

SENATE, No. 628

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senator A.M.Bucco

SYNOPSIS

Authorizes Class Three special law enforcement officers to provide security in places of religious worship; requires nonpublic security aid to be used for Class Three officers upon request of nonpublic school.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/10/2020)

1 **AN ACT** concerning Class Three special law enforcement officers
2 and amending P.L.1985, c.439 and P.L.2016, c. 49.

3

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

6

7 1. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended
8 to read as follows:

9 4. a. A person shall not commence the duties of a special law
10 enforcement officer unless the person has successfully completed a
11 training course approved by the commission and a special law
12 enforcement officer shall not be issued a firearm unless the officer
13 has successfully completed the basic firearms course approved by
14 the commission for permanent, regularly appointed police and
15 annual requalification examinations as required by subsection b. of
16 section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be
17 three classifications for special police officers. The commission
18 shall prescribe by rule or regulation the training standards to be
19 established for each classification. Training may be in a
20 commission approved academy or in any other training program
21 which the commission may determine appropriate. The
22 classifications shall be based upon the duties to be performed by the
23 special law enforcement officer as follows:

24 (1) Class One. Officers of this class shall be authorized to
25 perform routine traffic detail, spectator control, and similar duties.
26 If authorized by ordinance or resolution, as appropriate, Class One
27 officers shall have the power to issue summonses for disorderly
28 persons and petty disorderly persons offenses, violations of
29 municipal ordinances, and violations of Title 39 of the Revised
30 Statutes. The use of a firearm by an officer of this class shall be
31 strictly prohibited and a Class One officer shall not be assigned any
32 duties which may require the carrying or use of a firearm.

33 (2) Class Two. Officers of this class shall be authorized to
34 exercise full powers and duties similar to those of a permanent,
35 regularly appointed full-time police officer. The use of a firearm by
36 an officer of this class may be authorized only after the officer has
37 been fully certified as successfully completing training as
38 prescribed by the commission.

39 (3) Class Three. (a) Officers of this class shall be authorized to
40 exercise full powers and duties similar to those of a permanent,
41 regularly appointed full-time police officer while providing security
42 at a public or nonpublic school or a county college on the school or
43 college premises during hours when the public or nonpublic school
44 or county college is normally in session or when it is occupied by
45 public or nonpublic school or county college students or their

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 teachers or professors. While on duty in the jurisdiction of
2 employment, an officer may respond to offenses or emergencies off
3 school or college grounds if they occur in the officer's presence
4 while traveling to a school facility or county college, but an officer
5 shall not otherwise be dispatched or dedicated to any assignment off
6 school or college property.

7 (b) Officers of this class shall be authorized to exercise full
8 powers and duties similar to those of a permanent, regularly
9 appointed full-time police officer while providing security at a
10 church, mosque, synagogue, temple, or any other building used by a
11 congregation as a place of religious worship.

12 The use of a firearm by an officer of this class shall be
13 authorized pursuant to the provisions of subsection b. of section 7
14 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class
15 shall not be authorized to carry a firearm while off duty unless the
16 officer complies with the requirements set forth in subsection l. of
17 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry
18 a handgun.

19 b. The commission may, in its discretion, except from the
20 requirements of this section any person who demonstrates to the
21 commission's satisfaction that the person has successfully
22 completed a police training course conducted by any federal, state
23 or other public or private agency, the requirements of which are
24 substantially equivalent to the requirements of this act.

25 c. The commission shall certify officers who have satisfactorily
26 completed training programs and issue appropriate certificates to
27 those officers. The certificate shall clearly state the category of
28 certification for which the officer has been certified by the
29 commission.

30 d. All special law enforcement officers appointed and in
31 service on the effective date of this act may continue in service if
32 within 24 months of the effective date of this act they will have
33 completed all training and certification requirements of this act.

34 (cf: P.L.2016, c.68, s.2)

35
36 2. Section 4 of P.L.2016, c.49 (C.18A:58-37.11) is amended to
37 read as follows:

38 4. a. The superintendent of schools of each school district in
39 which a nonpublic school is located shall confer annually with the
40 chief school administrator of each of the nonpublic schools to:

41 (1) advise the nonpublic school of the limit of funds available
42 pursuant to this act;

43 (2) agree upon the security services, equipment, or technology
44 to be provided to the students of the nonpublic school, within the
45 limit of the funds that are available. In the event that the chief
46 school administrator of the nonpublic school requests that the funds
47 be used to finance the appointment of a Class Three special law
48 enforcement officer pursuant to the provisions of subsection a. of

1 section 4 of P.L.1985, c.439 (C.40A:14-146.11), the superintendent
2 shall approve that request; and

3 (3) agree on the date when the board of education will meet to
4 approve how the security services, equipment, or technology will be
5 provided to the students of the nonpublic school.

6 b. In the event that the superintendent of schools and the chief
7 school administrator of the nonpublic school are unable to agree
8 regarding the security services, equipment, or technology to be
9 provided for a safe and secure school environment, the executive
10 county superintendent shall be consulted to determine the security
11 services, equipment, or technology to be provided. The decision of
12 the executive county superintendent shall be final.

13 (cf: P.L.2016, c.49, s.4)

14
15 3. This act shall take effect immediately.

16 17 18 STATEMENT

19
20 This bill expands the scope of where Class Three special law
21 enforcement officers may provide security to include places of
22 religious worship. The bill further provides that in the event that a
23 nonpublic school requests that its nonpublic security aid received
24 under P.L.2016, c. 49 (C.18A:58-37.8 et seq.) be used to finance the
25 appointment of a Class Three special law enforcement officer, the
26 superintendent of the school district is to approve that request.
27 Under current law, the chief school administrator of a nonpublic
28 school and the superintendent of the school district in which the
29 nonpublic school is located annually meet to agree upon the
30 security services, equipment, or technology to be provided to the
31 students of the nonpublic school with the available nonpublic
32 security aid. This bill will allow the nonpublic school to make a
33 determination on the use of those funds for a Class Three special
34 law enforcement officer.

35 P.L.2016, c.68 established an additional category of “Class
36 Three” special law enforcement officers under the Special Law
37 Enforcement Officers’ Act to provide security in this State’s public
38 and nonpublic schools and county colleges. Appointed by the local
39 police department, these officers are authorized to exercise the full
40 powers and duties as those accorded full-time police officers of the
41 department. A person is eligible to be appointed as a Class Three
42 special law enforcement officer if he or she is a retired police
43 officer less than 65 years old and has served as a duly qualified,
44 fully-trained, full-time municipal or county police officer or was
45 regularly employed as a full-time member of the State Police within
46 the previous three years. The person also has to be physically
47 capable of performing the job and have the appropriate law
48 enforcement and safe schools resource officer training. These

1 officers may only be employed to assist municipal police
2 departments and are not to be employed to replace or substitute for
3 full-time police officers. They may only be hired in a part-time
4 capacity.

5 Specifically under the bill, in addition to providing security in
6 public and nonpublic schools and county colleges, Class Three
7 officers could provide security in churches, mosques, synagogues,
8 temples, or any other building used by a congregation as a place of
9 religious worship.