

SENATE, No. 2250

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

SYNOPSIS

Establishes certain benefits for Class Two special law enforcement officers; allows arson investigators to carry a firearm at all times.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning law enforcement and supplementing and
2 amending various parts of statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.2C:12-1 is amended to read as follows:

8 2C:12-1. Assault. a. Simple assault. A person is guilty of
9 assault if the person:

10 (1) Attempts to cause or purposely, knowingly or recklessly
11 causes bodily injury to another; or

12 (2) Negligently causes bodily injury to another with a deadly
13 weapon; or

14 (3) Attempts by physical menace to put another in fear of
15 imminent serious bodily injury.

16 Simple assault is a disorderly persons offense unless committed
17 in a fight or scuffle entered into by mutual consent, in which case it
18 is a petty disorderly persons offense.

19 b. Aggravated assault. A person is guilty of aggravated assault
20 if the person:

21 (1) Attempts to cause serious bodily injury to another, or causes
22 injury purposely or knowingly or under circumstances manifesting
23 extreme indifference to the value of human life recklessly causes
24 such injury; or

25 (2) Attempts to cause or purposely or knowingly causes bodily
26 injury to another with a deadly weapon; or

27 (3) Recklessly causes bodily injury to another with a deadly
28 weapon; or

29 (4) Knowingly under circumstances manifesting extreme
30 indifference to the value of human life points a firearm, as defined
31 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
32 whether or not the actor believes it to be loaded; or

33 (5) Commits a simple assault as defined in paragraph (1), (2), or
34 (3) of subsection a. of this section upon:

35 (a) Any law enforcement officer acting or any Class Two
36 special law enforcement officer in the performance of the officer's
37 duties while in uniform or exhibiting evidence of authority or
38 because of the officer's status as a law enforcement officer; or

39 (b) Any paid or volunteer firefighter acting in the performance
40 of the firefighter's duties while in uniform or otherwise clearly
41 identifiable as being engaged in the performance of the duties of a
42 firefighter; or

43 (c) Any person engaged in emergency first-aid or medical
44 services acting in the performance of the person's duties while in
45 uniform or otherwise clearly identifiable as being engaged in the

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 performance of emergency first-aid or medical services; or
- 2 (d) Any school board member, school administrator, teacher,
- 3 school bus driver, or other employee of a public or nonpublic
- 4 school or school board while clearly identifiable as being engaged
- 5 in the performance of the person's duties or because of the person's
- 6 status as a member or employee of a public or nonpublic school or
- 7 school board or any school bus driver employed by an operator
- 8 under contract to a public or nonpublic school or school board while
- 9 clearly identifiable as being engaged in the performance of the
- 10 person's duties or because of the person's status as a school bus
- 11 driver; or
- 12 (e) Any employee of the Division of Child Protection and
- 13 Permanency while clearly identifiable as being engaged in the
- 14 performance of the employee's duties or because of the status as an
- 15 employee of the division; or
- 16 (f) Any justice of the Supreme Court, judge of the Superior
- 17 Court, judge of the Tax Court or municipal judge while clearly
- 18 identifiable as being engaged in the performance of judicial duties
- 19 or because of the status as a member of the judiciary; or
- 20 (g) Any operator of a motorbus or the operator's supervisor or
- 21 any employee of a rail passenger service while clearly identifiable
- 22 as being engaged in the performance of the person's duties or
- 23 because of the status as an operator of a motorbus or as the
- 24 operator's supervisor or as an employee of a rail passenger service;
- 25 or
- 26 (h) Any Department of Corrections employee, county
- 27 correctional police officer, juvenile correctional police officer, State
- 28 juvenile facility employee, juvenile detention staff member,
- 29 juvenile detention officer, probation officer or any sheriff,
- 30 undersheriff, or sheriff's officer acting in the performance of the
- 31 person's duties while in uniform or exhibiting evidence of the
- 32 person's authority or because of the status as a Department of
- 33 Corrections employee, county correctional police officer, juvenile
- 34 correctional police officer, State juvenile facility employee, juvenile
- 35 detention staff member, juvenile detention officer, probation
- 36 officer, sheriff, undersheriff, or sheriff's officer; or
- 37 (i) Any employee, including any person employed under
- 38 contract, of a utility company as defined in section 2 of P.L.1971,
- 39 c.224 (C.2A:42-86) or a cable television company subject to the
- 40 provisions of the "Cable Television Act," P.L.1972, c.186
- 41 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
- 42 the performance of the employee's duties in regard to connecting,
- 43 disconnecting, or repairing or attempting to connect, disconnect, or
- 44 repair any gas, electric, or water utility, or cable television or
- 45 telecommunication service; or
- 46 (j) Any health care worker employed by a licensed health care
- 47 facility to provide direct patient care, any health care professional
- 48 licensed or otherwise authorized pursuant to Title 26 or Title 45 of

1 the Revised Statutes to practice a health care profession, except a
2 direct care worker at a State or county psychiatric hospital or State
3 developmental center or veterans' memorial home, while clearly
4 identifiable as being engaged in the duties of providing direct
5 patient care or practicing the health care profession; or

6 (k) Any direct care worker at a State or county psychiatric
7 hospital or State developmental center or veterans' memorial home,
8 while clearly identifiable as being engaged in the duties of
9 providing direct patient care or practicing the health care
10 profession, provided that the actor is not a patient or resident at the
11 facility who is classified by the facility as having a mental illness or
12 developmental disability; or

13 (6) Causes bodily injury to another person while fleeing or
14 attempting to elude a law enforcement officer in violation of
15 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
16 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
17 other provision of law to the contrary, a person shall be strictly
18 liable for a violation of this paragraph upon proof of a violation of
19 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
20 violation of subsection c. of N.J.S.2C:20-10 which resulted in
21 bodily injury to another person; or

22 (7) Attempts to cause significant bodily injury to another or
23 causes significant bodily injury purposely or knowingly or, under
24 circumstances manifesting extreme indifference to the value of
25 human life recklessly causes such significant bodily injury; or

26 (8) Causes bodily injury by knowingly or purposely starting a
27 fire or causing an explosion in violation of N.J.S.2C:17-1 which
28 results in bodily injury to any emergency services personnel
29 involved in fire suppression activities, rendering emergency
30 medical services resulting from the fire or explosion or rescue
31 operations, or rendering any necessary assistance at the scene of the
32 fire or explosion, including any bodily injury sustained while
33 responding to the scene of a reported fire or explosion. For
34 purposes of this paragraph, "emergency services personnel" shall
35 include, but not be limited to, any paid or volunteer firefighter, any
36 person engaged in emergency first-aid or medical services and any
37 law enforcement officer. Notwithstanding any other provision of
38 law to the contrary, a person shall be strictly liable for a violation of
39 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
40 resulted in bodily injury to any emergency services personnel; or

41 (9) Knowingly, under circumstances manifesting extreme
42 indifference to the value of human life, points or displays a firearm,
43 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
44 a law enforcement officer; or

45 (10) Knowingly points, displays or uses an imitation firearm, as
46 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
47 law enforcement officer with the purpose to intimidate, threaten, or

1 attempt to put the officer in fear of bodily injury or for any unlawful
2 purpose; or

