SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 366

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 366.

As amended and reported by the committee, this bill grants campus police officers appointed by two and four year institutions of higher education certain employment protections.

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

The bill prohibits a campus police officer from being suspended, removed, fined, or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the police agency, except for just cause and then only upon a written complaint setting forth the charge against the officer. The bill requires that the complaint be filed in the office of the person or body in charge of the police agency where the complaint is made and that a copy be served upon the officer charged. The complaint is to contain notice of a designated hearing by the proper authorities. The hearing is to be held at least 10 days, but not more than 30 days, after the date the complaint was served.

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

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

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

The bill also clarifies that an institution of higher education may decrease the number of members and officers of the police department or force or reduce their grades or ranks for reasons of economy. This provision is consistent with current law which allows State, county, and municipal law enforcement departments to decrease the police force or reduce officers' ranks for economic reasons.

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

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to make its provisions applicable to county colleges.