

[Second Reprint]

SENATE, No. 2767

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

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**Senators Pou, Turner, Greenstein, Assemblywoman Murphy,
Assemblyman Tully and Assemblywoman Swain**

SYNOPSIS

Establishes database to aid in civil service hiring process for certain law enforcement officers; requires Statewide diversity analysis of law enforcement.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 21, 2021.

(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT establishing an ²**[oversight]**² database to aid in the civil
 2 service hiring process for ²certain² law enforcement officers and
 3 requiring a Statewide diversity analysis of law enforcement, and
 4 supplementing Title 11A of the New Jersey Statutes.

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

8
 9 1. a. The Civil Service Commission shall oversee ²and manage²
 10 the development and maintenance of a database, which shall collect
 11 and track the background information received from a law
 12 enforcement agency of the State, or a political subdivision of the State
 13 that has adopted the provisions of Title 11A of the New Jersey
 14 Statutes, regarding candidates for the position of ²entry-level² law
 15 enforcement officer ²in any county or municipal police department.
 16 All such law enforcement agencies shall participate and provide to the
 17 commission any requested information².

18 b. The database shall be considered confidential and shall be used
 19 only by the commission and participating law enforcement agencies
 20 across the State. The database shall not be subject to public access,
 21 inspection, or copying pursuant to P.L.1963, c.73 (C.47:1A-1 et
 22 seq.)¹**[**, or the common law concerning access to public records]¹.

23 c. (1) The information maintained in the database shall be
 24 determined by the commission, in consultation with various national
 25 and State law enforcement organizations, and shall include:

26 (a) all background information received from all candidates; and
 27 (b) threshold decisions made for selection or disqualification of
 28 candidates by law enforcement agencies.

29 (2) The information maintained in the database shall exclude
 30 personal identifying information of candidates to prevent
 31 compromising personal privacy and security and to ensure a non-
 32 biased selection process.

33 d. The commission, in consultation with various national and State
 34 law enforcement organizations, shall develop universal guidelines and
 35 best practices for background investigations relating to threshold
 36 decisions for removal from the candidate list. The guidelines and best
 37 practices shall include training for background investigations to better
 38 understand the challenges underrepresented groups disproportionately
 39 face to prevent a failure to adequately account for such challenges
 40 during the selection or disqualification process.

41 e. The commission, in consultation with various national and State
 42 law enforcement organizations, ²local appointing authorities, and
 43 applicable employee collective negotiations agents,² shall establish a
 44 universal background application to be utilized in the hiring process

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted August 27, 2020.

²Assembly floor amendments adopted June 21, 2021.

1 for police officers by all law enforcement agencies. The universal
2 application shall be used to provide the information contained in the
3 database established pursuant to subsection a. of this section.

4 f. The Chair of the Civil Service Commission may adopt rules and
5 regulations to effectuate the provisions of P.L. , c. (C.)(pending
6 before the Legislature as this bill). The rules and regulations shall be
7 effective immediately upon filing with the Office of Administrative
8 Law for a period not to exceed 18 months, and may, thereafter, be
9 amended, adopted or readopted in accordance with the provisions of
10 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
11 seq.).

12 g. As used in this section:

13 ²"Law enforcement agency" means and includes any county or
14 municipal police department.²

15 "National and State law enforcement organizations" means
16 organizations such as the National Organization of Black Law
17 Enforcement Executives (NOBLE), the New Jersey chapter of
18 NOBLE, and the Hispanic American Law Enforcement Association.

19 "Personal identifying information" means information that may be
20 used, alone or in conjunction with any other information, to identify a
21 specific individual and includes, but is not limited to, the name,
22 address, e-mail address, social media address, telephone number, fax
23 number, date of birth, social security number, driver's license number,
24 official State issued identification number, employer or taxpayer
25 number, place of employment, telephone number of employment,
26 employee identification number, school address, school phone number,
27 student identification number, mother's maiden name, unique
28 biometric data, such as fingerprint, voice print, retina, or iris image, or
29 other unique physical representation, unique electronic identification
30 number, medical diagnoses, treatments, or other medical information
31 concerning an identifiable person.

32

33 2. Timely notifications of candidate status and certification
34 notifications shall be disseminated by the Civil Service Commission
35 electronically via ²mail,² e-mail or text message, dependent on the
36 candidate's preferred option, to be indicated on the universal
37 application established pursuant to subsection e. of section 1 of P.L. ,
38 c. (C.)(pending before the Legislature as this bill). Responses
39 from candidates to certification notifications shall be submitted
40 electronically to the commission via e-mail ²or by mail². Status
41 notifications and certifications from the commission and responses
42 from candidates shall be accurately logged and received in the
43 database established pursuant to subsection a. of section 1 of P.L. , c.
44 (C.)(pending before the Legislature as this bill).

45

46 3. a. The ²**[Division of Equal Employment Opportunity and**
47 **Affirmative Action in the]**² Civil Service Commission, in consultation

1 with various national and State law enforcement agencies, as defined
2 in section 1 of P.L. , c. (C.)(pending before the Legislature as this
3 bill), shall conduct ², or select a qualified vendor to conduct,² a
4 Statewide diversity analysis of the ethnic and racial make-up of all law
5 enforcement agencies in the State.

6 ²All law enforcement agencies in this State shall participate and
7 provide to the commission any requested information, whether or not
8 the agency operates pursuant to the provisions of Title 11A of the New
9 Jersey Statutes.²

10 b. The ²**[division]** commission² shall prepare and submit a
11 written report within one year of ²**[the effective date of this act,]**
12 completion of the study² to the Governor and, pursuant to section 2 of
13 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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15 4. This act shall take effect immediately.