

# ASSEMBLY, No. 4737

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

**Sponsored by:**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**SYNOPSIS**

Establishes certain mandatory hiring preferences for county law enforcement officers; makes certain municipal law enforcement hiring preferences mandatory.

**CURRENT VERSION OF TEXT**

As introduced.



A4737 HOUGHTALING

2

1 AN ACT concerning initial hiring preference for municipal and  
2 county law enforcement officers, and amending and  
3 supplementing P.L.1976, c.132.

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

7  
8 1. Section 2 of P.L.1976, c.132 (C.40A:14-123.1a) is amended  
9 to read as follow:

10 2. a. In any municipality of this State, before any person shall  
11 be appointed as a member of the police department and force, the  
12 appointing authority **【may】** shall classify all the duly qualified  
13 applicants for the position or positions to be filled in the following  
14 classes:

15 I. Residents of the municipality.

16 II. Other residents of the county in which the municipality is  
17 situate.

18 III. Other residents of the State.

19 IV. All other qualified applicants.

20 Within each **【such】** classification duly qualified applicants who  
21 are veterans shall be accorded **【all such】** any applicable veterans'  
22 preferences as are provided by law. Persons discharged from the  
23 service within **【6】** six months prior to making application to **【such】**  
24 a municipality who fulfill the requirements of N.J.S.40A:14-123.1,  
25 and who, thereby, are entitled to appointment notwithstanding their  
26 failure to meet the New Jersey residency requirement at the time of  
27 their initial application, shall be placed in Class III.

28 Preference in appointment second to that accorded to veterans  
29 pursuant to current law but superseding that accorded non-veterans  
30 shall be accorded all duly qualified applicants whose natural or  
31 adoptive parent was killed in the lawful discharge of official duties  
32 while serving as a law enforcement officer in any law enforcement  
33 agency in the State at any time prior to the closing date for the  
34 filing of an application, provided that required documentation is  
35 submitted with the application by the closing date. This paragraph  
36 shall not, however, be applicable if the municipality has entered  
37 into a consent decree with the United States Department of Justice  
38 concerning the hiring practices of the municipality.

39 When a veteran and a non-veteran whose parent was killed in the  
40 lawful discharge of official duties while serving as a law  
41 enforcement officer in any law enforcement agency in the State are  
42 duly qualified applicants for a position, first preference shall be  
43 given to the veteran.

44 As used in this section, "law enforcement officer" means any  
45 person who is employed as a permanent full-time member of an

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 enforcement agency, who is statutorily empowered to act for the  
2 detection, investigation, arrest and conviction of persons violating  
3 the criminal laws of this State and statutorily required to  
4 successfully complete a training course approved, or certified as  
5 being substantially equivalent to **【such】** an approved course, by the  
6 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-  
7 66 et seq.); and "law enforcement agency" means a department,  
8 division, bureau, commission, board or other authority of the State  
9 or of any political subdivision thereof which has by statute or  
10 ordinance the responsibility of detecting and enforcing the general  
11 criminal laws of this State.

12 b. **【In any municipality which classifies qualified applicants**  
13 **pursuant to】** When making appointments in accordance with  
14 subsection a. of this section, the appointing authority shall first  
15 appoint all those in Class I and then those in each succeeding class  
16 in the order above listed, and shall appoint a person or persons in  
17 any **【such】** class only to a vacancy or vacancies remaining after all  
18 qualified applicants in the preceding class or classes have been  
19 appointed or have declined an offer of appointment.

20 c. In any **【such】** municipality operating under the provisions of  
21 Title 11A of the New Jersey Statutes, the classes of qualified  
22 applicants defined in subsection a. of this section shall be  
23 considered as separate and successive lists of eligibles, and the  
24 Civil Service Commission shall, when requested to certify eligibles  
25 for positions specified in this section, make **【such】** certifications  
26 from **【said】** the classes separately and successively, and shall  
27 certify no persons from any **【such】** class until all persons in the  
28 preceding class or classes have been appointed or have declined  
29 offers of appointment.

30 d. This section shall apply only to initial appointments and not  
31 to promotional appointments of persons already members of the  
32 police department.

33 e. In making temporary appointments, including appointments  
34 of special law enforcement officers made in accordance with the  
35 "Special Law Enforcement Officers' Act," P.L.1985, c. 439,  
36 (C.40A:14-146.8 et seq.), the appointing authority **【may】** shall  
37 utilize the classifications set forth in subsection a. of this section,  
38 and shall classify accordingly all duly qualified applicants for the  
39 positions to be temporarily filled.

