ASSEMBLY, No. 221

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman CLEOPATRA G. TUCKER
District 28 (Essex)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)
Assemblyman ROBERT AUTH
District 39 (Bergen and Passaic)

Co-Sponsored by:
Assemblywoman Mosquera, Assemblyman Holley, Assemblywoman Speight, Assemblymen Giblin, DiMaio, Wimberly, Assemblywomen Timberlake and Reynolds-Jackson

SYNOPSIS
Establishes certain benefits for Class Two special law enforcement officers; allows arson investigators to carry a firearm at all times.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning law enforcement and supplementing and amending various parts of statutory law.

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

1. N.J.S.2C:12-1 is amended to read as follows:

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer or any Class Two special law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

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.
(d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State
developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or
(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19).

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.510 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives
the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph, "driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.
d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, “school or community sponsored youth sports event” means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

(cf: P.L.2015, c.100, s.1)

2. Section 1 of P.L.1996, c.14 (C.2C:12-11) is amended to read as follows:

1. a. A person who knowingly takes or attempts to exercise unlawful control over a firearm or other weapon in the possession of a law enforcement officer, Class Two special law enforcement officer, or corrections officer when that officer is acting in the performance of his duties, and either is in uniform or exhibits evidence of his authority, is guilty of a crime of the second degree.

b. A person violating the provisions of subsection a. of this section shall be guilty of a crime of the first degree if:

(1) The person fires or discharges the firearm;

(2) The person uses or threatens to use the firearm or weapon against the officer or any other person; or

(3) The officer or another person suffers serious bodily injury.

(cf: P.L.1996, c.14, s.1)

3. N.J.S.2C:28-8 is amended to read as follows:

2C:28-8. a. Except as provided in subsection b. of this section, a person commits a disorderly persons offense if he falsely pretends
to hold a position in the public service with purpose to induce
another to submit to such pretended official authority or
otherwise to act in reliance upon that pretense.

b. A person commits a crime of the fourth degree if he falsely
pretends to hold a position as an officer or member or employee or
agent of any organization or association of law enforcement
officers, including Class Two special law enforcement officers,
with purpose to induce another to submit to such pretended
official authority or otherwise to act in reliance upon that pretense.

(cf: P.L.2000, c.110, s.1)

4. N.J.S.2C:39-6 is amended to read as follows:

2C:39-6. a. Provided a person complies with the requirements
of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the
National Guard while actually on duty, or while traveling between
places of duty and carrying authorized weapons in the manner
prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal
officers and employees required to carry firearms in the
performance of their official duties;

(3) Members of the State Police and, under conditions
prescribed by the superintendent, members of the Marine Law
Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
assistant prosecutor, prosecutor's detective or investigator, deputy
attorney general or State investigator employed by the Division of
Criminal Justice of the Department of Law and Public Safety,
investigator employed by the State Commission of Investigation,
inspector of the Alcoholic Beverage Control Enforcement Bureau of
the Division of State Police in the Department of Law and Public
Safety authorized to carry such weapons by the Superintendent of
State Police, State park police officer, or State conservation officer;

(5) Except as hereinafter provided, a prison or jail warden of
any penal institution in this State or his deputies, or an employee of
the Department of Corrections engaged in the interstate
transportation of convicted offenders, while in the performance of
his duties, and when required to possess the weapon by his superior
officer, or a corrections officer or keeper of a penal institution in
this State at all times while in the State of New Jersey, provided he
annually passes an examination approved by the superintendent
testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under
the supervision of the commanding officer of any post, camp,
station, base or other military or naval installation located in this
State who is required, in the performance of his official duties, to
carry firearms, and who is authorized to carry such firearms by
said the commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A Class Two special law enforcement officer authorized to carry a weapon as provided in subsection b. of] appointed pursuant to section 7 of P.L.1985, c.439 (C.40A:14-146.14) , at all times while in the State of New Jersey;

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection (b) of this section, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons;

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons, at all times while in the State of New Jersey. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(9) A juvenile corrections officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commission;