3 (11) Uses or activates a laser sighting system or device, or a
4 system or device which, in the manner used, would cause a
5 reasonable person to believe that it is a laser sighting system or
6 device, against a law enforcement officer acting in the performance
7 of the officer's duties while in uniform or exhibiting evidence of the
8 officer's authority. As used in this paragraph, "laser sighting system
9 or device" means any system or device that is integrated with or
10 affixed to a firearm and emits a laser light beam that is used to
11 assist in the sight alignment or aiming of the firearm; or

12 (12) Attempts to cause significant bodily injury or causes
13 significant bodily injury purposely or knowingly or, under
14 circumstances manifesting extreme indifference to the value of
15 human life, recklessly causes significant bodily injury to a person
16 who, with respect to the actor, meets the definition of a victim of
17 domestic violence, as defined in subsection d. of section 3 of
18 P.L.1991, c.261 (C.2C:25-19); or

19 (13) Knowingly or, under circumstances manifesting extreme
20 indifference to the value of human life, recklessly obstructs the
21 breathing or blood circulation of a person who, with respect to the
22 actor, meets the definition of a victim of domestic violence, as
23 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
24 19), by applying pressure on the throat or neck or blocking the nose
25 or mouth of such person, thereby causing or attempting to cause
26 bodily injury.

27 Aggravated assault under paragraphs (1) and (6) of subsection b.
28 of this section is a crime of the second degree; under paragraphs
29 (2), (7), (9), and (10) of subsection b. of this section is a crime of
30 the third degree; under paragraphs (3) and (4) of subsection b. of
31 this section is a crime of the fourth degree; and under paragraph (5)
32 of subsection b. of this section is a crime of the third degree if the
33 victim suffers bodily injury, otherwise it is a crime of the fourth
34 degree. Aggravated assault under paragraph (8) of subsection b. of
35 this section is a crime of the third degree if the victim suffers bodily
36 injury; if the victim suffers significant bodily injury or serious
37 bodily injury it is a crime of the second degree. Aggravated assault
38 under paragraph (11) of subsection b. of this section is a crime of
39 the third degree. Aggravated assault under paragraph (12) or (13)
40 of subsection b. of this section is a crime of the third degree but the
41 presumption of non-imprisonment set forth in subsection e. of
42 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
43 not apply.

44 c. (1) A person is guilty of assault by auto or vessel when the
45 person drives a vehicle or vessel recklessly and causes either
46 serious bodily injury or bodily injury to another. Assault by auto or
47 vessel is a crime of the fourth degree if serious bodily injury results

1 and is a disorderly persons offense if bodily injury results. Proof
2 that the defendant was operating a hand-held wireless telephone
3 while driving a motor vehicle in violation of section 1 of P.L.2003,
4 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
5 was driving recklessly.

6 (2) Assault by auto or vessel is a crime of the third degree if the
7 person drives the vehicle while in violation of R.S.39:4-50 or
8 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
9 injury results and is a crime of the fourth degree if the person drives
10 the vehicle while in violation of R.S.39:4-50 or section 2 of
11 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

12 (3) Assault by auto or vessel is a crime of the second degree if
13 serious bodily injury results from the defendant operating the auto
14 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
15 c.512 (C.39:4-50.4a) while:

16 (a) on any school property used for school purposes which is
17 owned by or leased to any elementary or secondary school or school
18 board, or within 1,000 feet of such school property;

19 (b) driving through a school crossing as defined in R.S.39:1-1 if
20 the municipality, by ordinance or resolution, has designated the
21 school crossing as such; or

22 (c) driving through a school crossing as defined in R.S.39:1-1
23 knowing that juveniles are present if the municipality has not
24 designated the school crossing as such by ordinance or resolution.

25 Assault by auto or vessel is a crime of the third degree if bodily
26 injury results from the defendant operating the auto or vessel in
27 violation of this paragraph.

28 A map or true copy of a map depicting the location and
29 boundaries of the area on or within 1,000 feet of any property used
30 for school purposes which is owned by or leased to any elementary
31 or secondary school or school board produced pursuant to section 1
32 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
33 subparagraph (a) of paragraph (3) of this subsection.

34 It shall be no defense to a prosecution for a violation of
35 subparagraph (a) or (b) of paragraph (3) of this subsection that the
36 defendant was unaware that the prohibited conduct took place while
37 on or within 1,000 feet of any school property or while driving
38 through a school crossing. Nor shall it be a defense to a prosecution
39 under subparagraph (a) or (b) of paragraph (3) of this subsection
40 that no juveniles were present on the school property or crossing
41 zone at the time of the offense or that the school was not in session.

42 (4) Assault by auto or vessel is a crime of the third degree if the
43 person purposely drives a vehicle in an aggressive manner directed
44 at another vehicle and serious bodily injury results and is a crime of
45 the fourth degree if the person purposely drives a vehicle in an
46 aggressive manner directed at another vehicle and bodily injury
47 results. For purposes of this paragraph, "driving a vehicle in an
48 aggressive manner" shall include, but is not limited to,

1 unexpectedly altering the speed of the vehicle, making improper or
2 erratic traffic lane changes, disregarding traffic control devices,
3 failing to yield the right of way, or following another vehicle too
4 closely.

5 As used in this subsection, "vessel" means a means of
6 conveyance for travel on water and propelled otherwise than by
7 muscular power.

8 d. A person who is employed by a facility as defined in section
9 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
10 defined in paragraph (1) or (2) of subsection a. of this section upon
11 an institutionalized elderly person as defined in section 2 of
12 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
13 degree.

14 e. (Deleted by amendment, P.L.2001, c.443).

15 f. A person who commits a simple assault as defined in
16 paragraph (1), (2), or (3) of subsection a. of this section in the
17 presence of a child under 16 years of age at a school or community
18 sponsored youth sports event is guilty of a crime of the fourth
19 degree. The defendant shall be strictly liable upon proof that the
20 offense occurred, in fact, in the presence of a child under 16 years
21 of age. It shall not be a defense that the defendant did not know
22 that the child was present or reasonably believed that the child was
23 16 years of age or older. The provisions of this subsection shall not
24 be construed to create any liability on the part of a participant in a
25 youth sports event or to abrogate any immunity or defense available
26 to a participant in a youth sports event. As used in this act, "school
27 or community sponsored youth sports event" means a competition,
28 practice, or instructional event involving one or more
29 interscholastic sports teams or youth sports teams organized
30 pursuant to a nonprofit or similar charter or which are member
31 teams in a youth league organized by or affiliated with a county or
32 municipal recreation department and shall not include collegiate,
33 semi-professional or professional sporting events.

34 (cf: P.L.2019, c.219, s.3)

35

36 2. Section 1 of P.L.1996, c.14 (C.2C:12-11) is amended to read
37 as follows:

38 1. a. A person who knowingly takes or attempts to exercise
39 unlawful control over a firearm or other weapon in the possession
40 of a law enforcement officer, Class Two special law enforcement
41 officer, or corrections officer when that officer is acting in the
42 performance of his duties, and either is in uniform or exhibits
43 evidence of his authority, is guilty of a crime of the second degree.

