

**SENATE, No. 2983**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 11, 2015

**Sponsored by:**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Bateman, Singer, Doherty, Sacco, Thompson, T.Kean,  
Pennacchio, Stack and Cunningham**

**SYNOPSIS**

Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/18/2015)**

1 AN ACT concerning school security and amending P.L.1985, c.439.

2

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

5

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

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

14 b. **[No]** A person **[may]** shall not be appointed as a special  
15 law enforcement officer unless the person:

16 (1) Is a resident of this State during the term of appointment;

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

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

20 (4) Is of good moral character;

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

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

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

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

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

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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

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

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

16 (1) is a retired law enforcement officer who is less than 65 years  
17 of age;

18 (2) had served as a duly qualified, fully-trained, full-time officer  
19 in any municipality or county of this State and was separated from  
20 that prior service in good standing, within three years of  
21 appointment, except during the first year following the effective  
22 date of P.L. c. (pending before the Legislature as this bill),  
23 was separated from that prior service within five years of  
24 appointment; and

25 (3) is physically capable of performing the functions of the  
26 position.

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

29 (cf: P.L.2013, c.21, s.3)

30

31 2. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended  
32 to read as follows:

33 4. a. **[No]** A person [may] shall not commence his duties as a  
34 special law enforcement officer unless **[he]** the person has  
35 successfully completed a training course approved by the  
36 commission and **[no]** a special law enforcement officer [may]  
37 shall not be issued a firearm unless **[he]** the officer has successfully  
38 completed the basic firearms course approved by the commission  
39 for permanent, regularly appointed police and annual requalification  
40 examinations as required by subsection b. of section 7 of **[this act]**  
41 P.L.1985, c.439 (C.40A:14-146.14). There shall be **[two]** three  
42 classifications for special police officers. The commission shall  
43 prescribe by rule or regulation the training standards to be  
44 established for each classification. Training may be in a  
45 commission approved academy, which shall include the New Jersey  
46 State Police Academy, or in any other training program which the  
47 commission may determine appropriate. The classifications shall

1 be based upon the duties to be performed by the special law  
2 enforcement officer as follows:

3 (1) Class One. Officers of this class shall be authorized to  
4 perform routine traffic detail, spectator control and similar duties. If  
5 authorized by ordinance or resolution, as appropriate, Class One  
6 officers shall have the power to issue summonses for disorderly  
7 persons and petty disorderly persons offenses, violations of  
8 municipal ordinances and violations of Title 39 of the Revised  
9 Statutes. The use of a firearm by an officer of this class shall be  
10 strictly prohibited and no Class One officer shall be assigned any  
11 duties which may require the carrying or use of a firearm.

12 (2) Class Two. Officers of this class shall be authorized to  
13 exercise full powers and duties similar to those of a permanent,  
14 regularly appointed full-time police officer. The use of a firearm by  
15 an officer of this class may be authorized only after the officer has  
16 been fully certified as successfully completing training as  
17 prescribed by the commission.

18 (3) Class Three. Officers of this class shall be authorized to  
19 exercise full powers and duties similar to those of a permanent,  
20 regularly appointed full-time police officer while providing security  
21 at a public or nonpublic school on the school premises or within  
22 100 feet of the school during hours when the public or nonpublic  
23 school is normally in session or when it is occupied by public or  
24 nonpublic school students or their teachers. The use of a firearm by  
25 an officer of this class shall be authorized pursuant to the provisions  
26 of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14).  
27 An officer of this class shall not be authorized to carry a firearm  
28 while off duty unless the officer complies with the requirements set  
29 forth in subsection 1. of N.J.S.2C:39-6 authorizing a retired law  
30 enforcement officer to carry a handgun.

31 b. The commission may, in its discretion, except from the  
32 requirements of this section any person who demonstrates to the  
33 commission's satisfaction that he has successfully completed a  
34 police training course conducted by any federal, state or other  
35 public or private agency, the requirements of which are  
36 substantially equivalent to the requirements of this act.

37 c. The commission shall certify officers who have satisfactorily  
38 completed training programs and issue appropriate certificates to  
39 those officers. The certificate shall clearly state the category of  
40 certification for which the officer has been certified by the  
41 commission.