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of his official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties. Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized
official duties to the employee's or agent's supervisor. All firearms
returned each day pursuant to this paragraph shall be stored in
locked containers located in a secure area;

(11) A county corrections officer at all times while in the State
of New Jersey, provided he annually passes an examination
approved by the superintendent testing his proficiency in the
handling of firearms.

b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental
agency outside of the State of New Jersey while actually engaged in
his official duties, provided, however, that he has first notified the
superintendent or the chief law enforcement officer of the
municipality or the prosecutor of the county in which he is engaged;
or

(2) A licensed dealer in firearms and his registered employees
during the course of their normal business while traveling to and
from their place of business and other places for the purpose of
demonstration, exhibition or delivery in connection with a sale,
provided, however, that the weapon is carried in the manner
specified in subsection g. of this section.

c. Provided a person complies with the requirements of
subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
do not apply to:

(1) A special agent of the Division of Taxation who has passed
an examination in an approved police training program testing
proficiency in the handling of any firearm which he may be
required to carry, while in the actual performance of his official
duties and while going to or from his place of duty, or any other
police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee
of the Division of Parks and Forestry having the power of arrest and
authorized to carry weapons, while in the actual performance of his
official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

(4) A court attendant serving [as such] under appointment by
the sheriff of the county or by the judge of any municipal court or
other court of this State, while in the actual performance of his
official duties;

(5) A guard in the employ of any railway express company,
banking or building and loan or savings and loan institution of this
State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization
while actually under orders or while going to or from the prescribed
place of meeting and carrying the weapons prescribed for drill,
exercise or parade;

(7) A humane law enforcement officer of the New Jersey
Society for the Prevention of Cruelty to Animals or of a county
society for the prevention of cruelty to animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;


(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-
66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that [such] the antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in [such other] another manner [as has been] approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of
purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where the firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying firearms necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgate thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;
A221 TUCKER, CAPUTO  

14

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel the aircraft or boat for the purpose of installation or repair a visual distress signaling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which they are being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which, projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
inspector from possessing a device which is capable of releasing
more than three-quarters of an ounce of a chemical substance, as
described in paragraph (1), while in the actual performance of the
inspector's or investigator's duties, provided that the device does not
exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions
of N.J.S.2C:39-5, as specified under subsections a. and c. of this
section, if the person has satisfactorily completed a firearms
training course approved by the Police Training Commission.

【Such】 The exempt person shall not possess or carry a firearm
until the person has satisfactorily completed a firearms training
course and shall annually qualify in the use of a revolver or similar
weapon. For purposes of this subsection, a "firearms training
course" means a course of instruction in the safe use, maintenance
and storage of firearms which is approved by the Police Training
Commission. The commission shall approve a firearms training
course if the requirements of the course are substantially equivalent
to the requirements for firearms training provided by police training
courses which are certified under section 6 of P.L.1961, c.56
(C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
or (6) of subsection a. of this section shall be exempt from the
requirements of this subsection.

k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
to prevent any financial institution, or any duly authorized
personnel of the institution, from possessing, carrying or using for
the protection of money or property, any device which projects,
releases or emits tear gas or other substances intended to produce
temporary physical discomfort or temporary identification.

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
to prevent a law enforcement officer who retired in good standing,
including a retirement because of a disability pursuant to section 6
of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
(C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
substantially similar statute governing the disability retirement of
federal law enforcement officers, provided the officer was a
regularly employed, full-time law enforcement officer for an
aggregate of four or more years prior to his disability retirement and
further provided that the disability which constituted the basis for
the officer's retirement did not involve a certification that the officer
was mentally incapacitated for the performance of his usual law
enforcement duties and any other available duty in the department
which his employer was willing to assign to him or does not subject
that retired officer to any of the disabilities set forth in subsection c.
of N.J.S.2C:58-3 which would disqualify the retired officer from
possessing or carrying a firearm, who semi-annually qualifies in the
use of the handgun he is permitted to carry in accordance with the
requirements and procedures established by the Attorney General
pursuant to subsection j. of this section and pays the actual costs
associated with those semi-annual qualifications, who is 75 years of
age or younger, and who was regularly employed as a full-time
member of the State Police; a full-time member of an interstate
police force; a full-time member of a county or municipal police
department in this State; a full-time member of a State law
enforcement agency; a full-time sheriff, undersheriff or sheriff's
officer of a county of this State; a full-time State or county
corrections officer; a full-time county park police officer; a full-
time arson investigator; a Class Two special law enforcement
officer who retired after four years of service; a full-time county
prosecutor's detective or investigator; a full-time federal law
enforcement officer; or is a qualified retired law enforcement
officer, as used in the federal "Law Enforcement Officers Safety
Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
a handgun in the same manner as law enforcement officers
exempted under paragraph (7) of subsection a. of this section under
the conditions provided herein:

