

[Third Reprint]

SENATE, No. 1739

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:

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District 1 (Atlantic, Cape May and Cumberland)

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District 24 (Morris, Sussex and Warren)

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Assemblyman MATTHEW W. MILAM

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Co-Sponsored by:

**Assemblymen Giblin, Johnson, Assemblywoman Sumter and
Assemblyman Wirths**

SYNOPSIS

Renames county corrections officers as county correctional police officers.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on March 7, 2019, with amendments.

(Sponsorship Updated As Of: 6/21/2019)

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; ²**[and]**²

16 (4) County correction sergeant shall be retitled as county
 17 correctional police sergeant²;

18 (5) Warden shall be retitled as county correctional police warden;
 19 and

20 (6) Deputy warden shall be retitled as county correctional deputy
 21 police warden².

22 b. In a county in which Title 11A, Civil Service, of the New
 23 Jersey Statutes, is not operative, every county corrections officer title
 24 shall be changed to a county correctional police officer title ²and every
 25 warden title shall be changed to a county police warden title².

26 c. Any fees associated with the retitling pursuant to subsections a.
 27 and b. of this section shall be borne by the county corrections officer
 28 ²or warden² whose title is changed.

29
 30 2. N.J.S.2A:154-3 is amended to read as follows:

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

39 b. In addition to the powers set forth in subsection a. of this
 40 section, any county **[correction]** correctional police officer who has
 41 satisfactorily completed a basic training course approved by the
 42 Police Training Commission, as provided by P.L.1961, c.56
 43 (C.52:17B-66 et seq.), shall have full power of arrest for any crime

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:

¹Senate SLP committee amendments adopted February 8, 2018.

²Senate floor amendments adopted February 26, 2018.

³Assembly ALP committee amendments adopted March 7, 2019.

1 committed in **his** the officer's presence anywhere within the
2 territorial limits of the State of New Jersey.

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

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

11

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

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

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

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

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

33 (4) any **correction** State correctional police officer, senior
34 **correction** correctional police officer, **correction officer**
35 correctional police sergeant, **correction officer** correctional police
36 lieutenant, **correction officer** correctional police captain,
37 investigator, senior investigator, principal investigator, assistant
38 chief investigator, chief investigator, or director of custody
39 operations I, II, III employed on the effective date of this
40 supplementary act in the Department of Corrections who is enrolled
41 in PERS on that date;

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

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

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

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

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

47 Active and retired death benefits, accidental death benefits, and
48 ordinary and accidental disability retirement benefits for members

1 transferring to PFRS under this supplementary act shall be the
2 benefits provided under PFRS.

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

13 (cf: P.L.1993, c.247, s.1)]³

14

15 ³[4.] 3.³ N.J.S.2C:12-1 is amended to read as follows:

16 2C:12-1. Assault. a. Simple assault. A person is guilty of
17 assault if **[he]** the person:

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

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

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

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

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

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

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

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

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

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

43 (a) Any law enforcement officer acting in the performance of
44 **[his]** the officer's duties while in uniform or exhibiting evidence of
45 **[his]** authority or because of **[his]** the officer's status as a law
46 enforcement officer; or