44 b. A person violating the provisions of subsection a. of this
45 section shall be guilty of a crime of the first degree if:

46 (1) The person fires or discharges the firearm;

47 (2) The person uses or threatens to use the firearm or weapon
48 against the officer or any other person; or

1 (3) The officer or another person suffers serious bodily injury.
2 (cf: P.L.1996, c.14, s.1)

3

4 3. N.J.S.2C:28-8 is amended to read as follows:

5 2C:28-8. a. Except as provided in subsection b. of this section,
6 a person commits a disorderly persons offense if he falsely pretends
7 to hold a position in the public service with purpose to induce
8 another to submit to **【such】** the pretended official authority or
9 otherwise to act in reliance upon that pretense.

10 b. A person commits a crime of the fourth degree if he falsely
11 pretends to hold a position as an officer or member or employee or
12 agent of any organization or association of law enforcement
13 officers, including Class Two special law enforcement officers,
14 with purpose to induce another to submit to **【such】** the pretended
15 official authority or otherwise to act in reliance upon that pretense.
16 (cf: P.L.2000, c.110, s.1)

17

18 4. N.J.S.2C:39-6 is amended to read as follows:

19 2C:39-6. a. Provided a person complies with the requirements
20 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

21 (1) Members of the Armed Forces of the United States or of the
22 National Guard while actually on duty, or while traveling between
23 places of duty and carrying authorized weapons in the manner
24 prescribed by the appropriate military authorities;

25 (2) Federal law enforcement officers, and any other federal
26 officers and employees required to carry firearms in the
27 performance of their official duties;

28 (3) Members of the State Police and, under conditions
29 prescribed by the superintendent, members of the Marine Law
30 Enforcement Bureau of the Division of State Police;

31 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
32 assistant prosecutor, prosecutor's detective or investigator, deputy
33 attorney general or State investigator employed by the Division of
34 Criminal Justice of the Department of Law and Public Safety,
35 investigator employed by the State Commission of Investigation,
36 inspector of the Alcoholic Beverage Control Enforcement Bureau of
37 the Division of State Police in the Department of Law and Public
38 Safety authorized to carry weapons by the Superintendent of State
39 Police, State park police officer, or State conservation police
40 officer;

41 (5) Except as hereinafter provided, a State correctional police
42 officer, or a prison or jail warden of any penal institution in this
43 State or the warden's deputies, or an employee of the Department of
44 Corrections engaged in the interstate transportation of convicted
45 offenders, while in the performance of the employee's duties, and
46 when required to possess the weapon by a superior officer, or a
47 correctional police officer or keeper of a penal institution in this
48 State at all times while in the State of New Jersey, provided the

1 person annually passes an examination approved by the
2 superintendent testing the person's proficiency in the handling of
3 firearms;

4 (6) A civilian employee of the United States Government under
5 the supervision of the commanding officer of any post, camp,
6 station, base or other military or naval installation located in this
7 State who is required, in the performance of the employee's official
8 duties, to carry firearms, and who is authorized to carry firearms by
9 the commanding officer, while in the actual performance of the
10 employee's official duties;

11 (7) (a) A regularly employed member, including a detective, of
12 the police department of any county or municipality, or of any
13 State, interstate, municipal or county park police force or boulevard
14 police force, at all times while in the State of New Jersey;

15 (b) A Class Two special law enforcement officer **【**authorized to
16 carry a weapon as provided in subsection b. of **】** appointed pursuant
17 to section 7 of P.L.1985, c.439 (C.40A:14-146.14), at all times
18 while in the State of New Jersey;

19 (c) An airport security officer **【**or a special law enforcement
20 officer appointed by the governing body of any county or
21 municipality, except as provided in subparagraph (b) of this
22 paragraph, or by the commission, board or other body having
23 control of a county park or airport or boulevard police force, **】** while
24 engaged in the actual performance of the officer's official duties and
25 when specifically authorized **【**by the governing body**】** to carry
26 weapons;

27 (8) A full-time, paid member of a paid or part-paid fire
28 department or force of any municipality who is assigned full-time
29 or part-time to an arson investigation unit created pursuant to
30 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
31 investigation unit in the county prosecutor's office, **【**while either
32 engaged in the actual performance of arson investigation duties or
33 while actually on call to perform arson investigation duties and
34 when specifically authorized by the governing body or the county
35 prosecutor, as the case may be, to carry weapons**】** at all times while
36 in the State of New Jersey. Prior to being permitted to carry a
37 firearm, a member shall take and successfully complete a firearms
38 training course administered by the Police Training Commission
39 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
40 qualify in the use of a revolver or similar weapon prior to being
41 permitted to carry a firearm;

42 (9) A juvenile correctional police officer in the employment of
43 the Juvenile Justice Commission established pursuant to section 2
44 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations
45 promulgated by the commission;

46 (10) A designated employee or designated licensed agent for a
47 nuclear power plant under license of the Nuclear Regulatory

1 Commission, while in the actual performance of the person's
2 official duties, if the federal licensee certifies that the designated
3 employee or designated licensed agent is assigned to perform site
4 protection, guard, armed response or armed escort duties and is
5 appropriately trained and qualified, as prescribed by federal
6 regulation, to perform those duties. Any firearm utilized by an
7 employee or agent for a nuclear power plant pursuant to this
8 paragraph shall be returned each day at the end of the employee's or
9 agent's authorized official duties to the employee's or agent's
10 supervisor. All firearms returned each day pursuant to this
11 paragraph shall be stored in locked containers located in a secure
12 area;

13 (11) A county correctional police officer at all times while in the
14 State of New Jersey, provided the officer annually passes an
15 examination approved by the superintendent testing the officer's
16 proficiency in the handling of firearms.

17 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

18 (1) A law enforcement officer employed by a governmental
19 agency outside of the State of New Jersey while actually engaged in
20 the officer's official duties, provided, however, that the officer has
21 first notified the superintendent or the chief law enforcement officer
22 of the municipality or the prosecutor of the county in which the
23 officer is engaged; or

24 (2) A licensed dealer in firearms and the dealer's registered
25 employees during the course of their normal business while
26 traveling to and from their place of business and other places for the
27 purpose of demonstration, exhibition or delivery in connection with
28 a sale, provided, however, that the weapon is carried in the manner
29 specified in subsection g. of this section.

30 c. Provided a person complies with the requirements of
31 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
32 do not apply to:

33 (1) A special agent of the Division of Taxation who has passed
34 an examination in an approved police training program testing
35 proficiency in the handling of any firearm which the agent may be
36 required to carry, while in the actual performance of the agent's
37 official duties and while going to or from the agent's place of duty,
38 or any other police officer, while in the actual performance of the
39 officer's official duties;

40 (2) A State deputy conservation police officer or a full-time
41 employee of the Division of Parks and Forestry having the power of
42 arrest and authorized to carry weapons, while in the actual
43 performance of the officer's official duties;

44 (3) (Deleted by amendment, P.L.1986, c.150.)