(1) The retired law enforcement officer shall make application
in writing to the Superintendent of State Police for approval to carry
a handgun for one year. An application for annual renewal shall be
submitted in the same manner.

(2) Upon receipt of the written application of the retired law
enforcement officer, the superintendent shall request a verification
of service from the chief law enforcement officer of the
organization in which the retired officer was last regularly
employed as a full-time law enforcement officer prior to retiring.
The verification of service shall include:

(a) The name and address of the retired officer;
(b) The date that the retired officer was hired and the date that
the officer retired;
(c) A list of all handguns known to be registered to that officer;
(d) A statement that, to the reasonable knowledge of the chief
law enforcement officer, the retired officer is not subject to any of
the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
(e) A statement that the officer retired in good standing.

(3) If the superintendent approves a retired officer's application
or reapplication to carry a handgun pursuant to the provisions of
this subsection, the superintendent shall notify in writing the chief
law enforcement officer of the municipality wherein that retired
officer resides. In the event the retired officer resides in a
municipality which has no chief law enforcement officer or law
enforcement agency, the superintendent shall maintain a record of
the approval.

(4) The superintendent shall issue to an approved retired officer
an identification card permitting the retired officer to carry a
handgun pursuant to this subsection. This identification card shall
be valid for one year from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which he resides by filing a written request for [such] a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of [such a] the hearing shall be in accordance with law and the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein he resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole
purpose of chemically immobilizing wild or non-domestic animals;
or, provided the duly authorized person complies with the
requirements of subsection j. of this section, from possessing,
transporting or using rifles or shotguns, upon completion of a Police
Training Commission approved training course, in order to dispatch
injured or dangerous animals or for non-lethal use for the purpose
of frightening, hazing or aversive conditioning of nuisance or
depredating wildlife.

(cf: P.L.2013, c.219, s.1)

5. N.J.S.2C:52-32 is amended to read as follows:

2C:52-32. This chapter shall be construed with the primary
objective of providing relief to the reformed offender who has led a
life of rectitude and disassociated himself with unlawful activity, but
not to create a system whereby persistent violators of the law or those
who associate themselves with continuing criminal activity have a
regular means of expunging their police and criminal records.

This chapter shall not be construed to limit the expungement of
criminal records of a law enforcement officer or Class Two special law
enforcement officer acting in the course of official duties. Unless a law
enforcement officer or Class Two special law enforcement officer is
convicted of a criminal offense for an action that occurred while in the
performance of his law enforcement duties, all criminal records and
reports relating to the arrest and subsequent investigation of that
officer pertaining to that action shall be automatically expunged.

(cf: P.L.2015, c.261, s.9)

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

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

b. No person may be appointed as a special law enforcement
officer unless the person:

(1) [Is] is a resident of this State during the term of
appointment;

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

(3) [Is] is sound in body and of good health;

(4) [Is] is of good moral character;

(5) [Has] has not been convicted of any offense involving
dishonesty or which would make him unfit to perform the duties of
his office;
(6) [Has] has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission; and

(7) at the time of appointment, undergoes drug testing for controlled dangerous substances or controlled dangerous substance analogs; and

(8) is between 21 and 75 years of age.

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

d. [No] A person shall not be appointed to serve as a special law enforcement officer in more than one local unit at the same time, [nor shall] and any permanent, regularly appointed full-time police officer of any local unit shall not be appointed as a special law enforcement officer in any local unit. [No] A public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall not be appointed as a special law enforcement officer.