- 1 (b) Any paid or volunteer **fireman** firefighter acting in the
2 performance of **his** the firefighter's duties while in uniform or
3 otherwise clearly identifiable as being engaged in the performance
4 of the duties of a **fireman** firefighter; or
- 5 (c) Any person engaged in emergency first-aid or medical
6 services acting in the performance of **his** the person's duties
7 while in uniform or otherwise clearly identifiable as being engaged
8 in the performance of emergency first-aid or medical services; or
- 9 (d) Any school board member, school administrator, teacher,
10 school bus driver, or other employee of a public or nonpublic
11 school or school board while clearly identifiable as being engaged
12 in the performance of **his** the person's duties or because of **his**
13 the ¹**person's** person's¹ status as a member or employee of a
14 public or nonpublic school or school board or any school bus driver
15 employed by an operator under contract to a public or nonpublic
16 school or school board while clearly identifiable as being engaged
17 in the performance of **his** the person's duties or because of **his**
18 the person's status as a school bus driver; or
- 19 (e) Any employee of the Division of Child Protection and
20 Permanency while clearly identifiable as being engaged in the
21 performance of **his** the employee's duties or because of **his** the
22 status as an employee of the division; or
- 23 (f) Any justice of the Supreme Court, judge of the Superior
24 Court, judge of the Tax ¹**Court** Court¹ or municipal judge while
25 clearly identifiable as being engaged in the performance of judicial
26 duties or because of **his** the status as a member of the judiciary;
27 or
- 28 (g) Any operator of a motorbus or the operator's supervisor or
29 any employee of a rail passenger service while clearly identifiable
30 as being engaged in the performance of **his** the person's duties or
31 because of **his** the status as an operator of a motorbus or as the
32 operator's supervisor or as an employee of a rail passenger service;
33 or
- 34 (h) Any 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 officer
38 or any sheriff, undersheriff, or sheriff's officer acting in the
39 performance of **his** the person's duties while in uniform or
40 exhibiting evidence of **his** the person's authority or because of
41 **his** the status as a Department of Corrections employee, county
42 **corrections** correctional police officer, juvenile **corrections**
43 correctional police officer, State juvenile facility employee, juvenile
44 detention staff member, juvenile detention officer, probation
45 officer, sheriff, undersheriff, or sheriff's officer; or

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

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

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

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

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

38 (8) Causes bodily injury by knowingly or purposely starting a
39 fire or causing an explosion in violation of N.J.S.2C:17-1 which
40 results in bodily injury to any emergency services personnel
41 involved in fire suppression activities, rendering emergency
42 medical services resulting from the fire or explosion or rescue
43 operations, or rendering any necessary assistance at the scene of the
44 fire or explosion, including any bodily injury sustained while
45 responding to the scene of a reported fire or explosion. For
46 purposes of this paragraph, "emergency services personnel" shall
47 include, but not be limited to, any paid or volunteer **fireman**
48 firefighter, any person engaged in emergency first-aid or medical

1 services and any law enforcement officer. Notwithstanding any
2 other provision of law to the contrary, a person shall be strictly
3 liable for a violation of this paragraph upon proof of a violation of
4 N.J.S.2C:17-1 which resulted in bodily injury to any emergency
5 services personnel; or

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

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

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

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

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

40 Aggravated assault under paragraphs (1) and (6) of subsection b.
41 of this section is a crime of the second degree; under paragraphs
42 (2), (7), (9)^{1,1} and (10) of subsection b. of this section is a crime of
43 the third degree; under paragraphs (3) and (4) of subsection b. of
44 this section is a crime of the fourth degree; and under paragraph (5)
45 of subsection b. of this section is a crime of the third degree if the
46 victim suffers bodily injury, otherwise it is a crime of the fourth
47 degree. Aggravated assault under paragraph (8) of subsection b. of
48 this section is a crime of the third degree if the victim suffers bodily

1 injury; if the victim suffers significant bodily injury or serious
2 bodily injury it is a crime of the second degree. Aggravated assault
3 under paragraph (11) of subsection b. of this section is a crime of
4 the third degree. Aggravated assault under paragraph (12) or (13)
5 of subsection b. of this section is a crime of the third degree but the
6 presumption of non-imprisonment set forth in subsection e. of
7 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
8 not apply.

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

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

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

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

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

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

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

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

46 It shall be no defense to a prosecution for a violation of
47 subparagraph (a) or (b) of paragraph (3) of this subsection that the
48 defendant was unaware that the prohibited conduct took place while

1 on or within 1,000 feet of any school property or while driving
2 through a school crossing. Nor shall it be a defense to a prosecution
3 under subparagraph (a) or (b) of paragraph (3) of this subsection
4 that no juveniles were present on the school property or crossing
5 zone at the time of the offense or that the school was not in session.

