of a crime of the fourth
23 degree. The defendant shall be strictly liable upon proof that the
24 offense occurred, in fact, in the presence of a child under 16 years
25 of age. It shall not be a defense that the defendant did not know
26 that the child was present or reasonably believed that the child was
27 16 years of age or older. The provisions of this subsection shall not
28 be construed to create any liability on the part of a participant in a
29 youth sports event or to abrogate any immunity or defense available
30 to a participant in a youth sports event. As used in this act, "school
31 or community sponsored youth sports event" means a competition,
32 practice, or instructional event involving one or more
33 interscholastic sports teams or youth sports teams organized
34 pursuant to a nonprofit or similar charter or which are member
35 teams in a youth league organized by or affiliated with a county or
36 municipal recreation department and shall not include collegiate,
37 semi-professional or professional sporting events.

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

39

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

42 2. A person who throws a bodily fluid at a Department of
43 Corrections employee, county **【corrections】** correctional police
44 officer, juvenile **【corrections】** correctional police officer, State
45 juvenile facility employee, juvenile detention staff member,
46 probation officer, any sheriff, undersheriff or sheriff's officer or any
47 municipal, county, or State law enforcement officer while in the
48 performance of **【his】** the person's duties or otherwise purposely

1 subjects such employee to contact with a bodily fluid commits an
2 aggravated assault. If the victim suffers bodily injury, this shall be
3 a crime of the third degree. Otherwise, this shall be a crime of the
4 fourth degree. A term of imprisonment imposed for this offense
5 shall run consecutively to any term of imprisonment currently being
6 served and to any other term imposed for another offense
7 committed at the time of the assault. Nothing herein shall be
8 deemed to preclude, if the evidence so warrants, an indictment and
9 conviction for a violation or attempted violation of chapter 11 of
10 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
11 1 or any other provision of the criminal laws.

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

13

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

15 2C:39-6. a. Provided a person complies with the requirements
16 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

36 (5) Except as hereinafter provided, a State correctional police
37 officer, or a prison or jail warden of any penal institution in this
38 State or his deputies, or an employee of the Department of
39 Corrections engaged in the interstate transportation of convicted
40 offenders, while in the performance of his duties, and when
41 required to possess the weapon by his superior officer, or a
42 **【corrections】** correctional police officer or keeper of a penal
43 institution in this State at all times while in the State of New Jersey,
44 provided he annually passes an examination approved by the
45 superintendent testing his proficiency in the handling of firearms;

46 (6) A civilian employee of the United States Government under
47 the supervision of the commanding officer of any post, camp,
48 station, base or other military or naval installation located in this

1 State who is required, in the performance of his official duties, to
2 carry firearms, and who is authorized to carry firearms by the
3 commanding officer, while in the actual performance of his official
4 duties;

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

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

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

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

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

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

1 returned each day pursuant to this paragraph shall be stored in
2 locked containers located in a secure area;

3 (11) A county **【corrections】** correctional police officer at all
4 times while in the State of New Jersey, provided **【he】** the officer
5 annually passes an examination approved by the superintendent
6 testing his proficiency in the handling of firearms.

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

8 (1) A law enforcement officer employed by a governmental
9 agency outside of the State of New Jersey while actually engaged in
10 **【his】** the officer's official duties, provided, however, that **【he】** the
11 officer has first notified the superintendent or the chief law
12 enforcement officer of the municipality or the prosecutor of the
13 county in which **【he】** the officer is engaged; or

