

ASSEMBLY, No. 221

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 28 (Essex)

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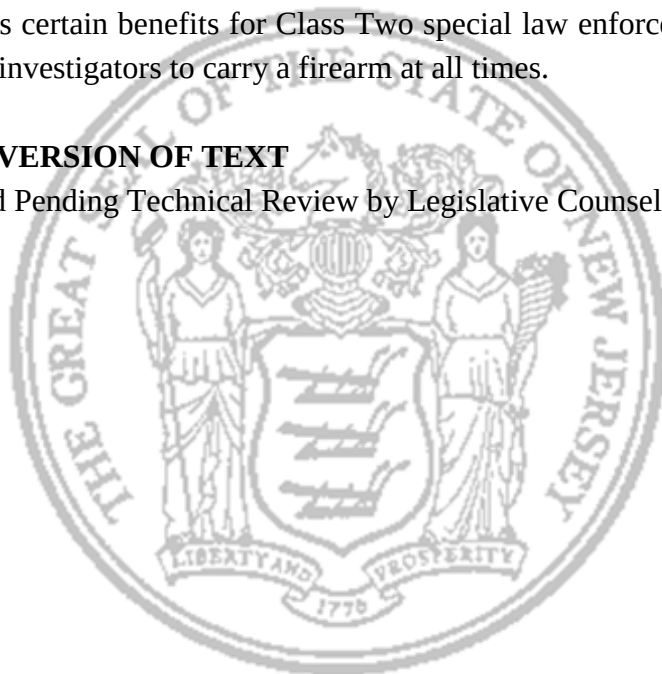
Assemblywoman Mosquera, Assemblyman Holley, Assemblywoman Speight, Assemblymen Giblin, DiMaio, Wimberly, Assemblywomen Timberlake, Reynolds-Jackson, Stanfield and Assemblyman Houghtaling

SYNOPSIS

Establishes certain benefits for Class Two special law enforcement officers; allows arson investigators to carry a firearm at all times.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/13/2020)

1 **AN ACT** concerning law enforcement and supplementing and
2 amending various parts of statutory law.

3

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

6

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

8 2C:12-1. Assault. a. Simple assault. A person is guilty of
9 assault if he:

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

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

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

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

19 b. Aggravated assault. A person is guilty of aggravated assault
20 if he:

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

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

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

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

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

35 (a) Any law enforcement officer or any Class Two special law
36 enforcement officer acting in the performance of his duties while in
37 uniform or exhibiting evidence of his authority or because of his
38 status as a law enforcement officer; or

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

42 (c) Any person engaged in emergency first-aid or medical
43 services acting in the performance of his duties while in uniform or
44 otherwise clearly identifiable as being engaged in the performance
45 of emergency first-aid or medical services; or

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

Matter underlined thus is new matter.

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

1 developmental center or veterans' memorial home, while clearly
2 identifiable as being engaged in the duties of providing direct
3 patient care or practicing the health care profession; or
4 (k) Any direct care worker at a State or county psychiatric
5 hospital or State developmental center or veterans' memorial home,
6 while clearly identifiable as being engaged in the duties of
7 providing direct patient care or practicing the health care
8 profession, provided that the actor is not a patient or resident at the
9 facility who is classified by the facility as having a mental illness or
10 developmental disability; or
11 (6) Causes bodily injury to another person while fleeing or
12 attempting to elude a law enforcement officer in violation of
13 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
14 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
15 other provision of law to the contrary, a person shall be strictly
16 liable for a violation of this paragraph upon proof of a violation of
17 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
18 violation of subsection c. of N.J.S.2C:20-10 which resulted in
19 bodily injury to another person; or
20 (7) Attempts to cause significant bodily injury to another or
21 causes significant bodily injury purposely or knowingly or, under
22 circumstances manifesting extreme indifference to the value of
23 human life recklessly causes such significant bodily injury; or
24 (8) Causes bodily injury by knowingly or purposely starting a
25 fire or causing an explosion in violation of N.J.S.2C:17-1 which
26 results in bodily injury to any emergency services personnel
27 involved in fire suppression activities, rendering emergency
28 medical services resulting from the fire or explosion or rescue
29 operations, or rendering any necessary assistance at the scene of the
30 fire or explosion, including any bodily injury sustained while
31 responding to the scene of a reported fire or explosion. For
32 purposes of this paragraph, "emergency services personnel" shall
33 include, but not be limited to, any paid or volunteer fireman, any
34 person engaged in emergency first-aid or medical services and any
35 law enforcement officer. Notwithstanding any other provision of
36 law to the contrary, a person shall be strictly liable for a violation of
37 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
38 resulted in bodily injury to any emergency services personnel; or
39 (9) Knowingly, under circumstances manifesting extreme
40 indifference to the value of human life, points or displays a firearm,
41 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
42 a law enforcement officer; or
43 (10) Knowingly points, displays or uses an imitation firearm, as
44 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
45 law enforcement officer with the purpose to intimidate, threaten or
46 attempt to put the officer in fear of bodily injury or for any unlawful
47 purpose; or