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

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

20 d. A person who is employed by a facility as defined in section
21 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
22 defined in paragraph (1) or (2) of subsection a. of this section upon
23 an institutionalized elderly person as defined in section 2 of
24 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
25 degree.

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

27 f. A person who commits a simple assault as defined in
28 paragraph (1), (2)^{1,1} or (3) of subsection a. of this section in the
29 presence of a child under 16 years of age at a school or community
30 sponsored youth sports event is guilty of a crime of the fourth
31 degree. The defendant shall be strictly liable upon proof that the
32 offense occurred, in fact, in the presence of a child under 16 years
33 of age. It shall not be a defense that the defendant did not know
34 that the child was present or reasonably believed that the child was
35 16 years of age or older. The provisions of this subsection shall not
36 be construed to create any liability on the part of a participant in a
37 youth sports event or to abrogate any immunity or defense available
38 to a participant in a youth sports event. As used in this act, "school
39 or community sponsored youth sports event" means a competition,
40 practice₂ or instructional event involving one or more
41 interscholastic sports teams or youth sports teams organized
42 pursuant to a nonprofit or similar charter or which are member
43 teams in a youth league organized by or affiliated with a county or
44 municipal recreation department and shall not include collegiate,
45 semi-professional or professional sporting events.

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

1 ³**[5.] 4.**³ Section 2 of P.L.1997, c.182 (C.2C:12-13) is
2 amended to read as follows:

3 2. A person who throws a bodily fluid at a Department of
4 Corrections employee, county **[corrections]** correctional police
5 officer, juvenile **[corrections]** correctional police officer, State
6 juvenile facility employee, juvenile detention staff member,
7 probation officer, any sheriff, undersheriff or sheriff's officer or any
8 municipal, county, or State law enforcement officer while in the
9 performance of **[his]** the person's duties or otherwise purposely
10 subjects such employee to contact with a bodily fluid commits an
11 aggravated assault. If the victim suffers bodily injury, this shall be
12 a crime of the third degree. Otherwise, this shall be a crime of the
13 fourth degree. A term of imprisonment imposed for this offense
14 shall run consecutively to any term of imprisonment currently being
15 served and to any other term imposed for another offense
16 committed at the time of the assault. Nothing herein shall be
17 deemed to preclude, if the evidence so warrants, an indictment and
18 conviction for a violation or attempted violation of chapter 11 of
19 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
20 1 or any other provision of the criminal laws.
21 (cf: P.L.2003, c.283, s.1)

22

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

24 2C:39-6. a. Provided a person complies with the requirements
25 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

45 (5) Except as hereinafter provided, a State correctional police
46 officer, or a prison or jail warden of any penal institution in this
47 State or **[his]** the warden's deputies, or an employee of the

1 Department of Corrections engaged in the interstate transportation
2 of convicted offenders, while in the performance of **his** the
3 employee's duties, and when required to possess the weapon by
4 **his** a superior officer, or a **corrections** correctional police
5 officer or keeper of a penal institution in this State at all times while
6 in the State of New Jersey, provided **he** the person annually
7 passes an examination approved by the superintendent testing **his**
8 the person's proficiency in the handling of firearms;

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

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

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

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

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

46 (9) A juvenile **corrections** correctional police officer in the
47 employment of the Juvenile Justice Commission established

1 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to
2 the regulations promulgated by the commission;

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

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

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

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

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

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

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

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

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

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

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

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

13 (7) A municipal humane law enforcement officer, authorized
14 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
15 14.1), or humane law enforcement officer of a county society for
16 the prevention of cruelty to animals authorized pursuant to
17 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
18 in the actual performance of the officer's duties;

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

21 (9) A railway policeman, except a transit police officer of the
22 New Jersey Transit Police Department, at all times while in the
23 State of New Jersey, provided that **【he】** the person has passed an
24 approved police academy training program consisting of at least
25 280 hours. The training program shall include, but need not be
26 limited to, the handling of firearms, community relations, and
27 juvenile relations;

