

SENATE, No. 613

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator SEAN T. KEAN

District 11 (Monmouth)

Senator BILL BARONI

District 14 (Mercer and Middlesex)

SYNOPSIS

Restricts the participation of school and county college employees in the search for and handling of explosive devices.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning explosive devices and supplementing chapters
2 17 and 64A of Title 18A of the New Jersey Statutes.

3

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

6

7 1. An employee of a local or regional school district,
8 educational services commission, jointure commission, county
9 special services school district, county vocational school, or board
10 or commission under the authority of the Commissioner of
11 Education or the State Board of Education shall not be required to
12 conduct a hands-on search for an explosive device, or handle or
13 detonate an explosive device by any means or method, and the
14 employee shall not be required to supervise, or be present during,
15 the handling or detonation of an explosive device. The employee
16 may be required to participate in a visual search for an explosive
17 device if the search is supervised by a first responder who has
18 determined that the search would pose a minimal risk to the
19 employee's safety. As used in this section, "explosive device"
20 means any destructive device or explosive as defined under
21 N.J.S.2C:39-1, any explosive or propellant as defined under section
22 2 of P.L.1960, c.55 (C.21:1A-129) or any dangerous fireworks as
23 defined under R.S.21:2-3.

24

25 2. An employee of a county college shall not be required to
26 conduct a hands-on search for an explosive device, or handle or
27 detonate an explosive device by any means or method, and the
28 employee shall not be required to supervise, or be present during,
29 the handling or detonation of an explosive device. The employee
30 may be required to participate in a visual search for an explosive
31 device if the search is supervised by a first responder who has
32 determined that the search would pose a minimal risk to the
33 employee's safety. As used in this section, "explosive device"
34 means any destructive device or explosive as defined under
35 N.J.S.2C:39-1, any explosive or propellant as defined under section
36 2 of P.L.1960, c.55 (C.21:1A-129) or any dangerous fireworks as
37 defined under R.S.21:2-3.

38

39 3. This act shall take effect immediately.

40

41

42

STATEMENT

43

44 This bill provides that employees of public schools and county
45 colleges may not be required to conduct a hands-on search for an
46 explosive device, or handle or detonate an explosive device by any
47 means or method and may not be required to supervise, or be
48 present during, the handling or detonation of an explosive device.

1 The bill provides, however, that an employee may be required to
2 participate in a visual search for an explosive device if the search is
3 supervised by a first responder who has determined that the search
4 would pose a minimal risk to the employee's safety. The bill
5 affirms the 1984 decision of the Commissioner of Education in
6 Cherry Hill Supportive Staff Association and Cherry Hill
7 Associated Service Personnel v. Board of Education of Township of
8 Cherry Hill, Camden County in which the commissioner held that
9 the assignment of untrained custodians to conduct hands-on bomb
10 searches was improper in that case, but that custodians could be
11 required to participate in visual searches for bombs.