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

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

17 Aggravated assault under paragraphs (1) and (6) of subsection b.
18 of this section is a crime of the second degree; under paragraphs
19 (2), (7), (9) and (10) of subsection b. of this section is a crime of the
20 third degree; under paragraphs (3) and (4) of subsection b. of this
21 section is a crime of the fourth degree; and under paragraph (5) of
22 subsection b. of this section is a crime of the third degree if the
23 victim suffers bodily injury, otherwise it is a crime of the fourth
24 degree. Aggravated assault under paragraph (8) of subsection b. of
25 this section is a crime of the third degree if the victim suffers bodily
26 injury; if the victim suffers significant bodily injury or serious
27 bodily injury it is a crime of the second degree. Aggravated assault
28 under paragraph (11) of subsection b. of this section is a crime of
29 the third degree. Aggravated assault under paragraph (12) of
30 subsection b. of this section is a crime of the third degree but the
31 presumption of non-imprisonment set forth in subsection e. of
32 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
33 not apply.

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

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

1 the vehicle while in violation of R.S.39:4-50 or section 2 of
2 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

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

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

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

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

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

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

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

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

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

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

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

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

27 (cf: P.L.2015, c.100, s.1)

28
29 2. Section 1 of P.L.1996, c.14 (C.2C:12-11) is amended to read
30 as follows:

31 1. a. A person who knowingly takes or attempts to exercise
32 unlawful control over a firearm or other weapon in the possession
33 of a law enforcement officer, Class Two special law enforcement
34 officer, or corrections officer when that officer is acting in the
35 performance of his duties, and either is in uniform or exhibits
36 evidence of his authority, is guilty of a crime of the second degree.

37 b. A person violating the provisions of subsection a. of this
38 section shall be guilty of a crime of the first degree if:

39 (1) The person fires or discharges the firearm;

40 (2) The person uses or threatens to use the firearm or weapon
41 against the officer or any other person; or

42 (3) The officer or another person suffers serious bodily injury.

43 (cf: P.L.1996, c.14, s.1)

44
45 3. N.J.S.2C:28-8 is amended to read as follows:

46 2C:28-8. a. Except as provided in subsection b. of this section,
47 a person commits a disorderly persons offense if he falsely pretends

1 to hold a position in the public service with purpose to induce
2 another to submit to **【such】** the pretended official authority or
3 otherwise to act in reliance upon that pretense.

