

SENATE, No. 3863

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Removes requirement that certain special law enforcement officers turn in firearm at end of shift.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning special law enforcement officers and amending
2 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 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended
8 to read as follows:

9 7. a. Special law enforcement officers may be appointed for
10 terms not to exceed one year, and the appointments may be revoked
11 by the local unit for cause after adequate hearing, unless the
12 appointment is for four months or less, in which event the
13 appointment may be revoked without cause or hearing. Nothing
14 herein shall be construed to require reappointment upon the
15 expiration of the term. The special law enforcement officers so
16 appointed shall not be members of the police force of the local unit,
17 and their powers and duties as determined pursuant to this act shall
18 cease at the expiration of the term for which they were appointed.

19 b. A special law enforcement officer shall not carry a firearm
20 except while engaged in the actual performance of the officer's
21 official duties and when specifically authorized by the chief of
22 police, or, in the absence of the chief, other chief law enforcement
23 officer of the local unit to carry a firearm and provided that the
24 officer has satisfactorily completed the basic firearms course
25 required by the commission for regular police officers and annual
26 requalification examinations as required for permanent, regularly
27 appointed full-time officers in the local unit.

28 A special law enforcement officer shall be deemed to be on duty
29 only while the officer is performing the public safety functions on
30 behalf of the local unit pursuant to this act and when the officer is
31 receiving compensation, if any, from the local unit at the rates or
32 stipends as shall be established by ordinance. A special law
33 enforcement officer shall not be deemed to be on duty for purposes
34 of this act while performing private security duties for private
35 employers, which duties are not assigned by the chief of police, or,
36 in the absence of the chief, other chief law enforcement officer of
37 the local unit, or while receiving compensation for those duties
38 from a private employer. A special law enforcement officer may,
39 however, be assigned by the chief of police or, in the absence of the
40 chief, other chief law enforcement officer, to perform public safety
41 functions for a private entity if the chief of police or other chief law
42 enforcement officer supervises the performance of the public safety
43 functions. If the chief of police or other chief law enforcement
44 officer assigns the public safety duties and supervises the
45 performance of those duties, then, notwithstanding that the local

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 unit is reimbursed for the cost of assigning a special law
2 enforcement officer at a private entity, the special law enforcement
3 officer shall be deemed to be on duty.

4 The reimbursement for the duties of a special law enforcement
5 officer, which is made to a municipality with a population in excess
6 of 300,000, according to the 1980 federal decennial census, may be
7 by direct payments from the employer to the special law
8 enforcement officer, provided that records of the hours worked are
9 forwarded to and maintained by the chief of police or other chief
10 law enforcement officer responsible for assigning the special law
11 enforcement officer those public safety duties.

12 **【Any firearm utilized by a special law enforcement officer shall**
13 **be returned at the end of the officer's workday to the officer in**
14 **charge of the station house, unless the firearm is owned by the**
15 **special law enforcement officer and was acquired in compliance**
16 **with a condition of employment established by the local unit.】** Any
17 special law enforcement officer first appointed after the effective
18 date of this act shall only use a firearm supplied by the local unit. A
19 special law enforcement officer shall not carry a revolver or other
20 similar weapon when off duty; but if any special law enforcement
21 officer appointed by the governing body of any municipality having
22 a population in excess of 300,000, according to the 1980 federal
23 census, or by the county sheriff pursuant to the provisions of section
24 1 of P.L.2013, c.21 (C.40A:9-117b), who is a resident of the
25 municipality or county and is employed as a special law
26 enforcement officer at least 35 hours per week, or less at the
27 discretion of the chief of police and mayor or county sheriff, shall,
28 at the direction of the chief of police or county sheriff, have taken
29 and successfully completed a firearms training course administered
30 by the Police Training Commission, pursuant to P.L.1961, c.56
31 (C.52:17B-66 et seq.), and has successfully completed within three
32 years of the effective date of P.L.1985, c.45 or three years of the
33 date of appointment of the special law enforcement officer,
34 whichever is later, 280 hours of training in arrest, search and
35 seizure, criminal law, and the use of deadly force, and shall
36 annually qualify in the use of a revolver or similar weapon, the
37 special law enforcement officer shall be permitted to carry a
38 revolver or other similar weapon when off duty within the
39 municipality or county where the officer is employed. Specific
40 authorization shall be in the form of a permit which shall not be
41 unreasonably withheld, which is subject to renewal annually and
42 may be revoked at any time by the chief of police or county sheriff.
43 The permit shall be on the person of the special law enforcement
44 officer whenever a revolver or other similar weapon is carried off
45 duty. A permit shall not be issued until the special law enforcement
46 officer has successfully completed all training courses required
47 under this section. Any training courses completed by a special law
48 enforcement officer under the direction of the chief of police or

1 county sheriff in a school and a curriculum approved by the Police
2 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
3 seq.), shall be credited towards the 280 hours of training required to
4 be completed by this section. Any training required by this section
5 shall commence within 90 days of the effective date of P.L.1985,
6 c.45 or within 90 days of the date of the appointment of the special
7 law enforcement officer, whichever is later.

8 c. A special law enforcement officer shall be under the
9 supervision and direction of the chief of police or, in the absence of
10 the chief, other chief law enforcement officer of the local unit
11 wherein the officer is appointed, or the county sheriff when
12 appointed pursuant to the provisions of section 1 of P.L.2013, c.21
13 (C.40A:9-117b), and shall perform the officer's duties only in the
14 local unit except when in fresh pursuit of any person pursuant to
15 chapter 156 of Title 2A of the New Jersey Statutes or when
16 authorized to perform duties in another unit pursuant to a mutual
17 aid agreement enacted in accordance with section 1 of P.L.1976,
18 c.45 (C.40A:14-156.1).

19 d. The officer shall comply with the rules and regulations
20 applicable to the conduct and decorum of the permanent, regularly
21 appointed police officers of the local unit, as well as any rules and
22 regulations applicable to the conduct and decorum of special law
23 enforcement officers.

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

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

31
32 2. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill removes the requirement that Class Two and Class
38 Three special law enforcement officers turn in their firearms at the
39 end of their shift.

40 Current law authorizes Class Two and Class Three special law
41 enforcement officers to carry a firearm while on duty. These
42 officers generally are required to return the firearm at the end of the
43 officer's workday to the officer who is in charge of the station
44 house. These officers would no longer be subject to this
45 requirement under the bill.

46 The bill also conforms current law to the provisions of P.L.2013,
47 c.21 that authorizes county sheriffs to appoint special law
48 enforcement officers to perform court security duties.

1 This bill does not alter current statutory law concerning these
2 officers' right to carry a weapon. Class Two officers generally are
3 prohibited from carrying off duty. Class Three retired police
4 officers who are approved by the State Police have the right to carry
5 a weapon while off duty.

6 Special law enforcement officers are police officers appointed
7 temporarily or intermittently to perform duties similar to those
8 performed regularly by members of a municipal police force or to
9 perform county court security duties. They also are authorized to
10 provide assistance to a police force during unusual or emergency
11 circumstances or at individual times or during regular seasonal
12 periods in resort municipalities. Class Two officers are authorized
13 to exercise full powers and duties similar to those of permanent,
14 regularly appointed full-time police officers. Class Three officers
15 are retired law enforcement officers who provide security in this
16 State's public and nonpublic schools and county colleges.

17 According to the sponsor, it is both inconvenient and inefficient
18 for Class Two and Class Three special law enforcement officers to
19 turn in their weapons after every shift. These officers are statutorily
20 authorized to enforce the laws of this State and, as such, should be
21 considered capable of safely and reliably transporting their weapons
22 back and forth to work.