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

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

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

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

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

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

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

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

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

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

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

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

47 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
48 N.J.S.2C:39-5 do not apply to the transportation of unloaded

1 antique cannons directly to or from exhibitions or demonstrations
2 authorized under paragraph (4) of subsection d. of this section,
3 provided that the transportation is in compliance with safety
4 regulations the superintendent may promulgate. Those subsections
5 shall not apply to transportation directly to or from exhibitions or
6 demonstrations authorized under the law of another jurisdiction,
7 provided that the superintendent has been given 30 days' notice and
8 that the transportation is in compliance with safety regulations the
9 superintendent may promulgate.

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

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

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

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

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

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

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

1 and any amendments thereto and all rules and regulations
2 promulgated thereunder; or

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

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

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

27 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
28 to prevent any employee of a public utility, as defined in R.S.48:2-
29 13, doing business in this State or any United States Postal Service
30 employee, while in the actual performance of duties which
31 specifically require regular and frequent visits to private premises,
32 from possessing, carrying or using any device which projects,
33 releases or emits any substance specified as being noninjurious to
34 canines or other animals by the Commissioner of Health and which
35 immobilizes only on a temporary basis and produces only
36 temporary physical discomfort through being vaporized or
37 otherwise dispensed in the air for the sole purpose of repelling
38 canine or other animal attacks.

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

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

46 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
47 any person who is 18 years of age or older and who has not been
48 convicted of a crime, from possession for the purpose of personal

1 self-defense of one pocket-sized device which contains and releases
2 not more than three-quarters of an ounce of chemical substance not
3 ordinarily capable of lethal use or of inflicting serious bodily injury,
4 but rather, is intended to produce temporary physical discomfort or
5 disability through being vaporized or otherwise dispensed in the air.
6 Any person in possession of any device in violation of this
7 subsection shall be deemed and adjudged to be a disorderly person,
8 and upon conviction thereof, shall be punished by a fine of not less
9 than \$100.

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

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

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

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

42 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
43 to prevent a law enforcement officer who retired in good standing,
44 including a retirement because of a disability pursuant to section 6
45 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
46 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
47 substantially similar statute governing the disability retirement of
48 federal law enforcement officers, provided the officer was a

1 regularly employed, full-time law enforcement officer for an
2 aggregate of four or more years prior to **【his】** the officer's
3 disability retirement and further provided that the disability which
4 constituted the basis for the officer's retirement did not involve a
5 certification that the officer was mentally incapacitated for the
6 performance of **【his】** the officer's usual law enforcement duties and
7 any other available duty in the department which **【his】** the officer's
8 employer was willing to assign to **【him】** the officer or does not
9 subject that retired officer to any of the disabilities set forth in
10 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
11 officer from possessing or carrying a firearm, who semi-annually
12 qualifies in the use of the handgun **【he】** the officer is permitted to
13 carry in accordance with the requirements and procedures
14 established by the Attorney General pursuant to subsection j. of this
15 section and pays the actual costs associated with those semi-annual
16 qualifications, who is 75 years of age or younger, and who was
17 regularly employed as a full-time member of the State Police; a
18 full-time member of an interstate police force; a full-time member
19 of a county or municipal police department in this State; a full-time
20 member of a State law enforcement agency; a full-time sheriff,
21 undersheriff or sheriff's officer of a county of this State; a full-time
22 State correctional police officer or county **【corrections】**
23 correctional police officer; a full-time State or county park police
24 officer; a full-time special agent of the Division of Taxation; a full-
25 time Human Services police officer; a full-time transit police officer
26 of the New Jersey Transit Police Department; a full-time campus
27 police officer exempted pursuant to paragraph (10) of subsection c.
28 of this section; a full-time State conservation officer exempted
29 pursuant to paragraph (4) of subsection a. of this section; a full-time
30 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
31 21; a full-time Burlington County Bridge police officer appointed
32 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
33 housing authority police officer exempted pursuant to paragraph
34 (16) of subsection c. of this section; a full-time juvenile
35 **【corrections】** correctional police officer exempted pursuant to
36 paragraph (9) of subsection a. of this section; a full-time parole
37 officer exempted pursuant to paragraph (13) of subsection c. of this
38 section; a full-time railway policeman exempted pursuant to
39 paragraph (9) of subsection c. of this section; a full-time county
40 prosecutor's detective or investigator; a full-time federal law
41 enforcement officer; or is a qualified retired law enforcement
42 officer, as used in the federal "Law Enforcement Officers Safety
43 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
44 a handgun in the same manner as law enforcement officers
45 exempted under paragraph (7) of subsection a. of this section under
46 the conditions provided herein:

