# ASSEMBLY, No. 5069

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED DECEMBER 7, 2020

**Sponsored by:**
**Assemblyman HERB CONAWAY, JR.**
**District 7 (Burlington)**
**Assemblywoman ANGELA V. MCKNIGHT**
**District 31 (Hudson)**
**Assemblywoman VALERIE VAINIERI HUTTLE**
**District 37 (Bergen)**

**SYNOPSIS**

Prohibits law enforcement agencies from hiring officer applicants removed from office by former agency for police misconduct.

**CURRENT VERSION OF TEXT**

As introduced.

**(Sponsorship Updated As Of: 5/5/2021)**

**AN ACT** concerning police misconduct and amending P.L.2020, c.52.

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

1. Section 1 of P.L.2020, c.52 (C.52:17B-247) is amended to read as follows:

1. a. As used in this act, "law enforcement agency" means a State, interstate, municipal, or county law enforcement agency; a law enforcement agency of an educational institution that appoints law enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.); or any other department, division, bureau, commission, board, or other authority of this State or political subdivision thereof which employs law enforcement officers.

b. Prior to appointing an applicant who was previously employed by another law enforcement agency in this State, every law enforcement agency shall request the files, including but not limited to internal affairs and personnel files, of the applicant from each law enforcement agency that employed the applicant. Any confidential internal affairs files received by the law enforcement agency that requested them shall remain confidential and shall not be disclosed to any other party.

c. Every law enforcement agency that receives a request pursuant to subsection b. of this section shall provide the applicant's files to the law enforcement agency that requested them.

d. Any provision of a contract entered into following the effective date of this act that would prohibit a law enforcement agency from providing files, including but not limited to internal affairs and personnel files, to another law enforcement agency pursuant to this section shall be deemed against public policy and unenforceable.

e. The Attorney General shall issue or amend guidelines or directives necessary to effectuate the provisions of this **[**act**]** section.

f. A law enforcement agency in this State shall not appoint an applicant as a law enforcement officer if another law enforcement agency removed that applicant from office, employment, or position for misconduct or willful disobedience of rules and regulations established for the government of that law enforcement agency.

(cf: P.L.2020, c.52, s.1)

2. This act shall take effect immediately.

**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.**

STATEMENT

This bill prohibits law enforcement agencies in this State from appointing applicants to police officer positions if the applicant had previously been terminated by another agency for police misconduct or violation of the agency's rules.

Recently enacted P.L2020, c.52 (C.52:17B-247) requires law enforcement agencies, prior to appointing an applicant who was previously employed by another law enforcement agency in this State, to request the applicant's file from each law enforcement agency that employed the applicant. These files include internal affairs and personnel files. A law enforcement agency that receives a request for a former officer's files is required to forward them to the requesting agency.

This bill expands P.L.2020, c.52 (C.52:17B-247) to specifically prohibit law enforcement agencies from appointing any applicant as a law enforcement officer if another law enforcement agency removed that applicant from office, employment, or position for misconduct or willful disobedience of rules and regulations established for the government of that law enforcement agency.