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

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

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

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

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

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

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

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

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

- 1 (8) An employee of a public utilities corporation actually
2 engaged in the transportation of explosives;
- 3 (9) A railway policeman, except a transit police officer of the
4 New Jersey Transit Police Department, at all times while in the
5 State of New Jersey, provided that he has passed an approved police
6 academy training program consisting of at least 280 hours. The
7 training program shall include, but need not be limited to, the
8 handling of firearms, community relations, and juvenile relations;
- 9 (10) A campus police officer appointed under P.L.1970, c.211
10 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
11 a firearm, a campus police officer shall take and successfully
12 complete a firearms training course administered by the Police
13 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
14 seq.), and shall annually qualify in the use of a revolver or similar
15 weapon prior to being permitted to carry a firearm;
- 16 (11) (Deleted by amendment, P.L.2003, c.168).
- 17 (12) A transit police officer of the New Jersey Transit Police
18 Department, at all times while in the State of New Jersey, provided
19 the officer has satisfied the training requirements of the Police
20 Training Commission, pursuant to subsection c. of section 2 of
21 P.L.1989, c.291 (C.27:25-15.1);
- 22 (13) A parole officer employed by the State Parole Board at all
23 times. Prior to being permitted to carry a firearm, a parole officer
24 shall take and successfully complete a basic course for regular
25 police officer training administered by the Police Training
26 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
27 shall annually qualify in the use of a revolver or similar weapon
28 prior to being permitted to carry a firearm;
- 29 (14) A Human Services police officer at all times while in the
30 State of New Jersey, as authorized by the Commissioner of Human
31 Services;
- 32 (15) A person or employee of any person who, pursuant to and as
33 required by a contract with a governmental entity, supervises or
34 transports persons charged with or convicted of an offense;
- 35 (16) A housing authority police officer appointed under
36 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
37 State of New Jersey; or
- 38 (17) A probation officer assigned to the "Probation Officer
39 Community Safety Unit" created by section 2 of P.L.2001, c.362
40 (C.2B:10A-2) while in the actual performance of the probation
41 officer's official duties. Prior to being permitted to carry a firearm,
42 a probation officer shall take and successfully complete a basic
43 course for regular police officer training administered by the Police
44 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
45 seq.), and shall annually qualify in the use of a revolver or similar
46 weapon prior to being permitted to carry a firearm.
- 47 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
48 antique firearms, provided that the antique firearms are unloaded or

1 are being fired for the purposes of exhibition or demonstration at an
2 authorized target range or in another manner approved in writing by
3 the chief law enforcement officer of the municipality in which the
4 exhibition or demonstration is held, or if not held on property under
5 the control of a particular municipality, the superintendent.

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

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

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

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

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

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

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

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

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

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

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

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

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

46 g. Any weapon being transported under paragraph (2) of
47 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
48 of this section shall be carried unloaded and contained in a closed

1 and fastened case, gunbox, securely tied package, or locked in the
2 trunk of the automobile in which it is being transported, and in the
3 course of travel shall include only deviations as are reasonably
4 necessary under the circumstances.

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

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

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

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

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

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

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

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

20 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
21 to prevent a law enforcement officer who retired in good standing,
22 including a retirement because of a disability pursuant to section 6
23 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
24 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
25 substantially similar statute governing the disability retirement of
26 federal law enforcement officers, provided the officer was a
27 regularly employed, full-time law enforcement officer for an
28 aggregate of four or more years prior to his disability retirement and
29 further provided that the disability which constituted the basis for
30 the officer's retirement did not involve a certification that the officer
31 was mentally incapacitated for the performance of his usual law
32 enforcement duties and any other available duty in the department
33 which his employer was willing to assign to him or does not subject
34 that retired officer to any of the disabilities set forth in subsection c.
35 of N.J.S.2C:58-3 which would disqualify the retired officer from
36 possessing or carrying a firearm, who semi-annually qualifies in the
37 use of the handgun he is permitted to carry in accordance with the
38 requirements and procedures established by the Attorney General
39 pursuant to subsection j. of this section and pays the actual costs
40 associated with those semi-annual qualifications, who is 75 years of
41 age or younger, and who was regularly employed as a full-time
42 member of the State Police; a full-time member of an interstate
43 police force; a full-time member of a county or municipal police
44 department in this State; a full-time member of a State law
45 enforcement agency; a full-time sheriff, undersheriff or sheriff's
46 officer of a county of this State; a full-time State correctional police
47 officer or county **【corrections】** correctional police officer; a full-
48 time State or county park police officer; a full-time special agent of