4 b. A person commits a crime of the fourth degree if he falsely
5 pretends to hold a position as an officer or member or employee or
6 agent of any organization or association of law enforcement
7 officers, including Class Two special law enforcement officers,
8 with purpose to induce another to submit to **【such】** the pretended
9 official authority or otherwise to act in reliance upon that pretense.
10 (cf: P.L.2000, c.110, s.1)

11
12 4. N.J.S.2C:39-6 is amended to read as follows:

13 2C:39-6. a. Provided a person complies with the requirements
14 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

43 (6) A civilian employee of the United States Government under
44 the supervision of the commanding officer of any post, camp,
45 station, base or other military or naval installation located in this
46 State who is required, in the performance of his official duties, to
47 carry firearms, and who is authorized to carry **【such】** firearms by

1 **【said】** the commanding officer, while in the actual performance of
2 his official duties;

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

7 (b) A Class Two special law enforcement officer **【authorized to**
8 carry a weapon as provided in subsection b. of **】** appointed pursuant
9 to section 7 of P.L.1985, c.439 (C.40A:14-146.14) , at all times
10 while in the State of New Jersey;

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

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

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

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

1 official duties to the employee's or agent's supervisor. All firearms
2 returned each day pursuant to this paragraph shall be stored in
3 locked containers located in a secure area;

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

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

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

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

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

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

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

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

35 (4) A court attendant serving **【as such】** under appointment by
36 the sheriff of the county or by the judge of any municipal court or
37 other court of this State, while in the actual performance of his
38 official duties;

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

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

46 (7) A humane law enforcement officer of the New Jersey
47 Society for the Prevention of Cruelty to Animals or of a county

1 society for the prevention of cruelty to animals, while in the actual
2 performance of his duties;

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

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

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

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

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

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

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

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

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

40 (17) A probation officer assigned to the "Probation Officer
41 Community Safety Unit" created by section 2 of P.L.2001, c.362
42 (C.2B:10A-2) while in the actual performance of the probation
43 officer's official duties. Prior to being permitted to carry a firearm,
44 a probation officer shall take and successfully complete a basic
45 course for regular police officer training administered by the Police
46 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-

1 66 et seq.), and shall annually qualify in the use of a revolver or
2 similar weapon prior to being permitted to carry a firearm.

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

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

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

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

32 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
33 N.J.S.2C:39-5 do not apply to the transportation of unloaded
34 antique cannons directly to or from exhibitions or demonstrations
35 authorized under paragraph (4) of subsection d. of this section,
36 provided that the transportation is in compliance with safety
37 regulations the superintendent may promulgate. Nor do those
38 subsections apply to transportation directly to or from exhibitions or
39 demonstrations authorized under the law of another jurisdiction,
40 provided that the superintendent has been given 30 days' notice and
41 that the transportation is in compliance with safety regulations the
42 superintendent may promulgate.

43 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
44 construed to prevent a person keeping or carrying about his place of
45 business, residence, premises or other land owned or possessed by
46 him, any firearm, or from carrying the same, in the manner
47 specified in subsection g. of this section, from any place of

1 purchase to his residence or place of business, between his dwelling
2 and his place of business, between one place of business or
3 residence and another when moving, or between his dwelling or
4 place of business and place where **【such】** the firearms are repaired,
5 for the purpose of repair. For the purposes of this section, a place
6 of business shall be deemed to be a fixed location.

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

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

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

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

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

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

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

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

6 g. All weapons being transported under paragraph (2) of
7 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
8 of this section shall be carried unloaded and contained in a closed
9 and fastened case, gunbox, securely tied package, or locked in the
10 trunk of the automobile in which **【it is】** they are being transported,
11 and in the course of travel shall include only **【such】** deviations as
12 are reasonably necessary under the circumstances.

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

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

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

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

44 (2) Notwithstanding the provisions of paragraph (1) of this
45 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
46 health inspector or investigator operating pursuant to the provisions
47 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building

1 inspector from possessing a device which is capable of releasing
2 more than three-quarters of an ounce of a chemical substance, as
3 described in paragraph (1), while in the actual performance of the
4 inspector's or investigator's duties, provided that the device does not
5 exceed the size of those used by law enforcement.