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

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

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

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

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

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

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

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

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

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

47 (6) A judge of the Superior Court may revoke a retired officer's
48 privilege to carry a handgun pursuant to this subsection for good

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

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

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

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

38 (cf: P.L.2017, c.331, s.4)

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

41 2C:39-6. a. Provided a person complies with the requirements
42 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

16 (5) Except as hereinafter provided, a State correctional police
17 officer, or a prison or jail warden of any penal institution in this
18 State or ¹**[his]** the warden's¹ deputies, or an employee of the
19 Department of Corrections engaged in the interstate transportation
20 of convicted offenders, while in the performance of ¹**[his]** the
21 employee's¹ duties, and when required to possess the weapon by
22 ¹**[his]** a¹ superior officer, or a **[corrections]** correctional police
23 officer or keeper of a penal institution in this State at all times while
24 in the State of New Jersey, provided ¹**[he]** the person¹ annually
25 passes an examination approved by the superintendent testing
26 ¹**[his]** the person's¹ proficiency in the handling of firearms;

27 (6) A civilian employee of the United States Government under
28 the supervision of the commanding officer of any post, camp,
29 station, base^{1,1} or other military or naval installation located in this
30 State who is required, in the performance of ¹**[his]** the employee's¹
31 official duties, to carry firearms, and who is authorized to carry
32 firearms by the commanding officer, while in the actual
33 performance of ¹**[his]** the employee's¹ official duties;

34 (7) (a) A regularly employed member, including a detective, of
35 the police department of any county or municipality, or of any
36 State, interstate, municipal^{1,1} or county park police force or
37 boulevard police force, at all times while in the State of New
38 Jersey;

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

42 (c) An airport security officer or a special law enforcement
43 officer appointed by the governing body of any county or
44 municipality, except as provided in ¹**[subsection]** subparagraph¹ (b)
45 of ¹paragraph (7) of¹ this ¹**[section]** subsection¹, or by the
46 commission, board or other body having control of a county park or
47 airport or boulevard police force, while engaged in the actual

1 performance of **'[his] the officer's'**¹ official duties and when
2 specifically authorized by the governing body to carry weapons;

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

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

21 (10) A designated employee or designated licensed agent for a
22 nuclear power plant under license of the Nuclear Regulatory
23 Commission, while in the actual performance of **'[his] the**
24 person's¹ official duties, if the federal licensee certifies that the
25 designated employee or designated licensed agent is assigned to
26 perform site protection, guard, armed response or armed escort
27 duties and is appropriately trained and qualified, as prescribed by
28 federal regulation, to perform those duties. Any firearm utilized by
29 an employee or agent for a nuclear power plant pursuant to this
30 paragraph shall be returned each day at the end of the employee's or
31 agent's authorized official duties to the employee's or agent's
32 supervisor. All firearms returned each day pursuant to this
33 paragraph shall be stored in locked containers located in a secure
34 area;

35 (11) A county **[corrections]** correctional police officer at all
36 times while in the State of New Jersey, provided **[he] the officer**
37 annually passes an examination approved by the superintendent
38 testing **'[his] the officer's'**¹ proficiency in the handling of firearms.