1 the Division of Taxation; a full-time Human Services police officer;
2 a full-time transit police officer of the New Jersey Transit Police
3 Department; a full-time campus police officer exempted pursuant to
4 paragraph (10) of subsection c. of this section; a full-time State
5 conservation officer exempted pursuant to paragraph (4) of
6 subsection a. of this section; a full-time Palisades Interstate Park
7 officer appointed pursuant to R.S.32:14-21; a full-time Burlington
8 County Bridge police officer appointed pursuant to section 1 of
9 P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police
10 officer exempted pursuant to paragraph (16) of subsection c. of this
11 section; a full-time juvenile **【corrections】** correctional police
12 officer exempted pursuant to paragraph (9) of subsection a. of this
13 section; a full-time parole officer exempted pursuant to paragraph
14 (13) of subsection c. of this section; a full-time railway policeman
15 exempted pursuant to paragraph (9) of subsection c. of this section;
16 a full-time county prosecutor's detective or investigator; a full-time
17 federal law enforcement officer; or is a qualified retired law
18 enforcement officer, as used in the federal "Law Enforcement
19 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
20 State from carrying a handgun in the same manner as law
21 enforcement officers exempted under paragraph (7) of subsection a.
22 of this section under the conditions provided herein:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
44 be construed to prevent duly authorized personnel of the New
45 Jersey Division of Fish and Wildlife, while in the actual
46 performance of duties, from possessing, transporting or using hand
47 held pistol-like devices, rifles or shotguns that launch pyrotechnic
48 missiles for the sole purpose of frightening, hazing or aversive

1 conditioning of nuisance or depredating wildlife; from possessing,
2 transporting or using rifles, pistols or similar devices for the sole
3 purpose of chemically immobilizing wild or non-domestic animals;
4 or, provided the duly authorized person complies with the
5 requirements of subsection j. of this section, from possessing,
6 transporting or using rifles or shotguns, upon completion of a Police
7 Training Commission approved training course, in order to dispatch
8 injured or dangerous animals or for non-lethal use for the purpose
9 of frightening, hazing or aversive conditioning of nuisance or
10 depredating wildlife.

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

12

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

15 1. A person shall not be removed from employment or a
16 position as a county **【corrections】** correctional police officer, or
17 suspended, fined or reduced in rank for a violation of the internal
18 rules and regulations established for the conduct of employees of
19 the county corrections department, unless a complaint charging a
20 violation of those rules and regulations is filed no later than the
21 45th day after the date on which the person filing the complaint
22 obtained sufficient information to file the matter upon which the
23 complaint is based. A failure to comply with this section shall
24 require a dismissal of the complaint. The 45-day time limit shall not
25 apply if an investigation of a county **【corrections】** correctional
26 police officer for a violation of the internal rules and regulations of
27 the county corrections department is included directly or indirectly
28 within a concurrent investigation of that officer for a violation of
29 the criminal laws of this State; the 45-day limit shall begin on the
30 day after the disposition of the criminal investigation. The 45-day
31 requirement in this section for the filing of a complaint against a
32 county **【corrections】** correctional police officer shall not apply to a
33 filing of a complaint by a private individual.

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

35

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

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

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

45 (2) satisfactorily completed a working test period in a county
46 correctional police officer title or in a county which has adopted
47 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
48 completed a comparable, documented probationary period in a

1 county correctional title in a county which has not adopted Title
2 11A, Civil Service; and

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

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

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

10 (2) the appointing authority has available to it an eligible or
11 regular reemployment list of **【corrections】** correctional police
12 officers eligible for **【such】** appointments; and

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

18 c. If the county appointing authority determines to appoint a
19 person pursuant to the provisions of this act, it shall give first
20 priority in making **【such】** the appointments to residents of the
21 county.

22 d. The seniority, seniority-related privileges, and rank a county
23 **【corrections】** correctional police officer possessed with the
24 employer who terminated the officer's employment for reasons of
25 economy shall not be transferable to a new position when the
26 officer is appointed to a county **【corrections】** correctional police
27 officer position pursuant to the provisions of this section.

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

29

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

32 2. As used in this act:

33 "Approved school" shall mean a school approved and authorized
34 by the Police Training Commission to give police training courses
35 or a training course for State and county **【corrections】** correctional
36 police officers and juvenile detention officers as prescribed in this
37 act.

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

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

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

46 "Municipality" shall mean a city of any class, township, borough,
47 village, camp meeting association, or any other type of municipality

1 in this State which, within its jurisdiction, has or shall have a law
2 enforcement unit as defined in this act.