45 (4) A court attendant appointed by the sheriff of the county or
46 by the judge of any municipal court or other court of this State,
47 while in the actual performance of the attendant's official duties;

- 1 (5) A guard employed by any railway express company, banking
2 or building and loan or savings and loan institution of this State,
3 while in the actual performance of the guard's official duties;
- 4 (6) A member of a legally recognized military organization
5 while actually under orders or while going to or from the prescribed
6 place of meeting and carrying the weapons prescribed for drill,
7 exercise or parade;
- 8 (7) A municipal humane law enforcement officer, authorized
9 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
10 14.1), or humane law enforcement officer of a county society for
11 the prevention of cruelty to animals authorized pursuant to
12 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
13 in the actual performance of the officer's duties;
- 14 (8) An employee of a public utilities corporation actually
15 engaged in the transportation of explosives;
- 16 (9) A railway policeman, except a transit police officer of the
17 New Jersey Transit Police Department, at all times while in the
18 State of New Jersey, provided that the person has passed an
19 approved police academy training program consisting of at least
20 280 hours. The training program shall include, but need not be
21 limited to, the handling of firearms, community relations, and
22 juvenile relations;
- 23 (10) A campus police officer appointed under P.L.1970, c.211
24 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
25 a firearm, a campus police officer shall take and successfully
26 complete a firearms training course administered by the Police
27 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
28 seq.), and shall annually qualify in the use of a revolver or similar
29 weapon prior to being permitted to carry a firearm;
- 30 (11) (Deleted by amendment, P.L.2003, c.168).
- 31 (12) A transit police officer of the New Jersey Transit Police
32 Department, at all times while in the State of New Jersey, provided
33 the officer has satisfied the training requirements of the Police
34 Training Commission, pursuant to subsection c. of section 2 of
35 P.L.1989, c.291 (C.27:25-15.1);
- 36 (13) A parole officer employed by the State Parole Board at all
37 times. Prior to being permitted to carry a firearm, a parole officer
38 shall take and successfully complete a basic course for regular
39 police officer training administered by the Police Training
40 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
41 shall annually qualify in the use of a revolver or similar weapon
42 prior to being permitted to carry a firearm;
- 43 (14) A Human Services police officer at all times while in the
44 State of New Jersey, as authorized by the Commissioner of Human
45 Services;
- 46 (15) A person or employee of any person who, pursuant to and as
47 required by a contract with a governmental entity, supervises or
48 transports persons charged with or convicted of an offense;

1 (16) A housing authority police officer appointed under
2 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
3 State of New Jersey; or

4 (17) A probation officer assigned to the "Probation Officer
5 Community Safety Unit" created by section 2 of P.L.2001, c.362
6 (C.2B:10A-2) while in the actual performance of the probation
7 officer's official duties. Prior to being permitted to carry a firearm,
8 a probation officer shall take and successfully complete a basic
9 course for regular police officer training administered by the Police
10 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
11 seq.), and shall annually qualify in the use of a revolver or similar
12 weapon prior to being permitted to carry a firearm.

13 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
14 antique firearms, provided that the antique firearms are unloaded or
15 are being fired for the purposes of exhibition or demonstration at an
16 authorized target range or in another manner approved in writing by
17 the chief law enforcement officer of the municipality in which the
18 exhibition or demonstration is held, or if not held on property under
19 the control of a particular municipality, the superintendent.

20 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
21 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
22 being fired but that is unloaded and immobile, provided that the
23 antique cannon is possessed by (a) a scholastic institution, a
24 museum, a municipality, a county or the State, or (b) a person who
25 obtained a firearms purchaser identification card as specified in
26 N.J.S.2C:58-3.

27 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
28 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
29 being transported by one eligible to possess it, in compliance with
30 regulations the superintendent may promulgate, between its
31 permanent location and place of purchase or repair.

32 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
33 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
34 or fired by one eligible to possess an antique cannon, for purposes
35 of exhibition or demonstration at an authorized target range or in
36 the manner as has been approved in writing by the chief law
37 enforcement officer of the municipality in which the exhibition or
38 demonstration is held, or if not held on property under the control
39 of a particular municipality, the superintendent, provided that
40 performer has given at least 30 days' notice to the superintendent.

41 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
42 N.J.S.2C:39-5 do not apply to the transportation of unloaded
43 antique cannons directly to or from exhibitions or demonstrations
44 authorized under paragraph (4) of subsection d. of this section,
45 provided that the transportation is in compliance with safety
46 regulations the superintendent may promulgate. Those subsections
47 shall not apply to transportation directly to or from exhibitions or
48 demonstrations authorized under the law of another jurisdiction,

1 provided that the superintendent has been given 30 days' notice and
2 that the transportation is in compliance with safety regulations the
3 superintendent may promulgate.

4 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
5 be construed to prevent a person keeping or carrying about the
6 person's place of business, residence, premises or other land owned
7 or possessed by the person, any firearm, or from carrying the same,
8 in the manner specified in subsection g. of this section, from any
9 place of purchase to the person's residence or place of business,
10 between the person's dwelling and place of business, between one
11 place of business or residence and another when moving, or
12 between the person's dwelling or place of business and place where
13 the firearms are repaired, for the purpose of repair. For the
14 purposes of this section, a place of business shall be deemed to be a
15 fixed location.

16 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
17 be construed to prevent:

18 (1) A member of any rifle or pistol club organized in accordance
19 with the rules prescribed by the National Board for the Promotion
20 of Rifle Practice, in going to or from a place of target practice,
21 carrying firearms necessary for target practice, provided that the
22 club has filed a copy of its charter with the superintendent and
23 annually submits a list of its members to the superintendent and
24 provided further that the firearms are carried in the manner
25 specified in subsection g. of this section;

26 (2) A person carrying a firearm or knife in the woods or fields
27 or upon the waters of this State for the purpose of hunting, target
28 practice or fishing, provided that the firearm or knife is legal and
29 appropriate for hunting or fishing purposes in this State and the
30 person has in his possession a valid hunting license, or, with respect
31 to fresh water fishing, a valid fishing license;

32 (3) A person transporting any firearm or knife while traveling:

33 (a) Directly to or from any place for the purpose of hunting or
34 fishing, provided the person has in possession a valid hunting or
35 fishing license; or

36 (b) Directly to or from any target range, or other authorized
37 place for the purpose of practice, match, target, trap or skeet
38 shooting exhibitions, provided in all cases that during the course of
39 the travel all firearms are carried in the manner specified in
40 subsection g. of this section and the person has complied with all
41 the provisions and requirements of Title 23 of the Revised Statutes
42 and any amendments thereto and all rules and regulations
43 promulgated thereunder; or

44 (c) In the case of a firearm, directly to or from any exhibition or
45 display of firearms which is sponsored by any law enforcement
46 agency, any rifle or pistol club, or any firearms collectors club, for
47 the purpose of displaying the firearms to the public or to the
48 members of the organization or club, provided, however, that not

1 less than 30 days prior to the exhibition or display, notice of the
2 exhibition or display shall be given to the Superintendent of the
3 State Police by the sponsoring organization or club, and the sponsor
4 has complied with any reasonable safety regulations the
5 superintendent may promulgate. Any firearms transported pursuant
6 to this section shall be transported in the manner specified in
7 subsection g. of this section;

8 (4) A person from keeping or carrying about a private or
9 commercial aircraft or any boat, or from transporting to or from the
10 aircraft or boat for the purpose of installation or repair of a visual
11 distress signaling device approved by the United States Coast
12 Guard.

