

SENATE, No. 729

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Revises certain Class Three special law enforcement officer appointment qualifications.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning Class Three special law enforcement officers
2 and amending 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 special
10 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 a resident of this State during the term of appointment;

18 (2) Is able to read, write and speak the English language well
19 and intelligently and has a high school diploma or its equivalent;

20 (3) Is sound in body and of good health;

21 (4) Is of good moral character;

22 (5) Has not been convicted of any offense involving dishonesty
23 or which would make him unfit to perform the duties of his office;

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

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

35 d. No person shall be appointed to serve as a special law
36 enforcement officer in more than one local unit at the same time,
37 nor shall any permanent, regularly appointed full-time police officer
38 of any local unit be appointed as a special law enforcement officer
39 in any local unit. No public official with responsibility for setting
40 law enforcement policy or exercising authority over the budget of
41 the local unit or supervision of the police department of a local unit
42 shall be appointed as a special law enforcement officer.

43 e. Before any special law enforcement officer is appointed
44 pursuant to this act, the chief of police, or, in the absence of the
45 chief, other chief law enforcement officer of the local unit shall

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 ascertain the eligibility and qualifications of the applicant and
2 report these determinations in writing to the appointing authority.

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

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

16 (1) is a retired law enforcement officer who is less than 65 years
17 of age; for the purposes of this paragraph, a law enforcement officer
18 shall not be considered retired if the officer's return to employment
19 violates any federal or State law or regulation which would deem
20 the officer's retirement as not being bona fide;

21 (2) had served as a duly qualified, fully-trained, full-time officer
22 in any municipality or county of this State or as a member of the
23 State Police and was separated from that prior service in good
24 standing, within three years of appointment, except during the first
25 year following the effective date of P.L.2016, c.68, was separated
26 from that prior service within five years of appointment; the time
27 limitations pertaining to separation from service set forth in this
28 paragraph shall not apply to a retired law enforcement officer
29 whose duties as a municipal or county police officer or member of
30 the State Police included working in a public or nonpublic school or
31 county college;

32 (3) is physically capable of performing the functions of the
33 position, determined in accordance with Police Training
34 Commission guidelines;

35 (4) possesses a New Jersey Police Training Commission Basic
36 Police Officer Certification or New Jersey State Police Academy
37 Certification;

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

41 (6) is hired in a part-time capacity.

42 For the purposes of this subsection, "good standing" shall
43 exclude a retirement resulting from injury or incapacity.

44 (cf: P.L.2016, c.68, s.1)

45

46 2. This act shall take effect immediately.

1 STATEMENT

2
3 Under this bill, retired law enforcement officers who worked in
4 schools would not be subject to the separation from service
5 requirement currently applicable to Class Three special law
6 enforcement officers.

7 Under current law, in addition to the qualifications currently
8 applicable to all special law enforcement officers, applicants to be a
9 Class Three special law enforcement officer also are required to: be
10 retired police officers less than 65 years of age; have served as duly
11 qualified, fully-trained, full-time municipal or county police officers or
12 members of the State Police; be separated from their prior service in
13 good standing, within three years of appointment, except within the
14 first year of the law's enactment, be separated within five years; be
15 physically capable of performing the functions of the position as
16 determined by the Police Training Commission; possess a New Jersey
17 Police Training Commission Basic Police Officer Certification or New
18 Jersey State Police Academy Certification; and complete safe schools
19 resource officers training.

20 This bill waives the requirement that the Class Three special law
21 enforcement applicant be separated from their prior service within
22 three or five years of appointment, as applicable, if the retired
23 officer's duties as a municipal or county police officer or member
24 of the State Police included working in a public or nonpublic school
25 or county college.