

# ASSEMBLY, No. 1400

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Assemblywoman BETTYLOU DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Assemblymen Peterson, Harold J. Wirths, Space and Thomson**

**SYNOPSIS**

Permits retired corrections officer to be appointed Class Three special law enforcement officer.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/8/2018)**

1 AN ACT concerning qualifications for Class Three special law  
2 enforcement officers and amending 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 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended  
8 to read as follows:

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

15 b. A person shall not be appointed as a special law enforcement  
16 officer unless the person:

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

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

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

21 (4) Is of good moral character;

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

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

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

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

43 e. Before any special law enforcement officer is appointed  
44 pursuant to this act, the chief of police, or, in the absence of the  
45 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 P.L.1985, c.439 (C.40A:14-146.11) may be  
10 waived by the commission with regard to any person eligible to be  
11 appointed as a special law enforcement officer pursuant to the  
12 provisions of this section.

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  
15 special law enforcement officer unless the person:

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

21 (2) had served as a duly qualified, fully-trained, full-time officer  
22 in any municipality or county of this State **【or as a】** or interstate  
23 police force; State or county corrections officer, State juvenile  
24 corrections officer, or juvenile detention officer; member of the  
25 State Police; or any other duly qualified, fully-trained, full-time law  
26 enforcement officer who had full powers of arrest, and was  
27 separated from that prior service in good standing, within three  
28 years of appointment, except during the first year following the  
29 effective date of P.L.2016, c.68, was separated from that prior  
30 service within five years of appointment;

31 (3) is physically capable of performing the functions of the  
32 position, determined in accordance with Police Training  
33 Commission guidelines;

34 (4) possesses a New Jersey Police Training Commission Basic  
35 Police Officer Certification or New Jersey State Police Academy  
36 Certification, or has successfully completed training at the  
37 Corrections Officers' Training Academy of the Department of  
38 Corrections or at a basic training program for corrections officers  
39 and juvenile detention officers established by a county;

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

43 (6) is hired in a part-time capacity.

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

46 (cf: P.L.2016, c.68, s.1)

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48 2. This act shall take effect immediately.

1 STATEMENT

2

3 This bill authorizes retired State or county corrections officers,  
4 State juvenile corrections officers, or juvenile detention officers to  
5 serve as Class Three special law enforcement officers.

6 Previously, P.L.2016, c.68 established a new category of “Class  
7 Three” special law enforcement officers under the Special Law  
8 Enforcement Officers’ Act to provide security in this State’s public  
9 and nonpublic schools and county colleges. Pursuant to current  
10 law, a person is eligible to be appointed as a Class Three special  
11 law enforcement officer if he or she is a retired police officer less  
12 than 65 years old and has served as duly qualified, fully-trained,  
13 full-time municipal or county police officer or was regularly  
14 employed as a full-time member of the State Police. The person  
15 also has to be physically capable of performing the job and have the  
16 appropriate law enforcement and safe schools resource officer  
17 training. These officers are to be hired in a part-time capacity.

18 This bill expands the class of retired law enforcement officers  
19 deemed qualified to serve as a Class Three special law enforcement  
20 officer to also include any retired interstate police officer, State or  
21 county corrections officer, State juvenile corrections officer,  
22 juvenile detention officer, and any other full time law enforcement  
23 officer with full powers of arrest.