13 g. Any weapon being transported under paragraph (2) of
14 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
15 of this section shall be carried unloaded and contained in a closed
16 and fastened case, gunbox, securely tied package, or locked in the
17 trunk of the automobile in which **it is** they are being transported,
18 and in the course of travel shall include only deviations as are
19 reasonably necessary under the circumstances.

20 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
21 to prevent any employee of a public utility, as defined in R.S.48:2-
22 13, doing business in this State or any United States Postal Service
23 employee, while in the actual performance of duties which
24 specifically require regular and frequent visits to private premises,
25 from possessing, carrying or using any device which projects,
26 releases or emits any substance specified as being noninjurious to
27 canines or other animals by the Commissioner of Health and which
28 immobilizes only on a temporary basis and produces only
29 temporary physical discomfort through being vaporized or
30 otherwise dispensed in the air for the sole purpose of repelling
31 canine or other animal attacks.

32 The device shall be used solely to repel only those canine or
33 other animal attacks when the canines or other animals are not
34 restrained in a fashion sufficient to allow the employee to properly
35 perform the employee's duties.

36 Any device used pursuant to this act shall be selected from a list
37 of products, which consist of active and inert ingredients, permitted
38 by the Commissioner of Health.

39 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
40 any person who is 18 years of age or older and who has not been
41 convicted of a crime, from possession for the purpose of personal
42 self-defense of one pocket-sized device which contains and releases
43 not more than three-quarters of an ounce of chemical substance not
44 ordinarily capable of lethal use or of inflicting serious bodily injury,
45 but rather, is intended to produce temporary physical discomfort or
46 disability through being vaporized or otherwise dispensed in the air.
47 Any person in possession of any device in violation of this
48 subsection shall be deemed and adjudged to be a disorderly person,

1 and upon conviction thereof, shall be punished by a fine of not less
2 than \$100.

3 (2) Notwithstanding the provisions of paragraph (1) of this
4 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
5 health inspector or investigator operating pursuant to the provisions
6 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
7 inspector from possessing a device which is capable of releasing
8 more than three-quarters of an ounce of a chemical substance, as
9 described in paragraph (1) of this subsection, while in the actual
10 performance of the inspector's or investigator's duties, provided that
11 the device does not exceed the size of those used by law
12 enforcement.

13 j. A person shall qualify for an exemption from the provisions
14 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
15 section, if the person has satisfactorily completed a firearms
16 training course approved by the Police Training Commission.

17 The exempt person shall not possess or carry a firearm until the
18 person has satisfactorily completed a firearms training course and
19 shall annually qualify in the use of a revolver or similar weapon.
20 For purposes of this subsection, a "firearms training course" means
21 a course of instruction in the safe use, maintenance and storage of
22 firearms which is approved by the Police Training Commission.
23 The commission shall approve a firearms training course if the
24 requirements of the course are substantially equivalent to the
25 requirements for firearms training provided by police training
26 courses which are certified under section 6 of P.L.1961, c.56
27 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
28 or (6) of subsection a. of this section shall be exempt from the
29 requirements of this subsection.

30 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
31 to prevent any financial institution, or any duly authorized
32 personnel of the institution, from possessing, carrying or using for
33 the protection of money or property, any device which projects,
34 releases or emits tear gas or other substances intended to produce
35 temporary physical discomfort or temporary identification.

36 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
37 to prevent a law enforcement officer who retired in good standing,
38 including a retirement because of a disability pursuant to section 6
39 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
40 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
41 substantially similar statute governing the disability retirement of
42 federal law enforcement officers, provided the officer was a
43 regularly employed, full-time law enforcement officer for an
44 aggregate of four or more years prior to the officer's disability
45 retirement and further provided that the disability which constituted
46 the basis for the officer's retirement did not involve a certification
47 that the officer was mentally incapacitated for the performance of
48 the officer's usual law enforcement duties and any other available

1 duty in the department which the officer's employer was willing to
2 assign to the officer or does not subject that retired officer to any of
3 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
4 would disqualify the retired officer from possessing or carrying a
5 firearm, who semi-annually qualifies in the use of the handgun the
6 officer is permitted to carry in accordance with the requirements
7 and procedures established by the Attorney General pursuant to
8 subsection j. of this section and pays the actual costs associated
9 with those semi-annual qualifications, who is 75 years of age or
10 younger, and who was regularly employed as a full-time member of
11 the State Police; a full-time member of an interstate police force; a
12 full-time member of a county or municipal police department in this
13 State; a full-time member of a State law enforcement agency; a full-
14 time sheriff, undersheriff or sheriff's officer of a county of this
15 State; a full-time State or county correctional police officer; a full-
16 time State correctional police officer or county correctional police
17 officer; a full-time State or county park police officer; a full-time
18 arson investigator; a Class Two special law enforcement officer
19 who retired after four years of service; a full-time special agent of
20 the Division of Taxation; a full-time Human Services police officer;
21 a full-time transit police officer of the New Jersey Transit Police
22 Department; a full-time campus police officer exempted pursuant to
23 paragraph (10) of subsection c. of this section; a full-time State
24 conservation police officer exempted pursuant to paragraph (4) of
25 subsection a. of this section; a full-time Palisades Interstate Park
26 officer appointed pursuant to R.S.32:14-21; a full-time Burlington
27 County Bridge police officer appointed pursuant to section 1 of
28 P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police
29 officer exempted pursuant to paragraph (16) of subsection c. of this
30 section; a full-time juvenile correctional police officer exempted
31 pursuant to paragraph (9) of subsection a. of this section; a full-time
32 parole officer exempted pursuant to paragraph (13) of subsection c.
33 of this section; a full-time railway policeman exempted pursuant to
34 paragraph (9) of subsection c. of this section; a full-time county
35 prosecutor's detective or investigator; a full-time federal law
36 enforcement officer; or is a qualified retired law enforcement
37 officer, as used in the federal "Law Enforcement Officers Safety
38 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
39 a handgun in the same manner as law enforcement officers
40 exempted under paragraph (7) of subsection a. of this section under
41 the conditions provided herein:

42 (1) The retired law enforcement officer shall make application
43 in writing to the Superintendent of State Police for approval to carry
44 a handgun for one year. An application for annual renewal shall be
45 submitted in the same manner.

46 (2) Upon receipt of the written application of the retired law
47 enforcement officer, the superintendent shall request a verification
48 of service from the chief law enforcement officer of the

1 organization in which the retired officer was last regularly
2 employed as a full-time law enforcement officer prior to retiring.
3 The verification of service shall include:

- 4 (a) The name and address of the retired officer;
- 5 (b) The date that the retired officer was hired and the date that
6 the officer retired;
- 7 (c) A list of all handguns known to be registered to that officer;
- 8 (d) A statement that, to the reasonable knowledge of the chief
9 law enforcement officer, the retired officer is not subject to any of
10 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 11 (e) A statement that the officer retired in good standing.

12 (3) If the superintendent approves a retired officer's application
13 or reapplication to carry a handgun pursuant to the provisions of
14 this subsection, the superintendent shall notify in writing the chief
15 law enforcement officer of the municipality wherein that retired
16 officer resides. In the event the retired officer resides in a
17 municipality which has no chief law enforcement officer or law
18 enforcement agency, the superintendent shall maintain a record of
19 the approval.