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

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

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

29 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
30 to prevent a law enforcement officer who retired in good standing,
31 including a retirement because of a disability pursuant to section 6
32 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
33 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
34 substantially similar statute governing the disability retirement of
35 federal law enforcement officers, provided the officer was a
36 regularly employed, full-time law enforcement officer for an
37 aggregate of four or more years prior to his disability retirement and
38 further provided that the disability which constituted the basis for
39 the officer's retirement did not involve a certification that the officer
40 was mentally incapacitated for the performance of his usual law
41 enforcement duties and any other available duty in the department
42 which his employer was willing to assign to him or does not subject
43 that retired officer to any of the disabilities set forth in subsection c.
44 of N.J.S.2C:58-3 which would disqualify the retired officer from
45 possessing or carrying a firearm, who semi-annually qualifies in the
46 use of the handgun he is permitted to carry in accordance with the
47 requirements and procedures established by the Attorney General

1 pursuant to subsection j. of this section and pays the actual costs
2 associated with those semi-annual qualifications, who is 75 years of
3 age or younger, and who was regularly employed as a full-time
4 member of the State Police; a full-time member of an interstate
5 police force; a full-time member of a county or municipal police
6 department in this State; a full-time member of a State law
7 enforcement agency; a full-time sheriff, undersheriff or sheriff's
8 officer of a county of this State; a full-time State or county
9 corrections officer; a full-time county park police officer; a full-
10 time arson investigator; a Class Two special law enforcement
11 officer who retired after four years of service; a full-time county
12 prosecutor's detective or investigator; a full-time federal law
13 enforcement officer; or is a qualified retired law enforcement
14 officer, as used in the federal "Law Enforcement Officers Safety
15 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
16 a handgun in the same manner as law enforcement officers
17 exempted under paragraph (7) of subsection a. of this section under
18 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

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

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

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

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

9 (cf: P.L.2013, c.219, s.1)

10
11 5. N.J.S.2C:52-32 is amended to read as follows:

12 2C:52-32. This chapter shall be construed with the primary
13 objective of providing relief to the reformed offender who has led a
14 life of rectitude and disassociated himself with unlawful activity, but
15 not to create a system whereby persistent violators of the law or those
16 who associate themselves with continuing criminal activity have a
17 regular means of expunging their police and criminal records.

18 This chapter shall not be construed to limit the expungement of
19 criminal records of a law enforcement officer or Class Two special law
20 enforcement officer acting in the course of official duties. Unless a law
21 enforcement officer or Class Two special law enforcement officer is
22 convicted of a criminal offense for an action that occurred while in the
23 performance of his law enforcement duties, all criminal records and
24 reports relating to the arrest and subsequent investigation of that
25 officer pertaining to that action shall be automatically expunged.

26 (cf: P.L.2015, c.261, s.9)

27
28 6. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
29 to read as follows:

30 3. a. Any local unit may, as it deems necessary, appoint
31 special law enforcement officers sufficient to perform the duties and
32 responsibilities permitted by local ordinances authorized by N.J.S.
33 40A:14-118 or ordinance or resolution, as appropriate, authorized
34 by N.J.S.40A:14-106 and within the conditions and limitations as
35 may be established pursuant to this act.

36 b. No person may be appointed as a special law enforcement
37 officer unless the person:

38 (1) **【Is】** is a resident of this State during the term of
39 appointment;

40 (2) **【Is】** is able to read, write and speak the English language
41 well and intelligently and has a high school diploma or its
42 equivalent;

43 (3) **【Is】** is sound in body and of good health;

44 (4) **【Is】** is of good moral character;

45 (5) **【Has】** has not been convicted of any offense involving
46 dishonesty or which would make him unfit to perform the duties of
47 his office;

1 (6) **【Has】** has successfully undergone the same psychological
2 testing that is required of all full-time police officers in the
3 municipality or county or, with regard to a special law enforcement
4 officer hired for a seasonal period by a resort municipality which
5 requires psychological testing of its full-time police officers, has
6 successfully undergone a program of psychological testing
7 approved by the commission;

8 (7) at the time of appointment, undergoes drug testing for
9 controlled dangerous substances or controlled dangerous substance
10 analogs; and

11 (8) is between 21 and 75 years of age.

