

SENATE, No. 597

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Requires certain special law enforcement officers to be under 65 years of age.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning special law enforcement officers and amending
2 P.L.1985, c.439.

3

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

6

7 1. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended
8 to read as follows:

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

15 b. A person shall not be appointed as a special law enforcement
16 officer unless the person:

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

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

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

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

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

27 (6) **【Has】** has successfully undergone the same psychological
28 testing that is required of all full-time police officers in the
29 municipality or county or, with regard to a special law enforcement
30 officer hired for a seasonal period by a resort municipality which
31 requires psychological testing of its full-time police officers, has
32 successfully undergone a program of psychological testing
33 approved by the commission**【.】** ; and

34 (7) is less than 65 years of age; for the purposes of this
35 paragraph, special law enforcement officers who attain 65 years of
36 age during their term of appointment shall conclude their service on
37 the first day of the next calendar month. The age limitation
38 established pursuant to this paragraph shall not apply to a Class One
39 special law enforcement officer appointed prior to the effective date
40 of P.L. , c. (pending before the Legislature as this bill).

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

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. **【No】** A person shall not be appointed to serve as a special
2 law enforcement officer in more than one local unit at the same
3 time, **【nor shall】** and any permanent, regularly appointed full-time
4 police officer of any local unit shall not be appointed as a special
5 law enforcement officer in any local unit. **【No】** A public official
6 with responsibility for setting law enforcement policy or exercising
7 authority over the budget of the local unit or supervision of the
8 police department of a local unit shall not be appointed as a special
9 law enforcement officer.

10 e. Before any special law enforcement officer is appointed
11 pursuant to this act, the chief of police, or, in the absence of the
12 chief, other chief law enforcement officer of the local unit shall
13 ascertain the eligibility and qualifications of the applicant and
14 report these determinations in writing to the appointing authority.

15 f. Any person who at any time prior to his appointment had
16 served as a duly qualified, fully-trained, full-time officer in any
17 municipality or county of this State and who was separated from
18 that prior service in good standing, shall be eligible to serve as a
19 special law enforcement officer consistent with guidelines
20 promulgated by the commission. The training requirements set
21 forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be
22 waived by the commission with regard to any person eligible to be
23 appointed as a special law enforcement officer pursuant to the
24 provisions of this section.

25 g. In addition to the qualifications established in subsection b.
26 of this section, a person shall not be appointed as a Class Three
27 special law enforcement officer unless the person:

28 (1) is a retired law enforcement officer **【who is less than 65**
29 **years of age】**; for the purposes of this paragraph, a law enforcement
30 officer shall not be considered retired if the officer's return to
31 employment violates any federal or State law or regulation which
32 would deem the officer's retirement as not being bona fide;

33 (2) had served as a duly qualified, fully-trained, full-time officer
34 in any law enforcement position eligible for participation in the
35 Police and Firemen's Retirement System or in any federal or bi-state
36 law enforcement agency or as a member of the State Police and was
37 separated from that prior service in good standing;

38 (3) is physically capable of performing the functions of the
39 position, determined in accordance with Police Training
40 Commission guidelines;

41 (4) possesses a New Jersey Police Training Commission Basic
42 Police Officer Certification, New Jersey State Police Academy
43 Certification, or other proof of basic police training approved by the
44 Police Training Commission;

45 (5) has completed the training course for safe schools resource
46 officers developed pursuant to subsection a. of section 2 of
47 P.L.2005, c.276 (C.52:17B-71.8); and

1 (6) is hired in a part-time capacity.
2 For the purposes of this subsection, "good standing" shall exclude a
3 retirement resulting from injury or incapacity.
4 (cf: P.L.2019, c.51, s.2)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill prohibits the appointment of any person who is 65 years
12 of age or older as a special law enforcement officer. Special law
13 enforcement officers who attain 65 years of age during their term of
14 appointment would be required to conclude their service on the first
15 day of the next calendar month. A Class One special law
16 enforcement officer who was appointed prior to the bill's enactment
17 would be permitted to continue in that capacity after attaining the
18 age of 65.

19 Under current law, local units are permitted to appoint special
20 law enforcement officers to perform certain law enforcement duties.
21 Class One special law enforcement officers are authorized to
22 perform routine traffic detail, spectator control, and similar duties.
23 They also may be empowered to issue summonses for disorderly
24 persons offenses, but are not authorized to carry a firearm while on
25 duty. Class Two special law enforcement officers are empowered to
26 exercise full police powers and perform the duties of a permanent,
27 regularly appointed full-time police officer. They are authorized to
28 carry a firearm. Class Three special law enforcement officers are
29 retired law enforcement officers who provide security in this State's
30 public and nonpublic schools and county colleges and are authorized
31 to carry a firearm while on-duty.