20 (4) The superintendent shall issue to an approved retired officer
21 an identification card permitting the retired officer to carry a
22 handgun pursuant to this subsection. This identification card shall
23 be valid for one year from the date of issuance and shall be valid
24 throughout the State. The identification card shall not be
25 transferable to any other person. The identification card shall be
26 carried at all times on the person of the retired officer while the
27 retired officer is carrying a handgun. The retired officer shall
28 produce the identification card for review on the demand of any law
29 enforcement officer or authority.

30 (5) Any person aggrieved by the denial of the superintendent of
31 approval for a permit to carry a handgun pursuant to this subsection
32 may request a hearing in the Superior Court of New Jersey in the
33 county in which the person resides by filing a written request for a
34 hearing within 30 days of the denial. Copies of the request shall be
35 served upon the superintendent and the county prosecutor. The
36 hearing shall be held within 30 days of the filing of the request, and
37 no formal pleading or filing fee shall be required. Appeals from the
38 determination of the hearing shall be in accordance with law and the
39 rules governing the courts of this State.

40 (6) A judge of the Superior Court may revoke a retired officer's
41 privilege to carry a handgun pursuant to this subsection for good
42 cause shown on the application of any interested person. A person
43 who becomes subject to any of the disabilities set forth in
44 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
45 superintendent, the person's identification card issued under
46 paragraph (4) of this subsection to the chief law enforcement officer
47 of the municipality wherein the person resides or the

1 superintendent, and shall be permanently disqualified to carry a
2 handgun under this subsection.

3 (7) The superintendent may charge a reasonable application fee
4 to retired officers to offset any costs associated with administering
5 the application process set forth in this subsection.

6 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
7 to prevent duly authorized personnel of the New Jersey Division of
8 Fish and Wildlife, while in the actual performance of duties, from
9 possessing, transporting or using any device that projects, releases
10 or emits any substance specified as being non-injurious to wildlife
11 by the Director of the Division of Animal Health in the Department
12 of Agriculture, and which may immobilize wildlife and produces
13 only temporary physical discomfort through being vaporized or
14 otherwise dispensed in the air for the purpose of repelling bear or
15 other animal attacks or for the aversive conditioning of wildlife.

16 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
17 be construed to prevent duly authorized personnel of the New
18 Jersey Division of Fish and Wildlife, while in the actual
19 performance of duties, from possessing, transporting or using hand
20 held pistol-like devices, rifles or shotguns that launch pyrotechnic
21 missiles for the sole purpose of frightening, hazing or aversive
22 conditioning of nuisance or depredating wildlife; from possessing,
23 transporting or using rifles, pistols or similar devices for the sole
24 purpose of chemically immobilizing wild or non-domestic animals;
25 or, provided the duly authorized person complies with the
26 requirements of subsection j. of this section, from possessing,
27 transporting or using rifles or shotguns, upon completion of a Police
28 Training Commission approved training course, in order to dispatch
29 injured or dangerous animals or for non-lethal use for the purpose
30 of frightening, hazing or aversive conditioning of nuisance or
31 depredating wildlife.

32 (cf: P.L.2019, c.407, s.2)

33

34 5. N.J.S.2C:52-32 is amended to read as follows:

35 2C:52-32. This chapter shall be construed with the primary
36 objective of providing relief to the reformed offender who has led a
37 life of rectitude and disassociated himself with unlawful activity, but
38 not to create a system whereby persistent violators of the law or those
39 who associate themselves with continuing criminal activity have a
40 regular means of expunging their police and criminal records. This
41 chapter shall not be construed to limit the expungement of criminal
42 records of a law enforcement officer or Class Two special law
43 enforcement officer acting in the course of official duties. Unless a law
44 enforcement officer or Class Two special law enforcement officer is
45 convicted of a criminal offense for an action that occurred while in the
46 performance of his law enforcement duties, all criminal records and
47 reports relating to the arrest and subsequent investigation of that

1 officer pertaining to that action shall be automatically expunged.
2 (cf: P.L.2015, c.261, s.9)

3

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

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

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

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

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

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

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

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

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

31 (7) at the time of appointment, undergoes drug testing for
32 controlled dangerous substances or controlled dangerous substance
33 analogs; and

34 (8) is between 21 and 75 years of age.

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

39 d. **【No】** A person shall not be appointed to serve as a special
40 law enforcement officer in more than one local unit at the same
41 time, **【nor shall】** and any permanent, regularly appointed full-time
42 police officer of any local unit shall not be appointed as a special
43 law enforcement officer in any local unit. **【No】** A public official
44 with responsibility for setting law enforcement policy or exercising
45 authority over the budget of the local unit or supervision of the
46 police department of a local unit shall not be appointed as a special
47 law enforcement officer.

1 e. Before any special law enforcement officer is appointed
2 pursuant to this act, the chief of police, or, in the absence of the
3 chief, other chief law enforcement officer of the local unit shall
4 ascertain the eligibility and qualifications of the applicant and
5 report these determinations in writing to the appointing authority.

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

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

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

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

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

33 (4) possesses a New Jersey Police Training Commission Basic
34 Police Officer Certification, New Jersey State Police Academy
35 Certification, or other proof of basic police training approved by the
36 Police Training Commission;

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

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

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

43 (cf: P.L.2019, c.51, s.2)

44
45 7. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended
46 to read as follows:

47 4. a. A person shall not commence the duties of a special law
48 enforcement officer unless the person has successfully completed a

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

14 (1) Class One. Officers of this class shall be authorized to
15 perform routine traffic detail, spectator control, and similar duties.
16 If authorized by ordinance or resolution, as appropriate, Class One
17 officers shall have the power to issue summonses for disorderly
18 persons and petty disorderly persons offenses, violations of
19 municipal ordinances, and violations of Title 39 of the Revised
20 Statutes. The use of a firearm by an officer of this class shall be
21 strictly prohibited and a Class One officer shall not be assigned any
22 duties which may require the carrying or use of a firearm.

23 (2) Class Two. Officers of this class shall be authorized to
24 exercise at all times the same full powers and duties [similar to
25 those of] as a permanent, regularly appointed full-time police
26 officer. The use of a firearm by an officer of this class may be
27 authorized only after the officer has been fully certified as
28 successfully completing training as prescribed by the commission.

29 (3) Class Three. Officers of this class shall be authorized to
30 exercise full powers and duties similar to those of a permanent,
31 regularly appointed full-time police officer while providing security
32 at a public or nonpublic school or a county college on the school or
33 college premises during hours when the public or nonpublic school
34 or county college is normally in session or when it is occupied by
35 public or nonpublic school or county college students or their
36 teachers or professors. While on duty in the jurisdiction of
37 employment, an officer may respond to offenses or emergencies off
38 school or college grounds if they occur in the officer's presence
39 while traveling to a school facility or county college, but an officer
40 shall not otherwise be dispatched or dedicated to any assignment off
41 school or college property.

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

1 b. The commission may, in its discretion, except from the
2 requirements of this section any person who demonstrates to the
3 commission's satisfaction that the person has successfully
4 completed a police training course conducted by any federal, state
5 or other public or private agency, the requirements of which are
6 substantially equivalent to the requirements of this act.