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

16 d. **【No】** A person shall not be appointed to serve as a special
17 law enforcement officer in more than one local unit at the same
18 time, **【nor shall】** and any permanent, regularly appointed full-time
19 police officer of any local unit shall not be appointed as a special
20 law enforcement officer in any local unit. **【No】** A public official
21 with responsibility for setting law enforcement policy or exercising
22 authority over the budget of the local unit or supervision of the
23 police department of a local unit shall not be appointed as a special
24 law enforcement officer.

25 e. Before any special law enforcement officer is appointed
26 pursuant to this act, the chief of police, or, in the absence of the
27 chief, other chief law enforcement officer of the local unit shall
28 ascertain the eligibility and qualifications of the applicant and
29 report these determinations in writing to the appointing authority.

30 f. Any person who at any time prior to his appointment had
31 served as a duly qualified, fully-trained, full-time corrections
32 officer, sheriff's officer, or law enforcement officer in any
33 municipality or county of this State and who was separated from
34 that prior service in good standing, shall be eligible to serve as a
35 special law enforcement officer consistent with guidelines
36 promulgated by the commission. The training requirements set
37 forth in section 4 of this act **【may】** shall be waived by the
38 commission with regard to any person eligible to be appointed as a
39 special law enforcement officer pursuant to the provisions of this
40 subsection.

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

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

45 4. a. No person may commence his duties as a special law
46 enforcement officer unless he has successfully completed a training
47 course approved by the commission and no special law enforcement

1 officer may be issued a firearm unless he has successfully
2 completed the basic firearms course approved by the commission
3 for permanent, regularly appointed police and annual requalification
4 examinations as required by subsection b. of section 7 of this act.
5 There shall be two classifications for special police officers. The
6 commission shall prescribe by rule or regulation the training
7 standards to be established for each classification. Training may be
8 in a commission approved academy or in any other training
9 program which the commission may determine appropriate. The
10 classifications shall be based upon the duties to be performed by the
11 special law enforcement officer as follows:

12 (1) Class One. Officers of this class shall be authorized to
13 perform routine traffic detail, spectator control and similar duties. If
14 authorized by ordinance or resolution, as appropriate, Class One
15 officers shall have the power to issue summonses for disorderly
16 persons and petty disorderly persons offenses, violations of
17 municipal ordinances and violations of Title 39 of the Revised
18 Statutes. The use of a firearm by an officer of this class shall be
19 strictly prohibited and no Class One officer shall be assigned any
20 duties which may require the carrying or use of a firearm.

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

27 b. The commission may, in its discretion, except from the
28 requirements of this section any person who demonstrates to the
29 commission's satisfaction that he has successfully completed a
30 police training course conducted by any federal, state or other
31 public or private agency, the requirements of which are
32 substantially equivalent to the requirements of this act.

33 c. The commission shall certify officers who have satisfactorily
34 completed training programs and issue appropriate certificates to
35 those officers. The certificate shall clearly state the category of
36 certification for which the officer has been certified by the
37 commission.

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

42 e. All Class Two special law enforcement officer shall have the
43 same immunity from civil liability accorded to permanent, regularly
44 appointed full-time police officers.

45 f. Any Class Two special law enforcement officer may be
46 assigned to work as security in a polling place on the day of an

1 election to ensure that qualified voters are not obstructed from
2 voting.

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

4
5 8. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended
6 to read as follows:

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

17 b. **【No】** A special law enforcement officer may carry a firearm
18 **【except】** while engaged in the actual performance of the officer's
19 official duties and **【when specifically authorized by the chief of**
20 **police, or, in the absence of the chief, other chief law enforcement**
21 **officer of the local unit to carry a firearm and】** at all times while in
22 the State of New Jersey provided that the officer has satisfactorily
23 completed the basic firearms course required by the commission for
24 regular police officers and annual requalification examinations as
25 required for permanent, regularly appointed full-time officers in the
26 local unit.

