

[Fourth Reprint]
SENATE, No. 86

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended on September 15, 2016 by the Senate pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 11/22/2016)

1 AN ACT concerning **[school]** security ¹in schools and certain
2 colleges¹ and amending P.L.1985, c.439 ³**[¹and P.L.2005,**
3 c.276¹]³.

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

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

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

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

- 18 (1) Is a resident of this State during the term of appointment;
19 (2) Is able to read, write and speak the English language well
20 and intelligently and has a high school diploma or its equivalent;
21 (3) Is sound in body and of good health;
22 (4) Is of good moral character;
23 (5) Has not been convicted of any offense involving dishonesty
24 or which would make him unfit to perform the duties of his office;
25 (6) Has successfully undergone the same psychological testing
26 that is required of all full-time police officers in the municipality or
27 county or, with regard to a special law enforcement officer hired for
28 a seasonal period by a resort municipality which requires
29 psychological testing of its full-time police officers, has
30 successfully undergone a program of psychological testing
31 approved by the commission.

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

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

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 SLP committee amendments adopted February 4, 2015.

²Senate floor amendments adopted February 11, 2016.

³Assembly AED committee amendments adopted June 20, 2016.

⁴Senate amendments adopted in accordance with Governor's recommendations September 15, 2016.

1 the local unit or supervision of the police department of a local unit
2 shall be appointed as a special law enforcement officer.

3 e. Before any special law enforcement officer is appointed
4 pursuant to this act, the chief of police, or, in the absence of the
5 chief, other chief law enforcement officer of the local unit shall
6 ascertain the eligibility and qualifications of the applicant and
7 report these determinations in writing to the appointing authority.

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

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

21 (1) is a retired law enforcement officer who is less than 65 years
22 of age; ²for the purposes of this paragraph, a law enforcement
23 officer shall not be considered retired if the officer's return to
24 employment violates any federal or State law or regulation which
25 would deem the officer's retirement as not being bona fide;²

26 (2) had served as a duly qualified, fully-trained, full-time officer
27 in any municipality or county of this State ¹or as a member of the
28 State Police¹ and was separated from that prior service in good
29 standing, within three years of appointment, except during the first
30 year following the effective date of P.L. c. (pending before
31 the Legislature as this bill), was separated from that prior service
32 within five years of appointment;

33 (3) is physically capable of performing the functions of the
34 position ¹, determined in accordance with Police Training
35 Commission guidelines¹; ¹["and"]¹

36 (4) possesses a New Jersey Police Training Commission Basic
37 Police Officer Certification or New Jersey State Police Academy
38 Certification ¹;

39 ⁴(5) has completed the training course for safe schools resource
40 officers developed pursuant to subsection a. of section 2 of
41 P.L.2005, c.276 (C.52:17B-71.8);⁴ ²["and"]²

42 ³[(5) has completed the training course for safe schools resource
43 officers developed pursuant to subsection a. of section 2 of
44 P.L.2005, c.276 (C.52:17B-71.8)¹ ²;]³ and

45 ³[(6)] ⁴[(5)]³ (6)⁴ is hired in a part-time capacity² .

46 For the purposes of this subsection, "good standing" shall

1 exclude a retirement resulting from injury or incapacity.

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

3

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

6 4. a. ~~【No】~~ A person ~~【may】~~ shall not commence ~~【his】~~ the¹
7 duties ~~【as】~~ of¹ a special law enforcement officer unless ~~【he】~~ the
8 person has successfully completed a training course approved by
9 the commission and ~~【no】~~ a special law enforcement officer ~~【may】~~
10 shall not be issued a firearm unless ~~【he】~~ the officer has successfully
11 completed the basic firearms course approved by the commission
12 for permanent, regularly appointed police and annual requalification
13 examinations as required by subsection b. of section 7 of ~~【this act】~~
14 P.L.1985, c.439 (C.40A:14-146.14). There shall be ~~【two】~~ three
15 classifications for special police officers. The commission shall
16 prescribe by rule or regulation the training standards to be
17 established for each classification. Training may be in a
18 commission approved academy ~~【,~~ which shall include the New
19 Jersey State Police Academy,】¹ or in any other training program
20 which the commission may determine appropriate. The
21 classifications shall be based upon the duties to be performed by the
22 special law enforcement officer as follows:

23 (1) Class One. Officers of this class shall be authorized to
24 perform routine traffic detail, spectator control ^{1,1} and similar
25 duties. If authorized by ordinance or resolution, as appropriate,
26 Class One officers shall have the power to issue summonses for
27 disorderly persons and petty disorderly persons offenses, violations
28 of municipal ordinances^{1,1} and violations of Title 39 of the Revised
29 Statutes. The use of a firearm by an officer of this class shall be
30 strictly prohibited and ~~【no】~~ a¹ Class One officer shall not¹
31 be assigned any duties which may require the carrying or use of a
32 firearm.