7 c. The commission shall certify officers who have satisfactorily
8 completed training programs and issue appropriate certificates to
9 those officers. The certificate shall clearly state the category of
10 certification for which the officer has been certified by the
11 commission.

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

16 e. All Class Two special law enforcement officer shall have the
17 same immunity from civil liability accorded to permanent, regularly
18 appointed full-time police officers.

19 f. Any Class Two special law enforcement officer may be
20 assigned to work as security in a polling place on the day of an
21 election to ensure that qualified voters are not obstructed from
22 voting.

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

24
25 8. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended
26 to read as follows:

27 7. a. Special law enforcement officers may be appointed for
28 terms not to exceed one year, and the appointments may be revoked
29 by the local unit for cause after adequate hearing, unless the
30 appointment is for four months or less, in which event the
31 appointment may be revoked without cause or hearing. Nothing
32 herein shall be construed to require reappointment upon the
33 expiration of the term. The special law enforcement officers so
34 appointed shall not be members of the police force of the local unit,
35 and their powers and duties as determined pursuant to this act shall
36 cease at the expiration of the term for which they were appointed.

37 b. A special law enforcement officer shall not carry a firearm
38 **【except】** while engaged in the actual performance of the officer's
39 official duties and **【when specifically authorized by the chief of**
40 **police, or, in the absence of the chief, other chief law enforcement**
41 **officer of the local unit to carry a firearm and】** at all times while in
42 the State of New Jersey provided that the officer has satisfactorily
43 completed the basic firearms course required by the commission for
44 regular police officers and annual requalification examinations as
45 required for permanent, regularly appointed full-time officers in the
46 local unit.

47 A special law enforcement officer shall be deemed to be on duty
48 only while the officer is performing the public safety functions on

1 behalf of the local unit pursuant to this act and when the officer is
2 receiving compensation, if any, from the local unit at the rates or
3 stipends as shall be established by ordinance. A special law
4 enforcement officer shall not be deemed to be on duty for purposes
5 of this act while performing private security duties for private
6 employers, which duties are not assigned by the chief of police, or,
7 in the absence of the chief, other chief law enforcement officer of
8 the local unit, or while receiving compensation for those duties
9 from a private employer. A special law enforcement officer may,
10 however, be assigned by the chief of police or, in the absence of the
11 chief, other chief law enforcement officer, to perform public safety
12 functions for a private entity if the chief of police or other chief law
13 enforcement officer supervises the performance of the public safety
14 functions. If the chief of police or other chief law enforcement
15 officer assigns the public safety duties and supervises the
16 performance of those duties, then, notwithstanding that the local
17 unit is reimbursed for the cost of assigning a special law
18 enforcement officer at a private entity, the special law enforcement
19 officer shall be deemed to be on duty.

20 The reimbursement for the duties of a special law enforcement
21 officer, which is made to a municipality with a population in excess
22 of 300,000, according to the 1980 federal decennial census, may be
23 by direct payments from the employer to the special law
24 enforcement officer, provided that records of the hours worked are
25 forwarded to and maintained by the chief of police or other chief
26 law enforcement officer responsible for assigning the special law
27 enforcement officer those public safety duties.

28 **【**Any firearm utilized by a special law enforcement officer shall
29 be returned at the end of the officer's workday to the officer in
30 charge of the station house, unless the firearm is owned by the
31 special law enforcement officer and was acquired in compliance
32 with a condition of employment established by the local unit. Any
33 special law enforcement officer first appointed after the effective
34 date of this act shall only use a firearm supplied by the local unit. A
35 special law enforcement officer shall not carry a revolver or other
36 similar weapon when off duty; but if any special law enforcement
37 officer appointed by the governing body of any municipality having
38 a population in excess of 300,000, according to the 1980 federal
39 census, who is a resident of the municipality and is employed as a
40 special law enforcement officer at least 35 hours per week, or less
41 at the discretion of the chief of police and mayor, shall, at the
42 direction of the chief of police, have taken and successfully
43 completed a firearms training course administered by the Police
44 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
45 seq.), and has successfully completed within three years of the
46 effective date of P.L.1985, c.45 or three years of the date of
47 appointment of the special law enforcement officer, whichever is
48 later, 280 hours of training in arrest, search and seizure, criminal

1 law, and the use of deadly force, and shall annually qualify in the
2 use of a revolver or similar weapon, the special law enforcement
3 officer shall be permitted to carry a revolver or other similar
4 weapon when off duty within the municipality where the officer is
5 employed. Specific authorization shall be in the form of a permit
6 which shall not be unreasonably withheld, which is subject to
7 renewal annually and may be revoked at any time by the chief of
8 police. The permit shall be on the person of the special law
9 enforcement officer whenever a revolver or other similar weapon is
10 carried off duty. A permit shall not be issued until the special law
11 enforcement officer has successfully completed all training courses
12 required under this section. Any training courses completed by a
13 special law enforcement officer under the direction of the chief of
14 police in a school and a curriculum approved by the Police Training
15 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),
16 shall be credited towards the 280 hours of training required to be
17 completed by this section. Any training required by this section
18 shall commence within 90 days of the effective date of P.L.1985,
19 c.45 or within 90 days of the date of the appointment of the special
20 law enforcement officer, whichever is later.】

21 c. A special law enforcement officer shall be under the
22 supervision and direction of the chief of police or, in the absence of
23 the chief, other chief law enforcement officer of the local unit
24 wherein the officer is appointed, and shall perform the officer's
25 duties only in the local unit except when in fresh pursuit of any
26 person pursuant to chapter 156 of Title 2A of the New Jersey
27 Statutes or when authorized to perform duties in another unit
28 pursuant to a mutual aid agreement enacted in accordance with
29 section 1 of P.L.1976, c.45 (C.40A:14-156.1).

30 d. The officer shall comply with the rules and regulations
31 applicable to the conduct and decorum of the permanent, regularly
32 appointed police officers of the local unit, as well as any rules and
33 regulations applicable to the conduct and decorum of special law
34 enforcement officers.

35 e. Notwithstanding any provision of P.L.1985, c.439
36 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement
37 officer may travel through another local unit to reach a
38 noncontiguous area of the local unit in which the officer's
39 appointment was issued or to transport persons to and from a
40 correctional facility.

41 (cf: P.L.2016, c.68, s.3)

42

43 9. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended
44 to read as follows:

45 9. a. Except as provided in subsection c. of this section, a
46 special law enforcement officer shall not be employed for more than
47 20 hours per week by the local unit except that special law
48 enforcement officers may be employed by the local unit for those

1 hours as the governing body may determine necessary in
2 accordance with the limits prescribed below:

3 (1) In resort municipalities not to exceed 48 hours per week
4 during any seasonal period.

5 (2) In all municipalities or counties without limitation as to
6 hours during periods of emergency.

7 (3) In all municipalities or counties in addition to not more than
8 20 hours per week including duties assigned pursuant to the
9 provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a
10 special law enforcement officer may be assigned for not more than
11 20 hours per week to provide public safety and law enforcement
12 services to a public entity.

13 (4) In municipalities or counties, as provided in subsection b. of
14 section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be
15 determined at the discretion of the director of the municipal or
16 county police force.