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

46 (cf: P.L.2013, c.21, s.4)

47

48 3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
49 to read as follows:

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

11 b. ~~【No】~~ A special law enforcement officer ~~【may】~~ shall not  
12 carry a firearm except while engaged in the actual performance of  
13 the officer's official duties and when specifically authorized by the  
14 chief of police, or, in the absence of the chief, other chief law  
15 enforcement officer of the local unit to carry a firearm and provided  
16 that the officer has satisfactorily completed the basic firearms  
17 course required by the commission for regular police officers and  
18 annual requalification examinations as required for permanent,  
19 regularly appointed full-time officers in the local unit.

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

41 The reimbursement for the duties of a special law enforcement  
42 officer, which is made to a municipality with a population in excess  
43 of 300,000, according to the 1980 federal decennial census, may be  
44 by direct payments from the employer to the special law  
45 enforcement officer, provided that records of the hours worked are  
46 forwarded to and maintained by the chief of police or other chief  
47 law enforcement officer responsible for assigning the special law  
48 enforcement officer those public safety duties.

1 Any firearm utilized by a special law enforcement officer shall  
2 be returned at the end of the officer's workday to the officer in  
3 charge of the station house, unless the firearm is owned by the  
4 special law enforcement officer and was acquired in compliance  
5 with a condition of employment established by the local unit. Any  
6 special law enforcement officer first appointed after the effective  
7 date of this act shall only use a firearm supplied by the local unit.  
8 **【No such】** A special **【police】** law enforcement officer shall not  
9 carry a revolver or other similar weapon when off duty; but if any  
10 such special police officer appointed by the governing body of any  
11 municipality having a population in excess of 300,000, according to  
12 the 1980 federal census, who is a resident of the municipality and is  
13 employed as a special police officer at least 35 hours per week, or  
14 less at the discretion of the chief of police and mayor, shall, at the  
15 direction of the chief of police, have taken and successfully  
16 completed a firearms training course administered by the Police  
17 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-  
18 66 et seq.), and has successfully completed within three years of the  
19 effective date of P.L.1985, c.45 or three years of the date of  
20 appointment of the special police officer, whichever is later, 280  
21 hours of training in arrest, search and seizure, criminal law, and the  
22 use of deadly force, and shall annually qualify in the use of a  
23 revolver or similar weapon, said special police officer shall be  
24 permitted to carry a revolver or other similar weapon when off duty  
25 within the municipality where he is employed. Specific  
26 authorization shall be in the form of a permit which shall not be  
27 unreasonably withheld, which is subject to renewal annually and  
28 may be revoked at any time by the chief of police. The permit shall  
29 be on the person of the special police officer whenever a revolver or  
30 other similar weapon is carried off duty. No permit shall be issued  
31 until the special police officer has successfully completed all  
32 training courses required under this section. Any training courses  
33 completed by a special police officer under the direction of the  
34 chief of police in a school and a curriculum approved by the Police  
35 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-  
36 66 et seq.), shall be credited towards the 280 hours of training  
37 required to be completed by this section. Any training required by  
38 this section shall commence within 90 days of the effective date of  
39 P.L.1985, c.45 or within 90 days of the date of the appointment of  
40 the special police officer, whichever is later.

41 c. A special law enforcement officer shall be under the  
42 supervision and direction of the chief of police or, in the absence of  
43 the chief, other chief law enforcement officer of the local unit  
44 wherein the officer is appointed, and shall perform his duties only  
45 in the local unit except when in fresh pursuit of any person pursuant  
46 to chapter 156 of Title 2A of the New Jersey Statutes or when  
47 authorized to perform duties in another unit pursuant to a mutual  
48 aid agreement enacted in accordance with section 1 of P.L.1976,  
49 c.45 (C.40A:14-156.1).

1 d. The officer shall comply with the rules and regulations  
2 applicable to the conduct and decorum of the permanent, regularly  
3 appointed police officers of the local unit, as well as any rules and  
4 regulations applicable to the conduct and decorum of special law  
5 enforcement officers.

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

11 (cf: P.L.1991, c.46, s.1)

12

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

15 9. a. Except as provided in subsection c. of this section, **[no]** a  
16 special law enforcement officer **[may]** shall not be employed for  
17 more than 20 hours per week by the local unit except that special  
18 law enforcement officers may be employed by the local unit for  
19 those hours as the governing body may determine necessary in  
20 accordance with the limits prescribed below:

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

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

25 (3) In all municipalities or counties in addition to not more than  
26 20 hours per week including duties assigned pursuant to the  
27 provisions of section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-  
28 146.14) a special law enforcement officer may be assigned for not  
29 more than 20 hours per week to provide public safety and law  
30 enforcement services to a public entity.