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

39 (3) Class Three. Officers of this class shall be authorized to
40 exercise full powers and duties similar to those of a permanent,
41 regularly appointed full-time police officer while providing security
42 at a public or nonpublic school¹ or a county college¹ on the school
43 or college¹ premises during hours when the public or nonpublic
44 school¹ or county college¹ is normally in session or when it is
45 occupied by public or nonpublic school¹ or county college¹ students
46 or their teachers¹ or professors¹. While on duty in the jurisdiction

1 of employment, an officer may respond to offenses or emergencies
2 off school ¹or college¹ grounds if they occur in the officer's
3 presence while traveling to a school facility ¹or county college¹, but
4 an officer shall not otherwise be dispatched or dedicated to any
5 assignment off school ¹or college¹ property.

6 The use of a firearm by an officer of this class shall be
7 authorized pursuant to the provisions of subsection b. of section 7
8 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class
9 shall not be authorized to carry a firearm while off duty unless the
10 officer complies with the requirements set forth in subsection l. of
11 N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry
12 a handgun.

13 b. The commission may, in its discretion, except from the
14 requirements of this section any person who demonstrates to the
15 commission's satisfaction that ¹**[he]** the person¹ has successfully
16 completed a police training course conducted by any federal, state
17 or other public or private agency, the requirements of which are
18 substantially equivalent to the requirements of this act.

19 c. The commission shall certify officers who have satisfactorily
20 completed training programs and issue appropriate certificates to
21 those officers. The certificate shall clearly state the category of
22 certification for which the officer has been certified by the
23 commission.

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

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

29

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

32 a. Special law enforcement officers may be appointed for terms
33 not to exceed one year, and the appointments may be revoked by
34 the local unit for cause after adequate hearing, unless the
35 appointment is for four months or less, in which event the
36 appointment may be revoked without cause or hearing. Nothing
37 herein shall be construed to require reappointment upon the
38 expiration of the term. The special law enforcement officers so
39 appointed shall not be members of the police force of the local unit,
40 and their powers and duties as determined pursuant to this act shall
41 cease at the expiration of the term for which ¹they were¹ appointed.

42 b. **[No]** A special law enforcement officer **[may]** shall not
43 carry a firearm except while engaged in the actual performance of
44 the officer's official duties and when specifically authorized by the
45 chief of police, or, in the absence of the chief, other chief law
46 enforcement officer of the local unit to carry a firearm and provided
47 that the officer has satisfactorily completed the basic firearms

1 course required by the commission for regular police officers and
2 annual requalification examinations as required for permanent,
3 regularly appointed full-time officers in the local unit.

4 A special law enforcement officer shall be deemed to be on duty
5 only while **'[he] the officer'** is performing the public safety
6 functions on behalf of the local unit pursuant to this act and when
7 **'[he] the officer'** is receiving compensation, if any, from the local
8 unit at the rates or stipends as shall be established by ordinance. A
9 special law enforcement officer shall not be deemed to be on duty
10 for purposes of this act while performing private security duties for
11 private employers, which duties are not assigned by the chief of
12 police, or, in the absence of the chief, other chief law enforcement
13 officer of the local unit, or while receiving compensation for those
14 duties from a private employer. A special law enforcement officer
15 may, however, be assigned by the chief of police or, in the absence
16 of the chief, other chief law enforcement officer, to perform public
17 safety functions for a private entity if the chief of police or other
18 chief law enforcement officer supervises the performance of the
19 public safety functions. If the chief of police or other chief law
20 enforcement officer assigns the public safety duties and supervises
21 the performance of those duties, then, notwithstanding that the local
22 unit is reimbursed for the cost of assigning a special law
23 enforcement officer at a private entity, the special law enforcement
24 officer shall be deemed to be on duty.

25 The reimbursement for the duties of a special law enforcement
26 officer, which is made to a municipality with a population in excess
27 of 300,000, according to the 1980 federal decennial census, may be
28 by direct payments from the employer to the special law
29 enforcement officer, provided that records of the hours worked are
30 forwarded to and maintained by the chief of police or other chief
31 law enforcement officer responsible for assigning the special law
32 enforcement officer those public safety duties.

33 Any firearm utilized by a special law enforcement officer shall
34 be returned at the end of the officer's workday to the officer in
35 charge of the station house, unless the firearm is owned by the
36 special law enforcement officer and was acquired in compliance
37 with a condition of employment established by the local unit. Any
38 special law enforcement officer first appointed after the effective
39 date of this act shall only use a firearm supplied by the local unit.

40 **[No such]** A special [police] law enforcement officer shall not
41 carry a revolver or other similar weapon when off duty; but if any
42 **'[such]'** special **'[police] law enforcement'** officer appointed by
43 the governing body of any municipality having a population in
44 excess of 300,000, according to the 1980 federal census, who is a
45 resident of the municipality and is employed as a special **'[police]**
46 law enforcement' officer at least 35 hours per week, or less at the
47 discretion of the chief of police and mayor, shall, at the direction of