40 (cf: P.L.2008, c.29, s.98)

41  
42 2. (New section) a. In any county of this State, before any  
43 person shall be appointed as a member of county police department  
44 or other county entity that employs law enforcement officers, the  
45 appointing authority shall classify all the duly qualified applicants  
46 for the position or positions to be filled in the following classes:

47 I. Residents of the county.

1 II. Other residents of the State.

2 III. All other qualified applicants.

3 Within each classification duly qualified applicants who are  
4 veterans shall be accorded any applicable veterans' preferences as  
5 are provided by law. Persons discharged from the service within six  
6 months prior to making application to a county who fulfill the  
7 requirements of N.J.S.40A:14-123.1, and who, thereby, are entitled  
8 to appointment notwithstanding their failure to meet the New Jersey  
9 residency requirement at the time of their initial application, shall  
10 be placed in Class II.

11 Preference in appointment second to that accorded to veterans  
12 pursuant to current law but superseding that accorded non-veterans  
13 shall be accorded all duly qualified applicants whose natural or  
14 adoptive parent was killed in the lawful discharge of official duties  
15 while serving as a law enforcement officer in any law enforcement  
16 agency in the State at any time prior to the closing date for the  
17 filing of an application, provided that required documentation is  
18 submitted with the application by the closing date. This paragraph  
19 shall not, however, be applicable if the county has entered into a  
20 consent decree with the United States Department of Justice  
21 concerning the hiring practices of the county.

22 When a veteran and a non-veteran whose parent was killed in the  
23 lawful discharge of official duties while serving as a law  
24 enforcement officer in any law enforcement agency in the State are  
25 duly qualified applicants for a position, first preference shall be  
26 given to the veteran.

27 As used in this section, "law enforcement officer" means any  
28 person who is employed as a permanent full-time member of an  
29 enforcement agency, who is statutorily empowered to act for the  
30 detection, investigation, arrest and conviction of persons violating  
31 the criminal laws of this State and statutorily required to  
32 successfully complete a training course approved, or certified as  
33 being substantially equivalent to an approved course, by the Police  
34 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et  
35 seq.); and "law enforcement agency" means a department, division,  
36 bureau, commission, board or other authority of the State or of any  
37 political subdivision thereof which has by statute or ordinance the  
38 responsibility of detecting and enforcing the general criminal laws  
39 of this State.

40 b. When making appointments in accordance with subsection a.  
41 of this section, the appointing authority shall first appoint all those  
42 in Class I and then those in each succeeding class in the order above  
43 listed, and shall appoint a person or persons in any class only to a  
44 vacancy or vacancies remaining after all qualified applicants in the  
45 preceding class or classes have been appointed or have declined an  
46 offer of appointment.

47 c. In any county operating under the provisions of Title 11A of  
48 the New Jersey Statutes, the classes of qualified applicants defined

1 in subsection a. of this section shall be considered as separate and  
2 successive lists of eligibles, and the Civil Service Commission  
3 shall, when requested to certify eligibles for positions specified in  
4 this section, make certifications from the classes separately and  
5 successively, and shall certify no persons from any class until all  
6 persons in the preceding class or classes have been appointed or  
7 have declined offers of appointment.

8 d. This section shall apply only to initial appointments and not  
9 to promotional appointments of persons already members of the  
10 county police department or other county entity.

11 e. In making temporary appointments, including appointments  
12 of special law enforcement officers made in accordance with the  
13 "Special Law Enforcement Officers' Act," P.L.1985, c.439,  
14 (C.40A:14-146.8 et seq.), the appointing authority shall utilize the  
15 classifications set forth in subsection a. of this section, and shall  
16 classify accordingly all duly qualified applicants for the positions to  
17 be temporarily filled.

18  
19 3. This act shall take effect on the first day of the fourth month  
20 next following the date of enactment.

#### 21 22 23 STATEMENT

24  
25 This bill makes mandatory the hiring preferences for municipal  
26 law enforcement officers that are optional under current law, and  
27 extends the hiring preferences to county law enforcement agencies.

28 Current law permits municipalities to choose whether to classify  
29 their qualified applicants for appointment to a police department or  
30 force. The law provides that the appointing authority may classify  
31 all the duly qualified applicants for the position or positions to be  
32 filled in the following classes: (1) residents of the municipality; (2)  
33 other residents of the county in which the municipality is situate;  
34 (3) other residents of the State; and (4) all other qualified  
35 applicants. Additionally, the law provides for hiring preferences for  
36 veterans and the children of law enforcement officers killed in the  
37 line of duty.

38 Under the provisions of this bill, the classification of qualified  
39 applicants would be mandatory for municipal police departments  
40 and forces. Additionally, the bill extends the mandatory  
41 classification system to appointments made by county law  
42 enforcement agencies. The bill also specifies that the classification  
43 system would apply to appointments of special law enforcement  
44 officers made in accordance with the "Special Law Enforcement  
45 Officers' Act."