39 b. Subsections a., b.^{1,1} and c. of N.J.S.2C:39-5 do not apply to:

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

46 (2) A licensed dealer in firearms and **[his] the dealer's**
47 registered employees during the course of their normal business

1 while traveling to and from their place of business and other places
2 for the purpose of demonstration, exhibition, or delivery in
3 connection with a sale, provided, however, that the weapon is
4 carried in the manner specified in subsection g. of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
44 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
45 being fired but that is unloaded and immobile, provided that the
46 antique cannon is possessed by (a) a scholastic institution, a
47 museum, a municipality, a county or the State, or (b) a person who

1 obtained a firearms purchaser identification card as specified in
2 N.J.S.2C:58-3.

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

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

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

28 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
29 be construed to prevent a person keeping or carrying about **'[his]**
30 the person's¹ place of business, residence, premises^{1,1} or other land
31 owned or possessed by **'[him]** the person¹, any firearm, or from
32 carrying the same, in the manner specified in subsection g. of this
33 section, from any place of purchase to **'[his]** the person's¹
34 residence or place of business, between **'[his]** the person's¹
35 dwelling and **'[his]**¹ place of business, between one place of
36 business or residence and another when moving, or between **'[his]**
37 the person's¹ dwelling or place of business and place where the
38 firearms are repaired, for the purpose of repair. For the purposes of
39 this section, a place of business shall be deemed to be a fixed
40 location.

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

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

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

4 (2) A person carrying a firearm or knife in the woods or fields
5 or upon the waters of this State for the purpose of hunting, target
6 practice or fishing, provided that the firearm or knife is legal and
7 appropriate for hunting or fishing purposes in this State and ¹~~the~~**[he]**
8 ~~the person~~¹ has in ¹~~his~~**[his]** possession a valid hunting license, or,
9 with respect to fresh water fishing, a valid fishing license;

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

11 (a) Directly to or from any place for the purpose of hunting or
12 fishing, provided the person has in ¹~~his~~**[his]** possession a valid
13 hunting or fishing license; or

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

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

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

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

46 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
47 to prevent any employee of a public utility, as defined in R.S.48:2-
48 13, doing business in this State or any United States Postal Service

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

10 The device shall be used solely to repel only those canine or
11 other animal attacks when the canines or other animals are not
12 restrained in a fashion sufficient to allow the employee to properly
13 perform ¹~~his~~ the employee's duties.

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

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

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

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

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

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

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

13 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
14 to prevent a law enforcement officer who retired in good standing,
15 including a retirement because of a disability pursuant to section 6
16 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
17 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
18 substantially similar statute governing the disability retirement of
19 federal law enforcement officers, provided the officer was a
20 regularly employed, full-time law enforcement officer for an
21 aggregate of four or more years prior to ¹~~his~~ the officer's¹
22 disability retirement and further provided that the disability which
23 constituted the basis for the officer's retirement did not involve a
24 certification that the officer was mentally incapacitated for the
25 performance of ¹~~his~~ the officer's¹ usual law enforcement duties
26 and any other available duty in the department which ¹~~his~~ the
27 officer's¹ employer was willing to assign to ¹~~him~~ the officer¹ or
28 does not subject that retired officer to any of the disabilities set
29 forth in subsection c. of N.J.S.2C:58-3 which would disqualify the
30 retired officer from possessing or carrying a firearm, who semi-
31 annually qualifies in the use of the handgun ¹~~he~~ the officer¹ is
32 permitted to carry in accordance with the requirements and
33 procedures established by the Attorney General pursuant to
34 subsection j. of this section and pays the actual costs associated
35 with those semi-annual qualifications, who is 75 years of age or
36 younger, and who was regularly employed as a full-time member of
37 the State Police; a full-time member of an interstate police force; a
38 full-time member of a county or municipal police department in this
39 State; a full-time member of a State law enforcement agency; a full-
40 time sheriff, undersheriff or sheriff's officer of a county of this
41 State; a full-time State correctional police officer or county
42 **corrections** correctional police officer; a full-time State or county
43 park police officer; a full-time special agent of the Division of
44 Taxation; a full-time Human Services police officer; a full-time
45 transit police officer of the New Jersey Transit Police Department; a
46 full-time campus police officer exempted pursuant to paragraph
47 (10) of subsection c. of this section; a full-time State conservation