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

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time corrections officer, sheriff’s officer, or law enforcement officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of this act [may] shall be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this subsection.

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

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

4. a. No person may commence his duties as a special law enforcement officer unless he has successfully completed a training course approved by the commission and no special law enforcement
officer may be issued a firearm unless he has successfully
completed the basic firearms course approved by the commission
for permanent, regularly appointed police and annual requalification
examinations as required by subsection b. of section 7 of this act.
There shall be two classifications for special police officers. The
commission shall prescribe by rule or regulation the training
standards to be established for each classification. Training may be
in a commission approved academy or in any other training
program which the commission may determine appropriate. The
classifications shall be based upon the duties to be performed by the
special law enforcement officer as follows:

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

(2) Class Two. Officers of this class shall be authorized to
exercise at all times the same full powers and duties as a permanent, regularly appointed full-time police
officer. The use of a firearm by an officer of this class may be
authorized only after the officer has been fully certified as
successfully completing training as prescribed by the commission.

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

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

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

e. All Class Two special law enforcement officer shall have the
same immunity from civil liability accorded to permanent, regularly
appointed full-time police officers.

f. Any Class Two special law enforcement officer may be
assigned to work as security in a polling place on the day of an
election to ensure that qualified voters are not obstructed from voting.

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

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

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

b. [No] A special law enforcement officer may carry a firearm [except] while engaged in the actual performance of the officer's official duties and [when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and] at all times while in the State of New Jersey provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while he is performing the public safety functions on behalf of the local unit pursuant to this act and when he is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.
The reimbursement for the duties of a special law enforcement officer, which is made to a municipality with a population in excess of 300,000, according to the 1980 federal decennial census, may be by direct payments from the employer to the special law enforcement officer, provided that records of the hours worked are forwarded to and maintained by the chief of police or other chief law enforcement officer responsible for assigning the special law enforcement officer those public safety duties.

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. No such special police officer shall carry a revolver or other similar weapon when off duty; but if any such special police officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special police officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special police officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, said special police officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where he is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special police officer whenever a revolver or other similar weapon is carried off duty. No permit shall be issued until the special police officer has successfully completed all training courses required under this section. Any training courses completed by a special police officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985,
c.45 or within 90 days of the date of the appointment of the special
police officer, whichever is later.]

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

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

e. Notwithstanding any provision of P.L.1985, c.439
(C.40A:14-146.8 et seq.) to the contrary, a special law enforcement
officer may travel through another local unit to reach a
noncontiguous area of the local unit in which his appointment was
issued or to transport persons to and from a correctional facility.
(cf: P.L.1991, c.46, s.1)

9. 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, no
special law enforcement officer may 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 this act 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 this act, for hours to be determined at the discretion of
the director of the municipal or county police force.

b. Notwithstanding any provision of this act 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.

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

d. Notwithstanding the provisions of subsection a. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit unless the governing body of the county or municipality in which the special law enforcement officer is employed has purchased from an insurance company authorized to do business in this State liability insurance for acts or omissions committed by special law enforcement officers acting in the course of their official duties.

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

10. (New section) The governing body of a county or municipality shall give a leave of absence with pay to Class Two special law enforcement officers to attend any State or national convention of the Special Police Organization. A certificate of attendance to the State convention shall, upon request, be submitted to a supervising officer by a Class Two special law enforcement officer attending the convention. Leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention.

11. (New section) a. As used in this section:

"Disciplinary action" means any adverse personnel action, including suspension, reduction in pay, rank or other employment benefit, dismissal, transfer, reassignment, unreasonable denial of secondary employment or similar punitive action taken against a law enforcement officer or Class Two special law enforcement officer.

"Disciplinary hearing" means an administrative hearing initiated by the department against a law enforcement officer or Class Two special law enforcement officer, based on an alleged violation of law or department, commission, or agency rule or regulation that, if proven, would subject the law enforcement officer or Class Two special law enforcement officer to disciplinary action.