27 A special law enforcement officer shall be deemed to be on duty
28 only while he is performing the public safety functions on behalf of
29 the local unit pursuant to this act and when he is receiving
30 compensation, if any, from the local unit at the rates or stipends as
31 shall be established by ordinance. A special law enforcement
32 officer shall not be deemed to be on duty for purposes of this act
33 while performing private security duties for private employers,
34 which duties are not assigned by the chief of police, or, in the
35 absence of the chief, other chief law enforcement officer of the
36 local unit, or while receiving compensation for those duties from a
37 private employer. A special law enforcement officer may, however,
38 be assigned by the chief of police or, in the absence of the chief,
39 other chief law enforcement officer, to perform public safety
40 functions for a private entity if the chief of police or other chief law
41 enforcement officer supervises the performance of the public safety
42 functions. If the chief of police or other chief law enforcement
43 officer assigns the public safety duties and supervises the
44 performance of those duties, then, notwithstanding that the local
45 unit is reimbursed for the cost of assigning a special law
46 enforcement officer at a private entity, the special law enforcement
47 officer shall be deemed to be on duty.

1 The reimbursement for the duties of a special law enforcement
2 officer, which is made to a municipality with a population in excess
3 of 300,000, according to the 1980 federal decennial census, may be
4 by direct payments from the employer to the special law
5 enforcement officer, provided that records of the hours worked are
6 forwarded to and maintained by the chief of police or other chief
7 law enforcement officer responsible for assigning the special law
8 enforcement officer those public safety duties.

9 【Any firearm utilized by a special law enforcement officer shall
10 be returned at the end of the officer's workday to the officer in
11 charge of the station house, unless the firearm is owned by the
12 special law enforcement officer and was acquired in compliance
13 with a condition of employment established by the local unit. Any
14 special law enforcement officer first appointed after the effective
15 date of this act shall only use a firearm supplied by the local unit.
16 No such special police officer shall carry a revolver or other similar
17 weapon when off duty; but if any such special police officer
18 appointed by the governing body of any municipality having a
19 population in excess of 300,000, according to the 1980 federal
20 census, who is a resident of the municipality and is employed as a
21 special police officer at least 35 hours per week, or less at the
22 discretion of the chief of police and mayor, shall, at the direction of
23 the chief of police, have taken and successfully completed complete
24 a firearms training course administered by the Police Training
25 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
26 has successfully completed within three years of the effective date
27 of P.L.1985, c.45 or three years of the date of appointment of the
28 special police officer, whichever is later, 280 hours of training in
29 arrest, search and seizure, criminal law, and the use of deadly force,
30 and shall annually qualify in the use of a revolver or similar
31 weapon, said special police officer shall be permitted to carry a
32 revolver or other similar weapon when off duty within the
33 municipality where he is employed. Specific authorization shall be
34 in the form of a permit which shall not be unreasonably withheld,
35 which is subject to renewal annually and may be revoked at any
36 time by the chief of police. The permit shall be on the person of the
37 special police officer whenever a revolver or other similar weapon
38 is carried off duty. No permit shall be issued until the special
39 police officer has successfully completed all training courses
40 required under this section. Any training courses completed by a
41 special police officer under the direction of the chief of police in a
42 school and a curriculum approved by the Police Training
43 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),
44 shall be credited towards the 280 hours of training required to be
45 completed by this section. Any training required by this section
46 shall commence within 90 days of the effective date of P.L.1985,

1 c.45 or within 90 days of the date of the appointment of the special
2 police officer, whichever is later.】

3 c. A special law enforcement officer shall be under the
4 supervision and direction of the chief of police or, in the absence of
5 the chief, other chief law enforcement officer of the local unit
6 wherein the officer is appointed, and shall perform his duties only
7 in the local unit except when in fresh pursuit of any person pursuant
8 to chapter 156 of Title 2A of the New Jersey Statutes or when
9 authorized to perform duties in another unit pursuant to a mutual
10 aid agreement enacted in accordance with section 1 of P.L.1976,
11 c.45 (C.40A:14-156.1).