31 (4) In municipalities or counties, as provided in subsection b. of  
32 section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-146.14), for  
33 hours to be determined at the discretion of the director of the  
34 municipal or county police force.

35 b. Notwithstanding any provision of **[this act]** P.L.1985, c.439  
36 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement  
37 officers may be employed only to assist the local law enforcement  
38 unit but may not be employed to replace or substitute for full-time,  
39 regular police officers or in any way diminish the number of full-  
40 time officers employed by the local unit. A Class Three special law  
41 enforcement officer may be employed only to assist the local law  
42 enforcement unit with security duties and shall not supplant a law  
43 enforcement officer employed pursuant to the provisions of  
44 N.J.S.18A:17-43 or a safe schools resource officer employed  
45 pursuant to the provisions of section 3 of P.L.2005, c.276  
46 (C.18A:17-43.1).

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

4 d. A Class Three special law enforcement officer appointed  
5 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-  
6 146.8 et seq.) shall not, based on this appointment, be eligible for  
7 health care benefits or enrollment in any State-administered  
8 retirement system.

9 (cf: P.L.2013, c.21, s.6)

10

11 5. This act shall take effect on the first day of the fourth month  
12 following enactment, but the Police Training Commission and the  
13 Commissioner of Education may take any anticipatory action prior  
14 to the effective date needed for the timely implementation of this  
15 act.

16

17

18

#### STATEMENT

19

20 This bill amends the Special Law Enforcement Officers' Act to  
21 establish a new category of "Class Three" special law enforcement  
22 officers comprised of certain retired law enforcement officers who  
23 would be authorized to provide security in this State's public and  
24 nonpublic schools.

25 Under current law, Class One special law enforcement officers  
26 are authorized to perform routine traffic detail, spectator control,  
27 and similar duties. They also may be empowered to issue  
28 summonses for disorderly persons offenses, but are not authorized  
29 to carry a firearm while on duty. Class Two special law  
30 enforcement officers are empowered to exercise full police powers  
31 and perform the duties of a permanent, regularly appointed full-time  
32 police officer. They are authorized to carry a firearm.

33 Under the bill, Class Three special law enforcement officers  
34 would be retired police officers less than 65 years old. These  
35 officers would be authorized to provide security at a public or  
36 nonpublic school while they are on the school premises or within  
37 100 feet of the school during hours when the school is normally in  
38 session or when it is occupied by students or their teachers. They  
39 would be authorized to exercise full powers and duties similar to  
40 those of a permanent, regularly appointed full-time police officer  
41 while providing this security. The restrictions on carrying a firearm  
42 currently applicable to Class Two special law enforcement officers  
43 also would apply to Class Three law enforcement officers. Class  
44 Three law enforcement officers would not be authorized to carry a  
45 firearm while off duty by the provisions of the bill; they would only  
46 be authorized to carry a firearm if they comply with the statutory  
47 requirements generally authorizing retired law enforcement officers  
48 to carry handguns, including qualifying in the use of a handgun  
49 twice a year.



1 Currently, all special law enforcement officers are required to  
2 successfully complete a training course approved by the Police  
3 Training Commission (PTC). The bill specifies that the New Jersey  
4 State Police Academy is to be included in the PTC approved  
5 training courses.

6 In addition to the qualifications currently applicable to all special  
7 law enforcement officers, Class Three special law enforcement  
8 officer applicants also would be required to: be retired police  
9 officers less than 65 years of age; have served as duly qualified,  
10 fully-trained, full-time municipal or county police officers; be  
11 separated from that prior service in good standing, within three  
12 years of appointment; and be physically capable of performing the  
13 functions of the position.

14 Class Three special law enforcement officers would not be  
15 eligible for health care benefits or enrollment in any State  
16 administered retirement system under the bill.

17 Currently, boards of education are authorized to hire law  
18 enforcement officers and public school resource officers to work in  
19 public schools within their jurisdiction pursuant to regulations of  
20 the Commissioner of Education. Under the bill, both public and  
21 nonpublic schools would be authorized to hire Class Three special  
22 law enforcement officers whose duties would be limited to  
23 providing security. The bill specifies that these officers would not  
24 supplant law enforcement officers and public resource officers  
25 currently employed in schools.

26 It is the sponsor's intent that the provisions of the Special Law  
27 Enforcement Officers' Act that currently govern Class One and  
28 Class Two special law enforcement officers also would apply to  
29 Class Three officers, except as specifically amended in the bill.