

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1400**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

ADOPTED DECEMBER 10, 2018

**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)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblymen Peterson, Wirths, Space, Thomson, Assemblywomen Jimenez, DiMaso, Assemblyman Coughlin, Assemblywoman Quijano and Assemblyman Houghtaling**

**SYNOPSIS**

Revises law governing Class Three special law enforcement officers.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Appropriations Committee.



**(Sponsorship Updated As Of: 2/1/2019)**

1 **AN ACT** concerning Class Three special law enforcement officers  
2 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 2 of P.L.1985, c.439 (C.40A:14-146.9) is amended  
8 to read as follows:

9 2. As used in this act:

10 a. "Commission" means the Police Training Commission  
11 established in the Department of Law and Public Safety pursuant to  
12 section 5 of P.L. 1961, c. 56 (C. 52:17B-70);

13 b. "Emergency" means any sudden, unexpected or  
14 unforeseeable event requiring the immediate use or deployment of  
15 law enforcement personnel as shall be determined by the chief of  
16 police, or in the absence of the chief, other chief law enforcement  
17 officer or the mayor or the mayor's designee or, in the case of a  
18 county, the county executive or freeholder director or designee, as  
19 appropriate, to whom the authority of designating an "emergency"  
20 has been prescribed by local ordinance or resolution, as appropriate.  
21 Vacations, shortages in police personnel caused by vacancies  
22 unfilled by the appointing authority for more than 60 days, or any  
23 other condition which could reasonably have been anticipated or  
24 foreseen shall not constitute an "emergency" for the purposes of this  
25 act; but an "emergency" may continue for the purposes of this act  
26 when a vacancy remains unfilled for more than 60 days and when,  
27 on application of the appointing authority, the county prosecutor  
28 grants an extension for one or more additional 60-day periods upon  
29 a showing by the appointing authority of a diligent, good faith effort  
30 to fill the vacancy;

31 c. "Local unit" means any municipality or county having  
32 established a regular police force pursuant to law;

33 d. "Population" means the population of the resort municipality  
34 shown in the last federal decennial census;

35 e. "Public entity" means the State and any county,  
36 municipality, district, public authority, public agency and any other  
37 political subdivision or public body in the State;

38 f. "Resort municipality" means a municipality which, because  
39 of its recreational or entertainment characteristics or facilities or its  
40 close proximity to such characteristics or facilities, experiences a  
41 substantial increase during the seasonal period in the number of  
42 persons visiting or temporarily residing there;

43 g. "Seasonal period" means any one period of four consecutive  
44 months during the calendar year, except with regard to a resort  
45 municipality bordering on the Atlantic ocean, in which case,

**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 "seasonal period" means one period of six consecutive months  
2 during the calendar year;

3 h. "Special law enforcement officer" means any person  
4 appointed pursuant to this act to temporarily or intermittently  
5 perform duties similar to those performed regularly by members of  
6 a police force of a local unit, or to provide assistance to a police  
7 force during unusual or emergency circumstances, or at individual  
8 times or during regular seasonal periods in resort municipalities **[. ]:**  
9 and

10 i. "County college" means an educational institution  
11 established or to be established by one or more counties, offering  
12 programs of instruction, extending not more than two years beyond  
13 the high school, which may include but need not be limited to  
14 specialized or comprehensive curriculums, including college credit  
15 transfer courses, terminal courses in the liberal arts and sciences,  
16 and technical institute type programs; the term shall include a  
17 county vocational school.  
18 (cf: P.L.2013, c.21, s.2)  
19

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

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

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

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

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

1 d. No person shall be appointed to serve as a special law  
2 enforcement officer in more than one local unit at the same time,  
3 nor shall any permanent, regularly appointed full-time police officer  
4 of any local unit be appointed as a special law enforcement officer  
5 in any local unit. No public official with responsibility for setting  
6 law enforcement policy or exercising authority over the budget of  
7 the local unit or supervision of the police department of a local unit  
8 shall be appointed as a special law enforcement officer.

9 e. Before any special law enforcement officer is appointed  
10 pursuant to this act, the chief of police, or, in the absence of the  
11 chief, other chief law enforcement officer of the local unit shall  
12 ascertain the eligibility and qualifications of the applicant and  
13 report these determinations in writing to the appointing authority.

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

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

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

32 (2) had served as a duly qualified, fully-trained, full-time officer  
33 in any **【municipality or county of this State】** law enforcement  
34 position eligible for participation in the Police and Firemen's  
35 Retirement System or in any federal or bi-state law enforcement  
36 agency or as a member of the State Police and was separated from  
37 that prior service in good standing **【**, within three years of  
38 appointment, except during the first year following the effective  
39 date of P.L.2016, c.68, was separated from that prior service within  
40 five years of appointment**】**;

41 (3) is physically capable of performing the functions of the  
42 position, determined in accordance with Police Training  
43 Commission guidelines;

44 (4) possesses a New Jersey Police Training Commission Basic  
45 Police Officer Certification **【or】**, New Jersey State Police Academy  
46 Certification, or other proof of basic police training approved by the  
47 Police Training Commission;

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

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

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

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

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

9. a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

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

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

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

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

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

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit or a school or county college. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1). A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.

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.2016, c.68, s.4)

10

11       4. This act shall take effect on the first day of the seventh  
12 month next following the date of enactment, except the Police  
13 Training Commission may take any anticipatory action in advance  
14 as shall be necessary for the implementation of this act.