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

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

18
19 10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to
20 read as follows:

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

23 a. To prescribe standards for the approval and continuation of
24 approval of schools at which police training courses authorized by
25 this act and in-service police training courses shall be conducted,
26 including but not limited to **【presently】** currently existing regional,
27 county, municipal, and police chief association police training
28 schools or at which basic training courses and in-service training
29 courses shall be conducted for State and county juvenile and adult
30 **【corrections】** correctional police officers and juvenile detention
31 officers;

32 b. To approve and issue certificates of approval to **【such】** these
33 schools, to inspect **【such】** the schools from time to time, and to
34 revoke any approval or certificate issued to **【such】** the schools;

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

44 d. To prescribe minimum qualifications for instructors at **【such】**
45 these schools and to certify, as qualified, instructors for approved
46 police training schools and to issue appropriate certificates to
47 **【such】** the instructors;

- 1 e. To certify police officers, **【corrections】** correctional police
2 officers, juvenile **【corrections】** correctional police officers, and
3 juvenile detention officers who have satisfactorily completed
4 training programs and to issue appropriate certificates to **【such】** the
5 police officers, **【corrections】** correctional police officers, juvenile
6 **【corrections】** correctional police officers, and juvenile detention
7 officers;
- 8 f. To advise and consent in the appointment of an administrator
9 of police services by the Attorney General pursuant to section 8 of
10 P.L.1961, c.56 (C.52:17B-73);
- 11 g. (Deleted by amendment, P.L.1985, c.491.
- 12 h. To make **【such】** rules and regulations as may be reasonably
13 necessary or appropriate to accomplish the purposes and objectives
14 of this act;
- 15 i. To make a continuous study of police training methods and
16 training methods for **【corrections】** correctional police officers,
17 juvenile **【corrections】** correctional police officers, and juvenile
18 detention officers and to consult and accept the cooperation of any
19 recognized federal or State law enforcement agency or educational
20 institution;
- 21 j. To consult and cooperate with universities, colleges, and
22 institutes in the State for the development of specialized courses of
23 study for police officers in police science and police administration;
- 24 k. To consult and cooperate with other departments and agencies
25 of the State concerned with police training or the training of
26 **【corrections】** correctional police officers, juvenile **【corrections】**
27 correctional police officers, and juvenile detention officers;
- 28 l. To participate in unified programs and projects relating to
29 police training and the training of **【corrections】** correctional police
30 officers, juvenile **【corrections】** correctional police officers, and
31 juvenile detention officers sponsored by any federal, State, or other
32 public or private agency;
- 33 m. To perform such other acts as may be necessary or
34 appropriate to carry out its functions and duties as set forth in this
35 act;
- 36 n. To extend the time limit for satisfactory completion of police
37 training programs or programs for the training of **【corrections】**
38 correctional police officers, juvenile **【corrections】** correctional
39 police officers, and juvenile detention officers upon a finding that
40 health, extraordinary workload, or other factors have, singly or in
41 combination, effected a delay in the satisfactory completion of
42 **【such】** the training program;
- 43 o. To furnish approved schools, for inclusion in their regular
44 police training courses and curriculum, with information concerning
45 the advisability of high speed chases, the risk caused **【thereby】** by
46 them, and the benefits resulting **【therefrom】** from them;

1 p. To review and approve new standards and course curricula
2 developed by the Department of Corrections for both basic and in-
3 service training of State and county **【corrections】** correctional
4 police officers and juvenile detention officers. These courses for
5 the State **【corrections】** correctional police officers and juvenile
6 detention officers shall be centrally provided at the Corrections
7 Officers' Training Academy of the Department of Corrections.
8 Courses for the county **【corrections】** correctional police officers
9 and juvenile detention officers shall also be centrally provided at
10 the Corrections Officers' Training Academy unless an off-grounds
11 training program is established by the county. A county may elect
12 to establish and conduct a basic training program for **【corrections】**
13 correctional police officers and juvenile detention officers seeking
14 permanent appointment in that county. The Corrections Officers'
15 Training Academy shall develop the curriculum of the basic
16 training program to be conducted by a county;

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

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

24
25 11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended
26 to read as follows:

27 1. As used in this act:

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

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

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

40
41 12. This act shall take effect on the first day of the fourth month
42 next following enactment.

43

44 STATEMENT

45

46 This bill directs the Civil Service Commission to retitle county
47 corrections officer positions as county correctional police officer

1 positions. The title changes in this bill are to apply to all
2 corrections officers employed by the counties in this State,
3 including counties in which Title 11A, Civil Service, of the New
4 Jersey Statutes, is not operative.

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

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