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

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

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

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

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

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

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

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

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

45 (4) The superintendent shall issue to an approved retired officer
46 an identification card permitting the retired officer to carry a
47 handgun pursuant to this subsection. This identification card shall
48 be valid for one year from the date of issuance and shall be valid

1 throughout the State. The identification card shall not be
2 transferable to any other person. The identification card shall be
3 carried at all times on the person of the retired officer while the
4 retired officer is carrying a handgun. The retired officer shall
5 produce the identification card for review on the demand of any law
6 enforcement officer or authority.

7 (5) Any person aggrieved by the denial of the superintendent of
8 approval for a permit to carry a handgun pursuant to this subsection
9 may request a hearing in the Superior Court of New Jersey in the
10 county in which ¹~~he~~ the person¹ resides by filing a written
11 request for a hearing within 30 days of the denial. Copies of the
12 request shall be served upon the superintendent and the county
13 prosecutor. The hearing shall be held within 30 days of the filing of
14 the request, and no formal pleading or filing fee shall be required.
15 Appeals from the determination of the hearing shall be in
16 accordance with law and the rules governing the courts of this State.

17 (6) A judge of the Superior Court may revoke a retired officer's
18 privilege to carry a handgun pursuant to this subsection for good
19 cause shown on the application of any interested person. A person
20 who becomes subject to any of the disabilities set forth in
21 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
22 superintendent, ¹~~his~~ the person's¹ identification card issued under
23 paragraph (4) of this subsection to the chief law enforcement officer
24 of the municipality wherein ¹~~he~~ the person¹ resides or the
25 superintendent, and shall be permanently disqualified to carry a
26 handgun under this subsection.

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

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

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

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

8 (cf: P.L.2017, c.293, s.3)]³

9
10 ³[7.] 6.³ Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended
11 to read as follows:

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

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

32
33 ³[8.] 7.³ Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is
34 amended to read as follows:

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

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

42 (2) satisfactorily completed a working test period in a county
43 correctional police officer title or in a county which has adopted
44 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
45 completed a comparable, documented probationary period in a
46 county correctional title in a county which has not adopted Title
47 11A, Civil Service; and

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

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

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

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

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

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

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

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

27

28 ³**【9.】** §.³ Section 2 of P.L.1961, c.56 (C.52:17B-67) is
29 amended to read as follows:

30 2. As used in this act:

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

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

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

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

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

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

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

17 ³**【10.】** 9.³ Section 6 of P.L.1961, c.56 (C.52:17B-71) is
18 amended to read as follows:

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

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

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

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

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

46 e. To certify police officers, **【corrections】** correctional police
47 officers, juvenile **【corrections】** correctional police officers, and

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

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

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

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

22

23 ³**【11.】** 10.³ Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is
24 amended to read as follows:

25 1. As used in this act:

26 "Family" means the spouse, parent, children^{1,1} or other person
27 who pays the funeral expenses of a public safety employee who is
28 killed in the line of duty ¹**【**; and¹**】**.

29 "Public safety employee" means a permanent, full-time member
30 of a State, county^{1,1} or municipal law enforcement agency or a
31 county sheriff's office who is statutorily empowered to act for the
32 detection, apprehension, arrest, and conviction of offenders against
33 the laws of this State; an active member in good standing of a paid,
34 part-paid^{1,1} or volunteer fire department or of a duly incorporated
35 first aid, emergency, ambulance or rescue squad; or a State or
36 county correctional police officer.

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

38

39 ³**【12.】** 11.³ This act shall take effect on the first day of the
40 fourth month next following enactment.