"Investigation" means an action taken by the employing department, commission, or agency to determine whether a law enforcement officer or Class Two special law enforcement officer violated any law or department, commission, or agency rule or regulation and includes: (1) questioning any other State law enforcement officer or person; (2) conducting observations; (3) reviewing and evaluating reports, records, or other documents; and (4) examining physical evidence.

b. An employing department, commission, or agency may dismiss a complaint filed by a private citizen or an inmate against a law
enforcement officer or Class Two special law enforcement officer without full investigation if:

(1) the department, commission, or agency determines that the complaint does not constitute a violation of law or departmental, commission, or agency rule or regulation; or

(2) the complainant failed to substantially comply with the complaint procedure prescribed by the department, commission, or agency employing the officer.

12. This act shall take effect immediately.

STATEMENT

This bill establishes certain benefits for Class Two special law enforcement officers. Under current law, Class Two special law enforcement officers only have full police powers while on duty and are required to return their firearms to the officer in charge of their station at the end of each workday. This bill authorizes all Class Two special law enforcement officers who successfully complete the statutorily required training programs to exercise full police power and carry their firearms at all times when in this State. The bill also allows arson investigators to carry a firearm at all times while in this State.

In addition, the bill establishes new requirements for Class One and Class Two special law enforcement officers. Specifically, the bill requires all special law enforcement officers to be between 21 and 75 years of age and to submit to a drug test at the time of appointment. The bill also waives the training requirements to become a Class Two special law enforcement officer for persons who previously served as a full-time corrections officer, sheriff’s officer, or law enforcement officer.

This bill also clarifies that Class Two special law enforcement officers are granted the same protections as all law enforcement officers. Under current law, a simple assault is upgraded to an aggravated assault if committed against a law enforcement officer while clearly identifiable as being engaged in official duties or due to law enforcement status. Current law also makes it a fourth degree crime to impersonate a law enforcement officer and a second degree crime to knowingly take or attempt to exercise unlawful control over a law enforcement officer’s firearm. This bill clarifies that the same penalties for the crimes of assaulting, impersonating, or disarming a law enforcement officer apply if committed against a Class Two special law enforcement officer. The bill also specifically extends to Class Two special law enforcement officers the same immunity from civil liability granted to regular full-time law enforcement officers.
Under the bill, Class Two special law enforcement officers would be permitted to act as security at polling place on the day of an election to ensure that qualified voters are not obstructed from voting. The bill authorizes the automatic expungement of criminal charges that are filed against any law enforcement officer, including any Class Two special law enforcement officer, in the course of official duties if the officer is found not guilty. Class Two special law enforcement officers also would be entitled to paid leave to attend any State or national convention of the Special Police Organization. Under current law, paid leave is only granted to members of an organization affiliated with the New Jersey Policemen’s Benevolent Association, Inc., the Fraternal Order of Police, the Firemen’s Mutual Benevolent Association or the Professional Fire Fighters Association.

Currently, special law enforcement officers are prohibited from working more than 20 hours per week except: 1) during periods of emergency, 2) in resort municipalities, 3) or to provide public safety and law enforcement services to a public entity. This bill requires counties and municipalities in which special law enforcement officers work more than 20 hours per week to purchase liability insurance for acts or omissions committed by special law enforcement officers acting in the course of their official duties.

The bill also allows a department, commission, or agency to dismiss a complaint filed by a private citizen or an inmate against a regularly appointed, full-time law enforcement officer or Class Two special law enforcement officer without full investigation if it determines that the complaint does not constitute a violation of law or departmental rule or regulation. A complaint filed by a private citizen or an inmate also may be dismissed if the complainant failed to substantially comply with the complaint procedure prescribed by the employing department.

Finally, the bill expands the list of retired law enforcement officers who are eligible to receive a permit to carry a handgun to include retired arson investigators and Class Two special law enforcement officers who retire after four years of service. Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun, until those officers reach age 75, at which time they are no longer eligible. The permit allows a retired law enforcement officer to carry a handgun at all times. Under this bill, retired arson investigators and Class Two special law enforcement officers who retire after four years of service would be eligible to receive a carry permit.