

SENATE, No. 3035

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

Prohibits law enforcement agencies from hiring officer applicants removed from office by former agency for police misconduct.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning police misconduct and amending P.L.2020,
2 c.52.

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

6
7 1. Section 1 of P.L.2020, c.52 (C.52:17B-247) is amended to
8 read as follows:

9 1. a. As used in this act, "law enforcement agency" means a
10 State, interstate, municipal, or county law enforcement agency; a
11 law enforcement agency of an educational institution that appoints
12 law enforcement officers pursuant to P.L.1970, c.211 (C.18A:6-4.2
13 et seq.); or any other department, division, bureau, commission,
14 board, or other authority of this State or political subdivision
15 thereof which employs law enforcement officers.

16 b. Prior to appointing an applicant who was previously
17 employed by another law enforcement agency in this State, every
18 law enforcement agency shall request the files, including but not
19 limited to internal affairs and personnel files, of the applicant from
20 each law enforcement agency that employed the applicant. Any
21 confidential internal affairs files received by the law enforcement
22 agency that requested them shall remain confidential and shall not
23 be disclosed to any other party.

24 c. Every law enforcement agency that receives a request
25 pursuant to subsection b. of this section shall provide the applicant's
26 files to the law enforcement agency that requested them.

27 d. Any provision of a contract entered into following the
28 effective date of this act that would prohibit a law enforcement
29 agency from providing files, including but not limited to internal
30 affairs and personnel files, to another law enforcement agency
31 pursuant to this section shall be deemed against public policy and
32 unenforceable.

33 e. The Attorney General shall issue or amend guidelines or
34 directives necessary to effectuate the provisions of this **[act]**
35 section.

36 f. A law enforcement agency in this State shall not appoint an
37 applicant as a law enforcement officer if another law enforcement
38 agency removed that applicant from office, employment, or position
39 for misconduct or willful disobedience of rules and regulations
40 established for the government of that law enforcement agency.

41 (cf: P.L.2020, c.52, s.1)

42
43 2. This act shall take effect immediately.

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.

STATEMENT

This bill prohibits law enforcement agencies in this State from appointing applicants to police officer positions if the applicant had previously been terminated by another agency for police misconduct or violation of the agency's rules.

Recently enacted P.L.2020, c.52 (C.52:17B-247) requires law enforcement agencies, prior to appointing an applicant who was previously employed by another law enforcement agency in this State, to request the applicant's file from each law enforcement agency that employed the applicant. These files include internal affairs and personnel files. A law enforcement agency that receives a request for a former officer's files is required to forward them to the requesting agency.

This bill expands P.L.2020, c.52 (C.52:17B-247) to specifically prohibit law enforcement agencies from appointing any applicant as a law enforcement officer if another law enforcement agency removed that applicant from office, employment, or position for misconduct or willful disobedience of rules and regulations established for the government of that law enforcement agency.