12 d. The officer shall comply with the rules and regulations
13 applicable to the conduct and decorum of the permanent, regularly
14 appointed police officers of the local unit, as well as any rules and
15 regulations applicable to the conduct and decorum of special law
16 enforcement officers.

17 e. Notwithstanding any provision of P.L.1985, c.439
18 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement
19 officer may travel through another local unit to reach a
20 noncontiguous area of the local unit in which his appointment was
21 issued or to transport persons to and from a correctional facility.
22 (cf: P.L.1991, c.46, s.1)

23

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

26 9. a. Except as provided in subsection c. of this section, no
27 special law enforcement officer may be employed for more than 20
28 hours per week by the local unit except that special law
29 enforcement officers may be employed by the local unit for those
30 hours as the governing body may determine necessary in
31 accordance with the limits prescribed below:

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

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

36 (3) In all municipalities or counties in addition to not more than
37 20 hours per week including duties assigned pursuant to the
38 provisions of section 7 of this act a special law enforcement officer
39 may be assigned for not more than 20 hours per week to provide
40 public safety and law enforcement services to a public entity.

41 (4) In municipalities or counties, as provided in subsection b. of
42 section 7 of this act, for hours to be determined at the discretion of
43 the director of the municipal or county police force.

44 b. Notwithstanding any provision of this act to the contrary,
45 special law enforcement officers may be employed only to assist the
46 local law enforcement unit but may not be employed to replace or
47 substitute for full-time, regular police officers or in any way

1 diminish the number of full-time officers employed by the local
2 unit.

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

6 d. Notwithstanding the provisions of subsection a. of this
7 section, a special law enforcement officer shall not be employed for
8 more than 20 hours per week by the local unit unless the governing
9 body of the county or municipality in which the special law
10 enforcement officer is employed has purchased from an insurance
11 company authorized to do business in this State liability insurance
12 for acts or omissions committed by special law enforcement officers
13 acting in the course of their official duties.

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

15

16 10. (New section) The governing body of a county or
17 municipality shall give a leave of absence with pay to Class Two
18 special law enforcement officers to attend any State or national
19 convention of the Special Police Organization. A certificate of
20 attendance to the State convention shall, upon request, be submitted
21 to a supervising officer by a Class Two special law enforcement
22 officer attending the convention. Leave of absence shall be for a
23 period inclusive of the duration of the convention with a reasonable
24 time allowed for time to travel to and from the convention.

25

26 11. (New section) a. As used in this section:

27 "Disciplinary action" means any adverse personnel action,
28 including suspension, reduction in pay, rank or other employment
29 benefit, dismissal, transfer, reassignment, unreasonable denial of
30 secondary employment or similar punitive action taken against a law
31 enforcement officer or Class Two special law enforcement officer.

32 "Disciplinary hearing" means an administrative hearing initiated by
33 the department against a law enforcement officer or Class Two special
34 law enforcement officer, based on an alleged violation of law or
35 department, commission, or agency rule or regulation that, if proven,
36 would subject the law enforcement officer or Class Two special law
37 enforcement officer to disciplinary action.

38 "Investigation" means an action taken by the employing
39 department, commission, or agency to determine whether a law
40 enforcement officer or Class Two special law enforcement officer
41 violated any law or department, commission, or agency rule or
42 regulation and includes: (1) questioning any other State law
43 enforcement officer or person; (2) conducting observations; (3)
44 reviewing and evaluating reports, records, or other documents; and (4)
45 examining physical evidence.

46 b. An employing department, commission, or agency may dismiss
47 a complaint filed by a private citizen or an inmate against a law

1 enforcement officer or Class Two special law enforcement officer
2 without full investigation if:

3 (1) the department, commission, or agency determines that the
4 complaint does not constitute a violation of law or departmental,
5 commission, or agency rule or regulation; or

6 (2) the complainant failed to substantially comply with the
7 complaint procedure prescribed by the department, commission, or
8 agency employing the officer.