1 the chief of police, have taken and successfully completed a
2 firearms training course administered by the Police Training
3 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
4 has successfully completed within three years of the effective date
5 of P.L.1985, c.45 or three years of the date of appointment of the
6 special '[police] law enforcement' officer, whichever is later, 280
7 hours of training in arrest, search and seizure, criminal law, and the
8 use of deadly force, and shall annually qualify in the use of a
9 revolver or similar weapon, '[said] the' special '[police] law
10 enforcement' officer shall be permitted to carry a revolver or other
11 similar weapon when off duty within the municipality where '[he]
12 the officer' is employed. Specific authorization shall be in the form
13 of a permit which shall not be unreasonably withheld, which is
14 subject to renewal annually and may be revoked at any time by the
15 chief of police. The permit shall be on the person of the special
16 '[police] law enforcement' officer whenever a revolver or other
17 similar weapon is carried off duty. '[No] A' permit shall 'not' be
18 issued until the special '[police] law enforcement' officer has
19 successfully completed all training courses required under this
20 section. Any training courses completed by a special '[police] law
21 enforcement' officer under the direction of the chief of police in a
22 school and a curriculum approved by the Police Training
23 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),
24 shall be credited towards the 280 hours of training required to be
25 completed by this section. Any training required by this section
26 shall commence within 90 days of the effective date of P.L.1985,
27 c.45 or within 90 days of the date of the appointment of the special
28 '[police] law enforcement' officer, whichever is later.

29 c. A special law enforcement officer shall be under the
30 supervision and direction of the chief of police or, in the absence of
31 the chief, other chief law enforcement officer of the local unit
32 wherein the officer is appointed, and shall perform '[his] the
33 officer's' duties only in the local unit except when in fresh pursuit
34 of any person pursuant to chapter 156 of Title 2A of the New Jersey
35 Statutes or when authorized to perform duties in another unit
36 pursuant to a mutual aid agreement enacted in accordance with
37 section 1 of P.L.1976, c.45 (C.40A:14-156.1).

38 d. The officer shall comply with the rules and regulations
39 applicable to the conduct and decorum of the permanent, regularly
40 appointed police officers of the local unit, as well as any rules and
41 regulations applicable to the conduct and decorum of special law
42 enforcement officers.

43 e. Notwithstanding any provision of P.L.1985,
44 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law
45 enforcement officer may travel through another local unit to reach a
46 noncontiguous area of the local unit in which '[his] the officer's'

1 appointment was issued or to transport persons to and from a
2 correctional facility.

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

4

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

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

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

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

17 (3) In all municipalities or counties in addition to not more than
18 20 hours per week including duties assigned pursuant to the
19 provisions of section 7 of **[this act]** P.L.1985, c.439 (C.40A:14-
20 146.14) a special law enforcement officer may be assigned for not
21 more than 20 hours per week to provide public safety and law
22 enforcement services to a public entity.

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

27 (5) A Class Three special law enforcement officer in all
28 municipalities without limitation.

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

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

44 d. A Class Three special law enforcement officer appointed
45 pursuant to the provisions of P.L.1985, c.439 (C.40A:14-
46 146.8 et seq.) shall not, based on this appointment, be eligible for

1 health care benefits or enrollment in any State-administered
2 retirement system.

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

4

5 ³¶15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended
6 to read as follows:

7 2. a. The Police Training Commission in the Division of
8 Criminal Justice in the Department of Law and Public Safety, in
9 consultation with the Attorney General, shall develop a training
10 course for safe schools resource officers and public school
11 employees assigned by a board of education to serve as a school
12 liaison to law enforcement. The Attorney General, in conjunction
13 with the Police Training Commission, shall ensure that the training
14 course is developed within 180 days of the effective date of this act.
15 The course shall at a minimum provide comprehensive and
16 consistent training in current school resource officer practices and
17 concepts. The course shall include training in the protection of
18 students from harassment, intimidation, and bullying, including
19 incidents which occur through electronic communication. The
20 course shall be made available to:

21 (1) any law enforcement officer or public school employee
22 referred by the board of education of the public school to which
23 assignment as a safe schools resource officer or school liaison to
24 law enforcement is sought; **[and]**

25 (2) any safe schools resource officer or school liaison to law
26 enforcement assigned to a public school prior to the effective date
27 of P.L.2005, c.276 (C.52:17B-71.8 et al.); and

28 (3) any retired law enforcement officer to which assignment as a
29 Class Three special law enforcement officer is sought pursuant to
30 the provisions of paragraph (3) of subsection a. of section 4 of
31 P.L.1985, c.439 (C.40A:14-146.11).

32 b. The training course developed by the commission pursuant
33 to subsection a. of this section shall be offered at each school
34 approved by the commission to provide police training courses
35 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).
36 The commission shall ensure that an individual assigned to instruct
37 the course is proficient and experienced in current school resource
38 officer practices and concepts.

39 c. The commission shall award a certificate to each individual
40 who successfully completes the course.

41 d. The Police Training Commission, in consultation with the
42 Commissioner of Education, shall adopt rules and regulations
43 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
44 (C.52:14B-1 et seq.), to implement the provisions of this section.¹

45 (cf: P.L.2010, c.122, s.15) **¶**³

1 ³[¹[5] 6¹.] 5³ This act shall take effect on the first day of the
2 ¹[fourth] seventh¹ month following enactment, but the Police
3 Training Commission and the Commissioner of Education may take
4 any anticipatory action prior to the effective date needed for the
5 timely implementation of this act.