17 (5) A Class Three special law enforcement officer in all
18 municipalities without limitation.

19 b. Notwithstanding any provision of P.L.1985, c.439
20 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement
21 officers may be employed only to assist the local law enforcement
22 unit but may not be employed to replace or substitute for full-time,
23 regular police officers or in any way diminish the number of full-
24 time officers employed by the local unit or a school or county
25 college. A Class Three special law enforcement officer may be
26 employed only to assist the local law enforcement unit with security
27 duties and shall not supplant a law enforcement officer employed
28 pursuant to the provisions of N.J.S.18A:17-43 or a safe schools
29 resource officer employed pursuant to the provisions of section 3 of
30 P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law
31 enforcement officer shall not be assigned to an extra-curricular or
32 after-school function at a school or county college unless the
33 assignment has first been made available to full-time members
34 employed by the local unit or school or county college.

35 c. Each municipality or county may designate one special law
36 enforcement officer to whom the limitations on hours employed set
37 forth in subsection a. of this section shall not be applicable.

38 d. A Class Three special law enforcement officer appointed
39 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et
40 seq.) shall not, based on this appointment, be eligible for health care
41 benefits or enrollment in any State-administered retirement system.

42 e. Notwithstanding the provisions of subsection a. of this
43 section, a special law enforcement officer shall not be employed for
44 more than 20 hours per week by the local unit unless the governing
45 body of the county or municipality in which the special law
46 enforcement officer is employed has purchased from an insurance
47 company authorized to do business in this State liability insurance

1 for acts or omissions committed by special law enforcement officers
2 acting in the course of their official duties.

3 (cf: P.L.2019, c.51, s.3)

4
5 10. (New section) The governing body of a county or
6 municipality shall give a leave of absence with pay to Class Two
7 special law enforcement officers to attend any State or national
8 convention of the Special Police Organization. A certificate of
9 attendance to the State convention shall, upon request, be submitted
10 to a supervising officer by a Class Two special law enforcement
11 officer attending the convention. Leave of absence shall be for a
12 period inclusive of the duration of the convention with a reasonable
13 time allowed for time to travel to and from the convention.

14
15 11. (New section) a. As used in this section:

16 “Disciplinary action” means any adverse personnel action,
17 including suspension, reduction in pay, rank or other employment
18 benefit, dismissal, transfer, reassignment, unreasonable denial of
19 secondary employment or similar punitive action taken against a law
20 enforcement officer or Class Two special law enforcement officer.

21 “Disciplinary hearing” means an administrative hearing initiated by
22 the department against a law enforcement officer or Class Two special
23 law enforcement officer, based on an alleged violation of law or
24 department, commission, or agency rule or regulation that, if proven,
25 would subject the law enforcement officer or Class Two special law
26 enforcement officer to disciplinary action.

27 "Investigation" means an action taken by the employing
28 department, commission, or agency to determine whether a law
29 enforcement officer or Class Two special law enforcement officer
30 violated any law or department, commission, or agency rule or
31 regulation and includes: (1) questioning any other State law
32 enforcement officer or person; (2) conducting observations; (3)
33 reviewing and evaluating reports, records, or other documents; and (4)
34 examining physical evidence.

35 b. An employing department, commission, or agency may dismiss
36 a complaint filed by a private citizen or an inmate against a law
37 enforcement officer or Class Two special law enforcement officer
38 without full investigation if:

39 (1) the department, commission, or agency determines that the
40 complaint does not constitute a violation of law or departmental,
41 commission, or agency rule or regulation; or

42 (2) the complainant failed to substantially comply with the
43 complaint procedure prescribed by the department, commission, or
44 agency employing the officer.

45
46 12. This act shall take effect immediately.

STATEMENT

This bill establishes certain benefits for Class Two special law enforcement officers. Under current law, Class Two special law enforcement officers only have full police powers while on duty and are required to return their firearms to the officer in charge of their station at the end of each workday.

This bill authorizes all Class Two special law enforcement officers who successfully complete the statutorily required training programs to exercise full police power and carry their firearms at all times when in this State. The bill also allows arson investigators to carry a firearm at all times while in this State.

In addition, the bill establishes new requirements for Class One and Class Two special law enforcement officers. Specifically, the bill requires all special law enforcement officers to be between 21 and 75 years of age and to submit to a drug test at the time of appointment. The bill also waives the training requirements to become a Class Two special law enforcement officer for persons who previously served as a full-time corrections officer, sheriff's officer, or law enforcement officer.

This bill also clarifies that Class Two special law enforcement officers are granted the same protections as all law enforcement officers. Under current law, a simple assault is upgraded to an aggravated assault if committed against a law enforcement officer while clearly identifiable as being engaged in official duties or due to law enforcement status. Current law also makes it a fourth degree crime to impersonate a law enforcement officer and a second degree crime to knowingly take or attempt to exercise unlawful control over a law enforcement officer's firearm. This bill clarifies that the same penalties for the crimes of assaulting, impersonating, or disarming a law enforcement officer apply if committed against a Class Two special law enforcement officer. The bill also specifically extends to Class Two special law enforcement officers the same immunity from civil liability granted to regular full-time law enforcement officers.

Under the bill, Class Two special law enforcement officers would be permitted to act as security at polling place on the day of an election to ensure that qualified voters are not obstructed from voting. The bill authorizes the automatic expungement of criminal charges that are filed against any law enforcement officer, including any Class Two special law enforcement officer, in the course of official duties if the officer is found not guilty. Class Two special law enforcement officers also would be entitled to paid leave to attend any State or national convention of the Special Police Organization. Under current law, paid leave is only granted to members of an organization affiliated with the New Jersey Policemen's Benevolent Association, Inc., the Fraternal Order of Police, the Firemen's

1 Mutual Benevolent Association or the Professional Fire Fighters
2 Association.

3 Currently, special law enforcement officers are prohibited from
4 working more than 20 hours per week except: 1) during periods of
5 emergency, 2) in resort municipalities, 3) or to provide public safety
6 and law enforcement services to a public entity. This bill requires
7 counties and municipalities in which special law enforcement
8 officers work more than 20 hours per week to purchase liability
9 insurance for acts or omissions committed by special law
10 enforcement officers acting in the course of their official duties.

11 The bill also allows a department, commission, or agency to
12 dismiss a complaint filed by a private citizen or an inmate against a
13 regularly appointed, full-time law enforcement officer or Class Two
14 special law enforcement officer without full investigation if it
15 determines that the complaint does not constitute a violation of law
16 or departmental rule or regulation. A complaint filed by a private
17 citizen or an inmate also may be dismissed if the complainant failed
18 to substantially comply with the complaint procedure prescribed by
19 the employing department.

20 Finally, the bill expands the list of retired law enforcement
21 officers who are eligible to receive a permit to carry a handgun to
22 include retired arson investigators and Class Two special law
23 enforcement officers who retire after four years of service. Under
24 current law, certain retired law enforcement officers may annually
25 apply for a permit to carry a handgun, until those officers reach age
26 75, at which time they are no longer eligible. The permit allows a
27 retired law enforcement officer to carry a handgun at all times.
28 Under this bill, retired arson investigators and Class Two special
29 law enforcement officers who retire after four years of service
30 would be eligible to receive a carry permit.