9

10 12. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill establishes certain benefits for Class Two special law
16 enforcement officers. Under current law, Class Two special law
17 enforcement officers only have full police powers while on duty and
18 are required to return their firearms to the officer in charge of their
19 station at the end of each workday.

20 This bill authorizes all Class Two special law enforcement
21 officers who successfully complete the statutorily required training
22 programs to exercise full police power and carry their firearms at all
23 times when in this State. The bill also allows arson investigators to
24 carry a firearm at all times while in this State.

25 In addition, the bill establishes new requirements for Class One
26 and Class Two special law enforcement officers. Specifically, the
27 bill requires all special law enforcement officers to be between 21
28 and 75 years of age and to submit to a drug test at the time of
29 appointment. The bill also waives the training requirements to
30 become a Class Two special law enforcement officer for persons
31 who previously served as a full-time corrections officer, sheriff's
32 officer, or law enforcement officer.

33 This bill also clarifies that Class Two special law enforcement
34 officers are granted the same protections as all law enforcement
35 officers. Under current law, a simple assault is upgraded to an
36 aggravated assault if committed against a law enforcement officer
37 while clearly identifiable as being engaged in official duties or due
38 to law enforcement status. Current law also makes it a fourth
39 degree crime to impersonate a law enforcement officer and a second
40 degree crime to knowingly take or attempt to exercise unlawful
41 control over a law enforcement officer's firearm. This bill clarifies
42 that the same penalties for the crimes of assaulting, impersonating,
43 or disarming a law enforcement officer apply if committed against a
44 Class Two special law enforcement officer. The bill also
45 specifically extends to Class Two special law enforcement officers
46 the same immunity from civil liability granted to regular full-time
47 law enforcement officers.

1 Under the bill, Class Two special law enforcement officers
2 would be permitted to act as security at polling place on the day of
3 an election to ensure that qualified voters are not obstructed from
4 voting. The bill authorizes the automatic expungement of criminal
5 charges that are filed against any law enforcement officer, including
6 any Class Two special law enforcement officer, in the course of
7 official duties if the officer is found not guilty. Class Two special law
8 enforcement officers also would be entitled to paid leave to attend
9 any State or national convention of the Special Police Organization.
10 Under current law, paid leave is only granted to members of an
11 organization affiliated with the New Jersey Policemen's Benevolent
12 Association, Inc., the Fraternal Order of Police, the Firemen's
13 Mutual Benevolent Association or the Professional Fire Fighters
14 Association.

15 Currently, special law enforcement officers are prohibited from
16 working more than 20 hours per week except: 1) during periods of
17 emergency, 2) in resort municipalities, 3) or to provide public safety
18 and law enforcement services to a public entity. This bill requires
19 counties and municipalities in which special law enforcement
20 officers work more than 20 hours per week to purchase liability
21 insurance for acts or omissions committed by special law
22 enforcement officers acting in the course of their official duties.

23 The bill also allows a department, commission, or agency to
24 dismiss a complaint filed by a private citizen or an inmate against a
25 regularly appointed, full-time law enforcement officer or Class Two
26 special law enforcement officer without full investigation if it
27 determines that the complaint does not constitute a violation of law
28 or departmental rule or regulation. A complaint filed by a private
29 citizen or an inmate also may be dismissed if the complainant failed
30 to substantially comply with the complaint procedure prescribed by
31 the employing department.

32 Finally, the bill expands the list of retired law enforcement
33 officers who are eligible to receive a permit to carry a handgun to
34 include retired arson investigators and Class Two special law
35 enforcement officers who retire after four years of service. Under
36 current law, certain retired law enforcement officers may annually
37 apply for a permit to carry a handgun, until those officers reach age
38 75, at which time they are no longer eligible. The permit allows a
39 retired law enforcement officer to carry a handgun at all times.
40 Under this bill, retired arson investigators and Class Two special
41 law enforcement officers who retire after four years of service
42 would be eligible to receive a carry permit.