

ASSEMBLY, No. 750

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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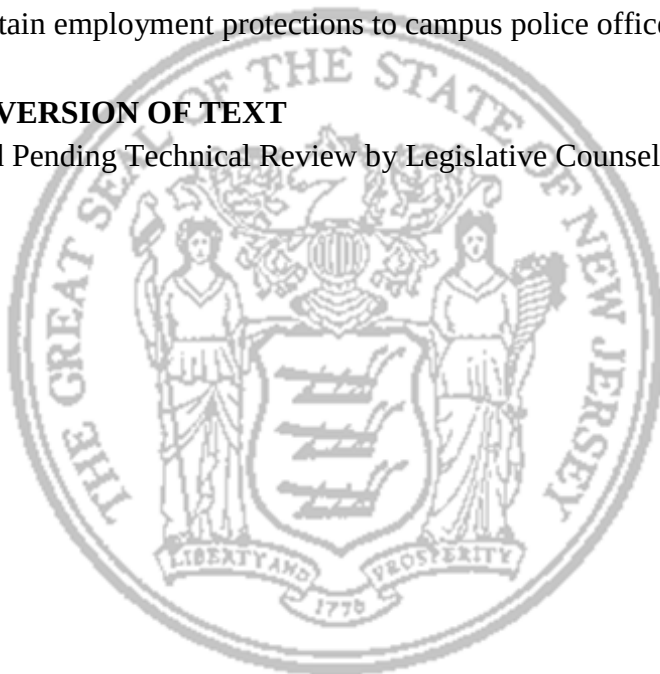
Assemblywomen Mosquera and Chaparro

SYNOPSIS

Grants certain employment protections to campus police officers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning campus police officers and supplementing Title
2 18A of the New Jersey Statutes.

3

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

6

7 1. a. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill), a campus police officer means a law
9 enforcement officer appointed pursuant to P.L.1970, c.211
10 (C.18A:6-4.2 et seq.), but shall not include a law enforcement
11 officer appointed by a county college.

12 b. Except as provided by section 2 of P.L. , c. (C.)
13 (pending before the Legislature as this bill) or any other law to the
14 contrary, a non-probationary campus police officer shall not be
15 removed from office, employment, or position for political reasons
16 or for any cause other than incapacity, misconduct, or disobedience
17 of rules and regulations established for the government of the police
18 agency, nor shall a campus police officer be suspended, removed,
19 fined, or reduced in rank from or in office, employment, or position
20 therein, except for just cause as hereinbefore provided and then
21 only upon a written complaint setting forth the charge or charges
22 against the officer.

23 c. The complaint shall be filed in the office of the person or
24 entity having charge of the police agency where the complaint is
25 made and a copy shall be served upon the officer charged, with
26 notice of a designated hearing thereon by the proper authorities,
27 which shall be not less than 10 or more than 30 days from date of
28 service of the complaint.

29 d. A complaint charging a violation of the internal rules and
30 regulations established for the conduct of a police agency shall be
31 filed no later than the 45th day after the date on which the person
32 filing the complaint obtained sufficient information to file the
33 matter upon which the complaint is based.

34 (1) The 45-day time limit shall not apply if an investigation of a
35 campus police officer for a violation of the internal rules or
36 regulations of the police agency is included directly or indirectly
37 within a concurrent investigation of that officer for a violation of
38 the criminal laws of this State. The 45-day limit shall begin on the
39 day after the disposition of the criminal investigation.

40 (2) The 45-day requirement for filing a complaint against an
41 officer shall not apply to a filing of a complaint by a private
42 individual.

43 e. The time periods established pursuant to subsections c. and
44 d. of this section shall be extended by any time period during which
45 a student, faculty member, or staff member who has relevant
46 information or testimony pertaining to the complaint or charge is
47 unavailable because:

48 (1) the institution is in recess; or

1 (2) the student, faculty member, or staff member is engaged in
2 out-of-State research, study, or teaching commitments.

3 f. A failure to comply with these provisions as to the service of
4 the complaint and the time within which a complaint is to be filed
5 shall require a dismissal of the complaint.

6 g. The campus police officer may waive the right to a hearing
7 and may appeal the charges directly to any available authority
8 specified by law or regulation, or follow any other procedure
9 recognized by a contract, as permitted by law.

10 h. The campus police officer or the police agency may request
11 a court reporter at a hearing. The party who requests the court
12 reporter shall bear the cost of the reporter.

13
14 2. The governing board of a four year institution of higher
15 education, if it deems necessary for reasons of economy, may
16 decrease the number of members and campus police officers of the
17 police department or force or their grades or ranks. In case of
18 demotion from the higher ranks, the campus police officers or
19 members to be so demoted shall be in the inverse order of their
20 appointment. When the service of members or campus police
21 officers is terminated, the termination shall be in the inverse order
22 of their appointment. Any member or campus police officer who is
23 demoted or whose service is terminated by reason of the decrease
24 shall be placed on a special employment list, and in the case of
25 subsequent promotions, a person so demoted shall be reinstated to
26 his original rank and in the case of termination of service and new
27 appointment, prior consideration shall be given to the persons on
28 the special employment list.

29
30 3. This act shall take effect immediately.

31
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33 STATEMENT

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35 This bill grants campus police officers appointed by four year
36 institutions of higher education certain employment protections.

37 Specifically, the bill provides that campus police officers may
38 not be removed from their employment or position for political
39 reasons or for any cause other than just cause, including incapacity,
40 misconduct, or disobedience of rules and regulations established by
41 the college or university police agency.

42 Under the bill, a campus police officer may not be suspended,
43 removed, fined, or reduced in rank for a violation of the internal
44 rules and regulations established for the conduct of employees of
45 the police agency, except for just cause and then only upon a
46 written complaint setting forth the charge against the officer. The
47 bill requires that the complaint be filed in the office of the person or
48 body in charge of the police agency where the complaint is made

1 and that a copy is required to be served upon the officer charged.
2 The complaint is to contain notice of a designated hearing by the
3 proper authorities. The hearing must be held at least 10 days, but
4 not more than 30 days, after the date the complaint was served.

5 The bill also establishes that the "45-day rule" applies to campus
6 police officers. Under the rule, all complaints against campus
7 police officers for violations of their police agency's internal rules
8 and regulations must be filed within 45 days of establishing the
9 grounds for the complaint. If the complaint is not filed within this
10 45 day window, the complaint will be dismissed and the campus
11 police officer cannot be fired, suspended, fined or reduced in rank
12 for that violation. The 45-day rule does not apply if a campus
13 police officer's alleged violation of police agency rules and
14 regulations is directly or indirectly related to a criminal
15 investigation involving that officer.

16 Under the bill, the 45-day rule also does not apply in cases where
17 the complaint is being filed by a private individual.

18 The bill extends the time requirements when a student, faculty
19 member, or staff member with relevant information or testimony
20 pertaining to the complaint or charge is unavailable because the
21 institution is in recess or he or she is engaged in out-of-State
22 research, study, or teaching commitments.

23 The bill also provides that an institution of higher education, if it
24 deems necessary for reasons of economy, may decrease the number
25 of members and officers of the police department or force or reduce
26 their grades or ranks. This provision is consistent with current law
27 which allows State, county, and municipal law enforcement
28 departments to decrease the police force or reduce officers' ranks
29 for economic reasons.

30 The bill further authorizes the campus police officer or the police
31 agency to request a court reporter at a hearing. The party who
32 makes the request is responsible for the cost of the court reporter.